



SOUTH GATE CITY COUNCIL AMENDED SPECIAL MEETING AGENDA

Tuesday, February 22, 2022 at 5:30 p.m.

**NO IN-PERSON MEETING
ZOOM & TELECONFERENCE ONLY
DIAL-IN-NUMBER: 1 (669) 900-6833
MEETING ID: 838 9098 4215**

<https://us02web.zoom.us/j/83890984215>

I. Call To Order/Roll Call

CALL TO ORDER	Al Rios, Mayor
ROLL CALL	Carmen Avalos, City Clerk

II. City Officials

MAYOR Al Rios	CITY CLERK Carmen Avalos
VICE MAYOR Maria del Pilar Avalos	CITY TREASURER Gregory Martinez
COUNCIL MEMBERS Maria Davila Denise Diaz Gil Hurtado	INTERIM CITY MANAGER Chris Jeffers CITY ATTORNEY Raul F. Salinas

III. Meeting Compensation Disclosure

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by City Council Members is \$650 monthly regardless of the amount of meetings.

IV. Closed Session: (ATTY)

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Pursuant to Government Code Section 54956.9(a), 54954.9(b)(3)(C)

a. City of South Gate v. Dominic Petrone

Documents:

[02222022 CLOSED SESSION MEMO.PDF](#)

V. Open Session Agenda

1. Legal Services Related To Amazon Development Project

The City Council will consider adopting a **Resolution** _____ approving a conflict waiver with the law firm of AlvaradoSmith that arose recently as a result of a consultant being retained by Amazon. (ATTY)

Documents:

[ITEM 1 SPECIAL REPORT.PDF](#)

VI. Special Meeting Adjournment

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on February 17, 2022 at 4:45 p.m., as required by law.

Carmen Avalos, CMC
City Clerk

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office


8650 California Avenue, South Gate, California 90280
(323) 563-9510 * fax (323) 563-5411 * www.cityofsouthgate.org

In compliance with the American with Disabilities Act, if you need special assistance to participate in the City Council Meetings, please contact the Office of the City Clerk.

Notification 48 hours prior to the City Council Meeting will enable the City to make reasonable arrangements to assure accessibility.

MEMORANDUM

TO: Chris Jeffers, Interim City Manager

FROM: Raul F. Salinas, City Attorney 

DATE: February 16, 2022

SUBJECT: **CLOSED SESSION ITEMS FOR THE SPECIAL CITY COUNCIL MEETING OF FEBRUARY 22, 2022**

The following items should be listed on the Closed Session Agenda for the Special City Council Meeting of the City of South Gate on February 22, 2022, at 5:35 p.m.:

1. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**
Pursuant to Government Code Section 54956.9(a), 54954.9(b)(3)(C)
 - a. City of South Gate v. Dominic Petrone

If you have any questions, please do not hesitate to contact this office immediately.

FEB 17 2022

4:18 pm

City of South Gate

CITY COUNCIL

AGENDA BILL

For the Regular Meeting of: February 22, 2022

Originating Department: City Attorney

Department Head: Raul F. Salinas City Manager: Chris Jeffers
Raul F. Salinas *Chris Jeffers*

SUBJECT: LEGAL SERVICES RELATED TO AMAZON DEVELOPMENT PROJECT

PURPOSE: To approve a conflict waiver with the law firm of AlvaradoSmith, APC, a California professional corporation (“AlvaradoSmith”), regarding real property related legal services.

RECOMMENDED ACTIONS: The City Council will consider adopting a Resolution approving a conflict waiver with the law firm of AlvaradoSmith that arose recently as a result of a consultant being retained by Amazon.

FISCAL IMPACT: None.

ANALYSIS: The law firm of AlvaradoSmith performs City Attorney services for the City of South Gate. In that capacity, AlvaradoSmith is, among other matters, assisting the City in connection with a Conditional Use Permit that has been issued by the City to Interior Removal Specialist, Inc., a California corporation (“IRS”), and a Conditional Use Permit application which has been or is being submitted to the City by Amazon.com, Inc., a Delaware corporation (“Amazon”).

On February 14, 2022, the City and AlvaradoSmith learned that IRS, or Amazon, or both, have retained the consulting services of a real estate investment, development and management firm known as Hines (“Hines”) to assist IRS and/or Amazon in their dealings with the City.

From December of 2017 through November of 2019, AlvaradoSmith performed legal services for Hines in matters which were unrelated to the City, unrelated to IRS, and unrelated to Amazon.

AlvaradoSmith has performed no services for Hines since November of 2019.

The interests of the City and the interests of Hines are not yet in actual conflict, they may in the future become adverse to each other with respect to IRS and/or Amazon.

