

**CITY OF SOUTH GATE  
REGULAR CITY COUNCIL MEETING  
MINUTES  
TUESDAY, DECEMBER 10, 2019**

**CALL TO ORDER** M. Belén Bernal, Mayor called a Regular City Council meeting to order at 6:48 p.m.

**INVOCATION** Pastor Anthony Kidd, Community of Faith Bible Church

**PLEDGE OF ALLEGIANCE** Paul L. Adams, Director of Parks & Recreation

**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**  
**PROCLAMATIONS** The City Council issued a Proclamation to Paul L. Adams in recognition and appreciation for his 14 years of dedicated service as Director of Parks & Recreation and to wish him the best in his retirement.

**2**  
**PRESENTATIONS** The City Council presented a Certificate of Appreciation to Carla Barrera-Ortiz, founder and former principal of STEAM Legacy High School, in recognition and sincere gratitude for her outstanding dedication in bringing quality education and opportunities to her students.

**3**  
**PRESENTATIONS** The City Council presented Certificates of Appreciation to STEAM Legacy High School students for their participation and achievements in the 2019 Horizon Grand Prix Competition on June 8, 2019 in Prague, Czech Republic.

**4**  
**APPOINTMENTS** The City Council appointed a Council Member to the Board of Trustees of the Greater Los Angeles County Vector Control District for either a two OR four year term of office; the appointment was ratified by a majority vote of the City Council.

The City Council unanimously appointed Vice Mayor Denise Diaz to serve on the Board of Trustees of the Greater Los Angeles County Vector Control District for a two year term of office by motion of Mayor Bernal and seconded by Council Member Davila.

**REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019**

5

**CONDITIONAL USE**

The City Council conducted a Public Hearing and adopted Resolution No. 7895 entitled - A Resolution of the City Council of City of South Gate affirming the Planning Commission's November 5, 2019 denial of Amendment No. 2 to Conditional Use Permit No. 334, which would have legalized an existing unpermitted spray paint booth at the business known as Espinoza's Body Shop located at 8602 Long Beach Boulevard by Council Member De Witt and seconded by Mayor Bernal.

Mike Flad, City Manager explained the process for tonight's Public Hearing.

Joe Perez, Director of Community Development gave a brief presentation on this item.

Mayor Bernal opened the public hearing and asked if anyone in the audience wishes to speak on this item.

Karla Espinoza, Owner of the body shop, and Francisco Pedro, Manager of the body shop addressed City Council on the issues with the body shop.

Catalina Zaragoza, 2824 Ardmore Avenue, stated that she has lived near the body shop for 17 years and the odor had never bothered her.

Mario, Manager of the body shop, spoke about the Air Quality Management District (AQUMD) Rule 219.

Nick Godoy, 8611 San Gabriel Avenue, spoke in support of the body shop.

Virginia Johnson, 5751 McKinley Avenue, wanted to know if the resident that has issued the complaints was also notified about the hearing tonight.

Mayra Garcia, 2828 Ardmore Avenue, explained the circumstances that led her to file the complaint.

Arturo Hernandez, 2828 Ardmore Avenue, also complained about the fumes coming from the body shop.

Jessie Marquez, Ardmore Avenue, spoke on behalf of the body shop.

Angel Herrera, 8995 San Carlos Avenue, spoke on behalf of the body shop.

Seeing no one else come forward, Mayor Bernal closed the public hearing.

REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019

5  
CONDITIONAL USE  
CONTINUED

Council Member De Witt asked about the timeline of when the City became aware of the complaint.

Mr. Perez responded that the City did not know the spray booth until the complaint was filed. As a result of the complaint, per City policy, we went out and conducted an inspection at which time we found the unpermitted spray booth on the premises.

Council Member De Witt asked if this was a new business applying for a permit would it be allowed.

Mr. Perez answered yes with a Conditional Use Permit.

Mayor Bernal asked if we received notice from AQMD about the permits they issued.

Mr. Perez answered not we are aware of as these were issued in 2002 and 2008.

Mr. Perez informed Council that there was a document that was turned into the City Clerk's Office after the agenda was prepared and staff has provided a hard copy of that. It is from a resident indicating that a resident issued a complaint with the AQMD.

Mayor Bernal asked the City Attorney what the AQMD allows with Rule 219 supersedes what the City allows in their CUP.

City Attorney Salinas stated that the Cities authority lies in its ability to control its land use and this is a land use decision. Based on the zoning we get to decide if a particular business complies with the designated land use and zoning requirements. The AQMD may pass regulations in regards to air particles that are born into the air. The AQMD has no authority to overrule the determination made by the City which may be causing some confusion with the property owners.

Vice Mayor Diaz asked if we know what the financial impact will be on the business.

Mr. Perez stated that we do not know the financial impact or the frequency of the use of the equipment. The Planning Commission mentioned in there deliberation they also expressed this concern however in their discussion it came down to the balancing of impacts. At the end the Planning Commission felt that the weight of the potential negative impact to those sensitive uses outweighed the financial considerations of the business.

**REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019**

**5  
CONDITIONAL USE  
CONTINUED**

Mayor Bernal feels that it is important to go back to what was approved originally and recognizes that there are now concerns with air quality and the school being built near to the small business. She asked if the business owners are also the property owners.

Mr. Perez answered that he believes they lease the property.

Council Member Rios has concerns about intensifying the output of the chemicals if they were to grant a CUP.

ROLL CALL: Mayor Bernal, yes; Vice Mayor Diaz, no; Council Member Davila, yes; Council Member Rios, yes; Council Member De Witt, yes

**COMMENTS FROM  
THE AUDIENCE**

Mr. Campos, 8467 San Vincente Avenue, is concerned about noise from his neighbors business that is run from his home.

Imelda Quevas, 10133 San Carlos Avenue, Apartment D, is concerned about safety in her apartment building.

Jose Maldonado, 10133 San Carlos Avenue, Apartment A, is also concerned with the safety in his apartment building.

Frank, 8127 San Vincente Avenue, spoke on the safety issues at 10133 San Carlos.

Virginia Johnson, 5751 McKinley Avenue, complained about Azalea Queen and Grand Marshall not having a car in the Christmas Parade.

Nick Godoy, 8611 San Gabriel Avenue, complained about the street sweeper, traffic and parking issues.

Greg Martinez, 2603 Ohio Avenue, provided City Council 2016, 2017, 2018, & 2019 concessionary reports for the JAA.

**REPORTS AND COMMENTS  
FROM CITY OFFICIALS**

Jackie Acosta, Administrative Services, reported that the City has sold its bonds last Thursday. The net present savings was about \$84,000 more than anticipated.

Randy Davis, Police Chief announced that the Pageant of the Trees was very successful and Santa Cop is coming up very soon. He also stated that the Police Department has its Special Problems Unit and CIT Unit. They have made some arrests and are also working with Code Enforcement.

## REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019

### REPORTS AND COMMENTS FROM CITY OFFICIALS

CONT'D

Mike Flad, City Manager, thanked the City Council for the opportunity to participate with everyone in the events that took place this past weekend at both the Parks and the Police Department. He wished everyone a happy holidays.

Raul F. Salinas, City Attorney, explained the procedures that the Council must follow during Public Comments.

Greg Martinez, City Treasurer, complimented the Police Department on a very beautiful Pageant of the Trees. He thanked the Chamber of Commerce for allowing his office to tow a trailer of Boy Scouts during the Christmas Parade and wished everyone a Happy Holidays.

Carmen Avalos, City Clerk, announced that the nomination period for the upcoming election closes tomorrow. She wished everyone a Happy Holidays.

Council Member De Witt, acknowledged the volunteers that work with the youth organizations and believes that staff is working to make sure that all organizations are filing the correct paperwork. He wished everyone a Merry Christmas and Happy Holiday.

Council Member Davila, wished everyone a Merry Christmas and Happy Holiday. She attended both the Pageant of the Trees and the Christmas Parade. They were both great events.

Council Member Rios, congratulated Council Member Davila for receiving the Life Time Achievement award from the Pageant of the Trees. He attended the Census Complete Count Meeting last week. He also wished everyone Happy Holidays.

Vice Mayor Diaz, stated that the City was acknowledged by Rivers L.A. She met with Waste Management to discuss more education options for the community. She attended the State of the County by Janice Hahn. At the meeting they said that the County has a mobile legal help team and the Vice Mayor would like to see this program come to South Gate. She attended with the Mayor the NALEO Finance and Bonds. She wished everyone a Happy Holiday and is looking forward to working together in the New Year.

Mayor Bernal, thanked staff for their work. She attended the NALEO Finance and Bonds Workshop. She highly recommends that her colleagues attend this workshop. She enjoyed the parade and the Tree Lighting Ceremony.

**REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019**

**REPORTS AND COMMENTS  
FROM CITY OFFICIALS  
CONT'D**

Mayor Bernal addressed the comments regarding the JAA by asking the staff to bring a report forward in January explaining what has happened since the initial request. She is in favor of these programs and said that it is not only about the JAA but making sure that we as a staff, as a Council are upholding what the contracts state.

**DEVIATE FROM  
THE AGENDA**

At this time, there being no objections, Mayor Bernal stated that items 18 and 19 would be considered out of its regular agenda order.

**18  
SISTER CITIES**

The City Council unanimously approved A and B by motion of Council Member Rios and seconded by Council Member Davila.

- a. Approved the South Gate Sister Cities Program Policy Guidelines; and
- b. Directed staff to prepare a program budget, list of goals and schedule of activities to form a sister city relationship with Beihai, China.

**19  
POLITICAL  
SUPPORT**

The City Council unanimously adopted Resolution No. 7896 entitled – A Resolution of the City Council of City of South Gate supporting the Tenant Protection Act of 2019, Assembly Bill No. 1482 (Chiu), which establishes annual limits on rent increases and requires just cause in order to evict a tenant prior to the effective date of January 1, 2020 by motion of Council Member Davila and seconded by Council Member De Witt.

Vice Mayor Diaz requested that staff bring a report to Council about how other cities are dealing with this and what options we have as a City.

**EXCUSED FROM  
MEETING**

At this time, Mayor Bernal, was excused from the meeting and departed from the Council Chambers.

**CONSENT CALENDAR**

Agenda Items 7, 10, 12, 14, 15, 16 and 17 were unanimously approved by motion of Council Member Davila and seconded by Council Member De Witt. Mayor Bernal was absent. Items 8, 9, and 13 were pulled for separate discussion.

6

This item was removed from the Agenda.

**REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019**

**7  
YOUTH  
EMPLOYMENT**

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

- a. Approved an Agreement (Contract No. 3565) with the Conservation Corp of Long Beach for a Youth Employment Internship Program (Program) to provide part-time interns with jobs within the City's Parks & Recreation Department for a six month term, in an amount not to exceed \$60,000;
- b. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney; and
- c. Authorized the Director of Parks & Recreation to execute any additional documents as may be required to properly implement and manage this Program.

**8  
SOUNDWALL**

The City Council approved A, B, and C by motion of Council Member Davila and seconded by Council Member De Witt. Mayor Bernal was absent.

- a. Approved an Agreement (Contract No. 3566) with Ortiz Enterprises, Inc., for the Construction of the Retaining Wall No. 945 and Soundwall No. 949, Caltrans Contract 07-298014, City Project No. 587-ST, and the Construction of Soundwall No. 935 and No. 937, City Project No. 547-ST in an amount not-to-exceed \$6,692,129;
- b. Authorized the City Manager to approve up to \$750,000 in construction change orders to be funded with construction contingency funds; and
- c. Authorized the Mayor to execute an agreement in a form acceptable to the City Attorney.

**REJOINED MEETING**

Mayor Bernal rejoined the Council prior to the discussion of Item 9.

**9  
USED OIL  
RECYCLING**

The City Council unanimously approved A, B, and C by motion of Council Member De Witt and seconded by seconded by Council Member Rios.

- a. Ratified Contract No. 3324 with John. L. Hunter and Associates, Inc., which was administratively approved in accordance with Section 1.54.350 of the Municipal Code, for management services of the Used Oil Recycling and Beverage Container Recycling Program (Programs) for a one year term, in the amount of \$47,300;



**REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019**

**9  
USED OIL  
RECYCLING  
CONT'D**

- b. Approved Amendment No. 1 to Contract No. 3324 retroactively extending the term from June 30, 2018 through June 30, 2020, for continued management services of the Programs, in an amount not-to-exceed \$47,300 per year, for a total of \$94,600; and
- c. Authorized Mayor to execute Amendment No. 1 in a form acceptable to the City Attorney.

**10  
HILDRETH PARKING**

The City Council unanimously approved A and B during Consent Calendar.

- a. Accepted completion of construction, effective October 8, 2019, of Hildreth Avenue Traffic Mitigation Project, City Project No. 600-ST completed by E. C. Construction Co.; and
- b. Directed the City Clerk to file a Notice of Completion with the Los Angeles County Registrar Recorder's Office.

**11**

This item was removed from the Agenda.

**12  
BUDGET**

The City Council unanimously authorized the carryover of unspent budget appropriations from Fiscal Year 2018/19 to Fiscal Year 2019/20 in the account numbers detailed in Exhibit A during Consent Calendar.

**13  
SPECIAL EVENTS**

The City Council unanimously approved A, B, and C by motion of Council Member Rios and seconded by Council Member Rios.

- a. Approved the request of Jack Leavitt for a Music Festival Event (Event) with limited alcohol service at South Gate Park in August of 2020;
- b. Directed staff to negotiate an agreement with the music festival producer and present the agreement to the City Council for formal approval at a future City Council Meeting; and
- c. Directed staff to prepare a Resolution to include restrictions and conditions of approval to allow limited alcohol service during the Event and present it to the City Council for adoption at a future City Council Meeting.



**REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 10, 2019**

**14**  
**PAC PURCHASING**            The City Council unanimously appropriated \$17,313 from the unassigned fund balance of the General Fund to Account Number 100-150-44-6208 (General Fund - Community Promotion - Office Equipment) to purchase new equipment to broadcast on the City's cable Channel 3 during Consent Calendar.

**15**  
**CITY COUNCIL**                The City Council unanimously canceled the regularly scheduled City Council meeting of Tuesday, December 24, 2019, in observation of City Hall closure for the holiday break during Consent Calendar.

**16**  
**WARRANTS**                    The City Council unanimously authorized the City Council Auditor to review and approve the second warrant register in December 2019 during Consent Calendar.

**17**  
**MINUTES**                        The City Council unanimously approved the Regular Meeting and Special Meeting minutes of November 12, 2019 during Consent Calendar.


**20**  
**WARRANTS**                    The City Council unanimously approving the Warrants and Cancellations for December 10, 2019, by motion of Council Auditor Davila and seconded by Council Member Rios.

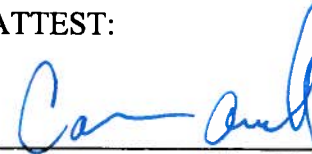
Total of Checks:	\$2,861,751.47
Voids	\$ (323.65)
Total of Payroll Deductions:	<u>\$ (322,656.27)</u>
Grand Total:	\$2,538,771.55

Cancellations: 85439

**ADJOURNMENT**                Mayor Bernal unanimously adjourned the meeting at 11:05 p.m. and seconded by Council Member Davila.

**PASSED and APPROVED** this 14<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
M. Belén Bernal, Mayor

ATTEST:  
  
\_\_\_\_\_  
Carmen Avalos, City Clerk