

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, NOVEMBER 28, 2017**

CALL TO ORDER Mayor Maria Davila called a Regular City Council meeting to order at 6:35p.m.

INVOCATION Pastor Nick Garife of Gateway Assembly Church

PLEDGE OF ALLEGIANCE South Gate High School Key Club President Miguel Carias

ROLL CALL Carmen Avalos, City Clerk

PRESENT Mayor Maria Davila, Vice Mayor Maria Belen Bernal, Council Member Denise Diaz, Council Member Jorge Morales and Council Member Al Rios; City Treasurer Gregory Martinez, City Manager Michael Flad, City Attorney Raul F. Salinas

**1
PROCLAMATION/CERTIFICATE
OF APPRECIATION**

The City Council unanimously issued:

- a. A Proclamation declaring November 6 through 10, 2017, as National Key Club Week; and
- b. A Certificate of Appreciation to the South Gate High School Key Club for their dedicated service to the community.

**DEVIATE FROM
THE AGENDA**

At this time, there being no objections, Mayor Davila stated that item 20 would be considered out of its regular agenda order.

**20
TRANSPORTATION
PLANNING/ADMIN**

The City Council unanimously approved an Agreement (Contract No. 3389) with Griffith Company for the construction of the Firestone Boulevard Regional Corridor Capacity Enhancements (The Boulevard Project), City Project No. 476-TRF, in an amount not-to-exceed \$13,278,632 by motion of Vice Mayor Bernal and seconded by Mayor Davila; and

- a. Authorized the City Manager to approve Change Order No. 1 with Griffith Company to align the scope of work of the project with the grant funds by adding and remove construction elements to and from the construction contract, for an amount not-to-exceed \$1,159,130; and

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TRANSPORTATION
PLANNING/ADMIN
CONT'D

- b. Appropriated \$5,932,684 to Account No. 311-790-31-9447 consisting of \$3,000,000 in Proposition C Funds, \$2,000,000 in Measure M Funds and \$932,684 in Senate Bill 1 Funds to fully fund the construction budget of the subject project; and
- c. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney.

2
LICENSES & PERMITS

The City Council conducted a Public Hearing, waived the reading in full and introduced Ordinance No. 2344 entitled – An Ordinance of the City Council of the City of South Gate granting a ten year franchise to World Oil Corp., a California Corporation, to lay and use pipelines and appurtenances in, on, along, across, upon and under the public streets, as the same now or may hereafter exist, within the City for the purpose of in-plant transmitting and distributing petroleum and related products thereof, for any lawful purpose by motion of Mayor Davila and seconded by Vice Mayor Bernal.

ROLL CALL: Mayor Davila, yes; Vice Mayor Bernal, yes; Council Member Diaz, yes; Council Member Rios, yes; Council Member Morales, absent.

Nick Godoy, 8611 San Gabriel Avenue inquired on the pumping process of the refineries.

Christina Montalvo, 9815 Virginia Avenue is upset about an automatic 10-year contract with an oil refinery business.

Robert Montalvo, 9815 Virginia Avenue is inquiring if any environmental studies have been conducted. He has searched the internet for over a month and hasn't found any studies related to this item. He also asked if any Council Member has a conflict of interest in this matter they please recuse themselves from the vote.

Nick Godoy, 8611 San Gabriel Avenue spoke on the location of the lines.

Arturo Cervantes, Public Works Director and Michael Flad, City Manager explained the criteria of this agreement and the safety issues of the World Oil Corporation franchise.

Vice Mayor Belen and Mayor Davila asked about AQMD and the smell that is in that area.

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2 LICENSES & PERMITS CONT'D

Mr. Cervantes will meet with World Oil to review their practices to see what we may do to address this matter.

Council Member Diaz asked Mr. Cervantes to briefly report on the donations made by World Oil to the City.

Mr. Cervantes stated that about a year ago the City embarked on a project to rehabilitate the roof of the South Gate Park Sports Center. World Oil contributed in providing some of the material in the amount of about \$40,000 to \$50,000.

Raul Salinas, City Attorney stated the issue of the pipeline franchises has come before the City Council on many occasions and the area that we are discussing tonight is regulated at the State level. We as a City have no authority to come in and conduct an inspection. The issue of safety has come before this City Council and we have always been advised and worked with each one of these deliverers and users of these pipelines. In this particular ordinance protections are in place for the City of South Gate and its residents. World Oil is responsible for any damage or injuries to the residents of South Gate or to City property as result or use of the pipeline. Tonight's item is consistent with the way the City has handled past franchise ordinances but the reason we are involved is these pipelines cross under City streets if they did not exist there would be no need to discuss the matter as it would be a moot point.

3 COMMUNITY DEV/ HOUSING

The City Council approved items A and B by motion of Vice Mayor Bernal and seconded by Mayor Davila:

- a. Approved the Substantial Amendments for the Program Year 2014, 2016 and 2017 Annual Action Plans to reallocate \$169,803 from the PY 2017 Citywide Sidewalk Improvement (Phase V) project and \$400,000 from the PY 2016 South Gate Park Fence Replacement project to the PY 2014 South Gate Sports Center Roof Replacement project; and
- b. Authorized the City Manager to execute and submit the necessary documents to the U.S. Department of Housing and Urban Development for its review and approval.

Virginia Johnson, 5751 McKinley Avenue stated this is a substantial amendment to the Citizen's Advisory recommendations. The sidewalks of South Gate were very important to all the commissioners. The commission voted for sidewalk repair and fence replacement and now the City wants to reallocate funds to the Sports Center roof. Council has the final say with staff having to review the needs on a continual basis as new

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3
COMMUNITY DEV/
HOUSING CONT'D

information comes in but I have to wonder why the Sports Center roof why it was not on the request for CAC this year.

Fabiola Inzunza, 9542 Bowman Avenue is also a member of the Citizen's Advisory Committee and with such a large transfer of funds should have at least triggered some discussion with the Citizen's Advisory Committee. She is disappointed in the process and would like to see when amendments as large as these come up that we put more trust in our public process.

Robert Montalvo, 9815 Virginia Avenue asked if anyone does preventive maintenance checks on any of the City buildings. It seems like every time there is a problem on a project there is always something that is found out afterwards and now you are taking money from the sidewalks. The cities sidewalks are in horrible condition and need every bit of money available. On my block alone it looks like a roller coaster with 3 inch bumps in the sidewalk.

Adolfo Varas stated that there have always been issues with sidewalks and this is a necessity for our community. Taking funds away from the sidewalks will impact the community in a negative way.

Mayor Davila asked if the amount taken away from the sidewalks can be taken from any other funds.

Michael Flad, City Manager stated that right now the City has many funding sources available but always tries to use their more restricted funds first and use the more flexible funds later. Currently we have an increase in the amount of money for sidewalks and roadways. We also have to include time sensitive deadlines as CDBG funds are on a deadline.

Joe Perez, Director of Community Development explained using restricted funds where possible to reprogram funds. We will be able to supplement these allocated funds with SB1 and other Public Works grant funding.

Mayor Davila requested that in the future we need to notify the Citizens Advisory Committee when we need to reallocate funds.

Vice Mayor Bernal asked if it possible when City Council reallocates CDBG Funds can the funds then be returned to the CDBG Fund for review by the Citizen Advisory Committee.

Mr. Perez responded that the Citizen's Advisory Committee acts as a recommending body to the City Council; if this item would have gone back to them we would have asked for their recommendation and would have presented that recommendation to the City Council.

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3 COMMUNITY DEV/ HOUSING CONT'D

Council Member Rios asked for details on what the fencing project is and what the status of the Sports Center Roof project.

Paul Adams, Director of Public Works explained that the City did know that the Sports Center roof was leaking but due to the City's financial situation in 2008 we were unable to repair it. Just like when you repair a roof at home the problem is that once they stripped off the old roof, the contractor reports that there is wood plywood that is rotted or damaged and you need more money to repair. To pay more when you have a 64,000 square foot steel roof is considerably higher and this is where we ran into the financial problems.

As for the fencing projects, the fencing in the parks is not just for aesthetics but to keep people from wondering on the fields during game play and for public safety. The project does not include new fences but repair of existing fences. We are trying to address this before it gets to a point of critical repair.

Council Member Morales stated that we need to be very clear as to what we direct staff because what they did was incredibly creative by taking some very restrictive funds and replaced them with other funds. Bottom line is that everything is going to get paid just with different funds.

COMMENTS FROM THE AUDIENCE

Gabriela Cid, representative for Congresswoman Nanette Diaz Barragan presented the monthly report from the Congresswoman Barragan's office.

Ms. Cid also invited everyone to join Congresswoman Barragan's "End of the Year Briefing" on December 21st in the City of Compton from 6:30 p.m. to 8:00 p.m. Congresswoman Barragan will have two "End of the Year Briefings", one in the San Pedro and one in Compton.

Adolfo Varas had a successful Thanksgiving Dinner and thanked people for their donations. He will be having his 2nd Annual Christmas Toy Drive on Sunday, December 17th from 10:00 a.m. to 2:00 p.m.

Idaly Godinez spoke on behalf of South Gate High School's Leadership thanked the City for hosting them. Ms. Godinez did the California Latino Leadership Institute internship for civil engagement and had the honor of working under Paul Adams, Director of Parks & Recreation.

Yvette Gonzalez, 2783 Laurel Place has reported potholes on numerous times. Ms. Gonzalez is requesting a "Do Not Block" sign be placed on Long Beach Boulevard near the residences.

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COMMENTS FROM THE AUDIENCE

Virginia Johnson, 5751 McKinley Avenue went to the Native American Veteran's Event on November 11th at the South Gate Park and enjoyed the walkways for her son sometimes needs a wheelchair. Ms. Johnson mentioned that the parking was bad. She noticed that parking lot #5 was closed off to the public.

Johnson informed Council that the Hollydale area will be having a neighborhood watch on Saturday, December 16th at 10:00 a.m. at the Hollydale Regional Park.

Nick Godoy, 8611 San Gabriel Avenue has been reviewing the warrants and has noticed the retirement money varies from employee to employee, paying for staff to attend conferences and paying \$1,200 for 6 or 8 custodian keys.

RECESS

The City Council recessed at 8:42 p.m., and reconvened at 8:50 p.m., with all Members of Council present.

REPORTS AND COMMENTS FROM CITY OFFICIALS

Arturo Cervantes, Director of Public Works had nothing to report.

Paul Adams, Director of Parks & Recreation reminded everyone of the tree lighting on Thursday at 4:00 p.m.

Joe Perez, Director of Community Development had nothing to report.

Randy Davis, Chief of Police reminded everyone of the Pageant of the Trees for this Saturday, December 2nd at the South Gate Park Auditorium.

Mike Flad, City Manager thanked Mayor Davila for attending Thursday morning (Thanksgiving Day) when the Rotary was serving guests.

Raul F. Salinas, City Attorney had nothing to report.

Greg Martinez, City Treasurer thanked the police department for a job well done during last night's incident.

Carmen Avalos, City Clerk thanked Giselle Mares for the passport services article in the Vista.

Ms. Avalos mentioned Senate Bill 568 was approved by the governor in September and that bill allows cities to make one more change in terms of election dates.

Council Member Diaz reported running the turkey trot on Saturday, November 18th and thanked Paul Adams and staff for their support. She

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REPORTS AND COMMENTS FROM CITY OFFICIALS

CONT'D

thanked Mayor Davila for attending and Mr. C's for providing the turkeys to Padres Unidos.

Council Member Diaz and Council Member Rios attended the CEHAT event and hopes it will be promoted a little better for next year.

Council Member Diaz attended the Police Explorer graduation and thanked Chief Davis for all the hard work the police department puts on. She also thanked Joe Perez to Abel Torres for accompanying her to the Bell Shelter.

Council Member Diaz was appointed to an advisory committee regarding a measure the LA County Board of Supervisors is implementing. The measure is called the Safe Clean Water Measure. She thanked Arturo Cervantes and staff for their guidance.

Council Member Diaz stated the League appointed her to one of their eight policies for the environmental quality.

Council Member Morales will be attending the Latino Leaders conference this week.

Council Member Rios attended two events the CEHAT and Native American Veteran. He will be attending the Mayor's Regional Policy meeting this Friday.

Vice Mayor Bernal thanked a couple of local companies for donating turkeys and gift cards to local residents.

Vice Mayor Bernal thanked City staff for organizing the joint meeting with the planning commission.

Mayor Davila was able to attend the turkey trot on Saturday for an hour. She was under the weather. She thanked the rotary club for feeding all of the community members that attended during thanksgiving.

CONSENT CALENDAR

Agenda Items 4, 5, 8, 10, 15, 16, 17, 18, and 19 were unanimously approved by motion of Mayor Davila and seconded by Council Member Rios. Items 6, 7, 11, 12, and 13 were removed for separate discussion.

4

MUNICIPAL CODE ADMIN

The City Council unanimously waived the reading in full and adopted Ordinance No. 2342 entitled – Ordinance of the City Council of the City of South Gate temporarily suspending specific site enforcement of Title 7 (Public Safety And Morals), Chapter 7.49 (Park), Section 7.49.170

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**MUNICIPAL CODE ADMIN
CONT'D**

(Alcoholic Beverages, Narcotics And Other Controlled Substances) of the South Gate Municipal Code allowing the service and consumption of alcohol for the Commission for South Gate Youth, a South Gate based non-profit organization, for a fundraising event at the South Gate Municipal Auditorium on Saturday, December 2, 2017, from 5:00 p.m. to 10:00 p.m. during consideration of the Consent Calendar.

5

MUNICIPAL CODE ADMIN

The City Council unanimously waived further reading and adopted Ordinance No. 2343 entitled – Ordinance of the City Council of the City of South Gate, California, repealing Chapter 7.80 (Marijuana Dispensary) of Title 7 (Public Safety and Morals) of the South Gate Municipal Code in its entirety and adding new Chapter 7.80 (Marijuana Use Regulations), Sections 7.80.010 (Definitions), 7.80.020 (Scope), 7.80.030 (Indoor Marijuana Cultivation for Personal Consumption), and 7.80.040 (Savings Clause), to prohibit all marijuana commercial activity, prohibit all outdoor cultivation, and regulate indoor cultivation of marijuana for personal use consideration of the Consent Calendar.

6

PERSONNEL ADMIN

The City Council unanimously approved items A and B by motion of Vice Mayor Belen and seconded by Mayor Davila:

- a. Approved Amendment No. 1 to Contract No. 3307 with MV Cheng & Associates extending as needed accounting services through December 31, 2018, and increasing the contract amount by \$180,000; and
- b. Authorized the Mayor to execute Amendment No. 1 in a form acceptable to the City Attorney.

7

PARKING & TRAFFIC

The City Council unanimously approved items A, B and C by motion of Council Member Rios and seconded by Mayor Davila:

- a. Approved an Agreement (Contract No. 3391) with Elecnor Belco Electric, Inc., for the construction of the Safe Routes to School, Cycle 10, in the vicinity of South Gate Middle School, in an amount not-to exceed \$397,467; and
- b. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney; and
- c. Approved the Notice of Exemption for the construction of the Safe Routes to School, Cycle 10 and direct the City Clerk to file it with the Los Angeles County Recorder's Office.

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8

PARKING & TRAFFIC

The City Council considered:

- a. Approving an Agreement with Transtech Engineering, Inc., to provide construction management services for the Safe Routes to School, Cycle 10, in the vicinity of South Gate Middle School, City Project No. 481-TRF, State Project No. SR2SL-5257(031), in an amount not-to-exceed \$87,890; and
- b. Authorizing the Mayor to execute the Agreement in a form acceptable to the City Attorney.

This item was removed from the Agenda and not discussed.

9

This item was removed from the Agenda.

10

SCHOOLS/EDUCATION

The City Council unanimously items A and B during consideration of the Consent Calendar:

- a. Approved an Easement Grant Deed with Los Angeles Unified School District to receive a permanent easement for the right-of-way underlying Legacy Lane, as necessary to open Legacy Lane for public use; and
- b. Authorized the Mayor to execute a Certificate of Acceptance in forms acceptable to the City Attorney.

11

PERSONNEL – MOU BETW

CITY & EMPLEE GROUPS

The City Council unanimously approved a Tentative Agreement for a Successor Labor Agreement (Contract No. 3393) with the South Gate Police Management Association by motion of Mayor Davila and seconded by Council Member Morales.

12

PERSONNEL – MOU BETW

CITY & EMPLEE GROUPS

The City Council unanimously approved a Tentative Agreement for a Successor Memorandum of Understanding (Contract No. 3394) with the South Gate Police Officers' Association by motion of Mayor Davila and seconded by Vice Mayor Bernal.

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**PERSONNEL – MOU BETW
CITY & EMPLEE GROUPS**

The City Council unanimously approved a Tentative Agreement for a Successor Memorandum of Understanding (Contract No. 3395) with the South Gate Professional and Mid-Management Association by motion of Mayor Davila and seconded by Vice Mayor Bernal.

14

This item was removed from the Agenda.

15

SCHOOLS/EDUCATION

The City Council considered:

- a. Approving a Space Use Agreement with California State University at Northridge (CSUN) for utilization of the Civic Center Art Gallery Room for a Hybrid Bachelor Degree Completion Program in Public Sector Management (PSM); and
- b. Authorizing the Mayor to execute the Space Use Agreement in a form approved by the City Attorney.

This item was removed from the Agenda and not discussed.

16

**TOWING POLICIES/
SERVICES**

The City Council unanimously approved items A and B during consideration of the Consent Calendar:

- a. Approved a non-exclusive Towing and Storage Franchise Agreement (Contract No. 3396) with Mr. C's Towing of South Gate, Inc., extending the term to and including December 31, 2019; and
- b. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney.

17

**DATA PROCESSING
SERVICES**

The City Council unanimously approved items A and B during consideration of the Consent Calendar:

- a. Approved a Purchase Order with Hitech Systems, Inc., for the renewal of the Software Maintenance and Support Services Agreement for the Police Department for Fiscal Year 2017/2018 and
- b. Authorized the City's Purchasing Division staff to issue a Purchase Order in the amount of \$96,329.16, for this purchase.

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STREETS/SIDEWALKS/
LANDSCAPING

The City Council unanimously approved items A and B during consideration of the Consent Calendar:

- a. Accepted as completion, effective August 9, 2017, of construction of the Filterra Bioretention System. City Project No. 532-WTR, performed by PALP Inc. dba Excel Paving Company; and
- b. Directed the City Clerk to file a Notice of Completion with Los Angeles County Recorder's Office.

19
SURPLUS PERSONAL
PROPERTY MGMT

The City Council unanimously approved items A and B during consideration of the Consent Calendar:

- a. Declared the items on the attached vehicle, bicycle, and miscellaneous lists as surplus property; and
- b. Authorized U.S. Auction Services to sell these surplus items at auction.

21
WARRANTS AND
CANCELLATIONS

The City Council unanimously approved the Warrants and Cancellations for November 28, 2017 by motion of Vice Mayor Bernal and seconded by Mayor Davila.

Total of Checks:	\$2,370,214.81
Voids:	\$ (24.00)
Total of Payroll Deductions:	<u>\$ 287,908.18</u>
Grand Total:	\$2,082,282.63

Cancellations: 73110

ADJOURNMENT

Mayor Davila unanimously adjourned the meeting at 9:20 p.m. and seconded by Vice Mayor Bernal.

PASSED and **APPROVED** this day of , 2018.



Maria Davila, Mayor

ATTEST:


Carmen Avalos, City Clerk