Rule 1.7(d) of the California Rules of Professional Conduct states that in such a case, representation is permitted if: (i) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (ii) the representation is

not prohibited by law; and (iii) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

Rule 1.7(a) of the California Rules of Professional Conduct states that a lawyer shall not, without informed written consent from each client and compliance with Rule 1.7(d), represent a client if the representation is directly adverse to another client in the same or a separate matter.

This request is made out of an abundance of caution and in furtherance of complete transparency. Because AlvaradoSmith is not currently performing legal services for Hines and has not done so for over two years, and because AlvaradoSmith's past representation of Hines was unrelated to the City, and vice versa, there is no actual conflict of interest since the work which the firm provided to Hines in the past is not and would not be adverse to the work that the City is performing at this time. AlvaradoSmith has advised the City that AlvaradoSmith reasonably believes that it can continue to provide competent and diligent representation to the City on matters in which the City is now or may later become adverse to Hines. AlvaradoSmith has been informed that Hines has also agreed to waive any actual, perceived, or potential conflict of interest and is in the process of having such waiver also confirmed in writing.

AlvaradoSmith has requested a conflict-of-interest waiver from the City pursuant to Rule 1.7(a) and (d) of the California Rules of Professional Conduct in the manner reflected in the attached Resolution.

ATTACHMENT: Proposed Resolution

RESOLUTION NO. 2022-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, APPROVING WAIVER OF POTENTIAL CONFLICT OF INTEREST REGARDING THE LAW FIRM OF ALVARADOSMITH, APC

WHEREAS, the law firm of AlvaradoSmith, APC, a California professional corporation (“AlvaradoSmith”), performs City Attorney services for the City of South Gate (“City”); and

WHEREAS, in that capacity, AlvaradoSmith is, among other things, assisting the City in connection with a Conditional Use Permit that has been issued by the City to Interior Removal Specialist, Inc., a California corporation (“IRS”), and a Conditional Use Permit application which has been or is being submitted to the City by Amazon.com, Inc., a Delaware corporation (“Amazon”); and

WHEREAS, on February 14, 2022, the City and AlvaradoSmith learned that IRS, or Amazon, or both, have retained the consulting services of a real estate investment, development and management firm known as Hines (“Hines”) to assist IRS and/or Amazon in their dealings with the City; and

WHEREAS, from December of 2017 through November of 2019, AlvaradoSmith performed legal services for Hines in matters which were unrelated to the City, unrelated to IRS, and unrelated to Amazon; and

WHEREAS, AlvaradoSmith has performed no services for Hines since November of 2019; and

WHEREAS, the interests of the City and the interests of Hines are now or may in the future become adverse to each other with respect to IRS and/or Amazon; and

WHEREAS, Rule 1.7(d) of the California Rules of Professional Conduct states that in such a case, representation is permitted if: (i) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (ii) the representation is not prohibited by law; and (iii) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

WHEREAS, Rule 1.7(a) of the California Rules of Professional Conduct states that a lawyer shall not, without informed written consent from each client and compliance with Rule 1.7(d), represent a client if the representation is directly adverse to another client in the same or a separate matter; and

WHEREAS, because Alvarado Smith is not currently performing legal services for Hines and has not done so for over two years, and because AlvaradoSmith’s past representation of Hines was unrelated to the City, AlvaradoSmith has advised the City that AlvaradoSmith reasonably

believes that it can provide competent and diligent representation to the City on matters in which the City is now or may later become adverse to Hines; and

WHEREAS, AlvaradoSmith has requested a conflict-of-interest waiver from the City pursuant to Rule 1.7(a) of the California Rules of Professional Conduct; and

WHEREAS, in light of the foregoing, the City Council finds that good cause exists to grant AlvaradoSmith's request for a waiver of any potential or perceived conflict of interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH GATE AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.

Section 2: The City Council does hereby consent to AlvaradoSmith's representation of the City in matters in which the City is now or may later become adverse to Hines, and does hereby waive any actual or potential conflicts of interest related to that representation.

Section 3: The Interim City Manager and his designees are authorized to take such actions as may be necessary or appropriate to enforce and carry out the foregoing resolutions.

Section 4. The City Clerk shall certify to the adoption of this Resolution, which shall be effective upon its adoption.

APPROVED AND ADOPTED this 22nd day of February 2022.

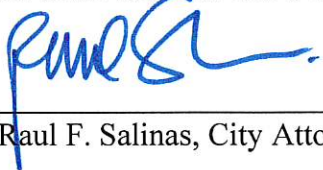
CITY OF SOUTH GATE

ATTEST:

Al Rios, Mayor

Carmen Avalos, City Clerk

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney