

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

Tuesday, January 23, 2018

1/23/2018 - Minutes

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

CALL TO ORDER Maria Davila, Mayor called a Regular City Council meeting to order at 6:50 p.m.

INVOCATION Father Eduardo Bresciani of Saint Margaret's Church

PLEDGE OF

ALLEGIANCE Virginia Johnson, Citizens Advisory Committee Member

ROLL CALL Carmen Avalos, City Clerk

II. City Officials

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

LATE City Treasurer Gregory Martinez

III. Meeting Compensation Disclosure

IV. Public Hearings

1. Live Entertainment And Dancing Permits For The Hound Bar Located At 4626 Firestone Boulevard And Consideration Of Conditions

The City Council conducted a Public Hearing and approved staff's recommendations as amended by Council Member Morales and seconded by Mayor Davila.

AMENDMENT: Strike Item 2 - The permitted hours of operation for live entertainment (non-amplified acoustic bands and DJs) are as follows: a. Thursday: 4 p.m. to 10 p.m. b. Friday: 4 p.m. to 10 p.m. c. Saturday: 4 p.m. to 10 p.m. and Item 3 - Live entertainment is subject to approval by the City Council. Live entertainment shall be limited to non-amplified (acoustic) musical bands and disk jockeys (DJs). Musical bands shall be limited to no more than five members. All live entertainment shall be conducted exclusively inside the fully enclosed building on the subject property, extend the security guards hours of operation until close of business and add a six month report from Staff to City Council.

Mayor Davila opened the Public Hearing.

Joe Perez, Director of Community Development gave a brief overview of the item and staff's recommendations.

Linda Martinez is the new owner of 4626 Firestone Boulevard. She is bringing a new business to South Gate and believes that she has a lot to offer her community.

Virginia Johnson, 5751 McKinley Avenue stated that the staff report noted that our City Council would be visiting the owners other establishment in Huntington Park but since they don't have a live band or a DJ permit, I don't see how a comparison can be made except for cleanliness. Also why doesn't the other bar have a live music permit, why are they coming to South Gate to obtain a live band permit? Ms. Johnson believes that when this property was bought this permitting question should have entered the owners mind. All and all staff has done an excellent job presenting what the City Council presented and have been very thorough with their recommendations.

Academy Gym Owner at 4654 Firestone Boulevard spoke favorably and in support of the enhancements to the property. She was happy the location was being renovated, thereby enhancing the rest of the businesses in the area. She noted that the location had a bar since the late 50's and had always had music and dancing. She also believes South Gate needs to have a nice lounge.

Annabel, 8916 Annetta Avenue said that she opposes the Hound Bar. She did drive past the bar located in Huntington Park and found that is not near a residential area but near several other bars, which is probably why there are no complaints against the establishment. As cool, classy and artsy as this establishment claims to be at the end of the day it is still a bar.

Gil Bernal, lives near the bar and opposes the Hound Bar. He asked why if this bar has had several different owners why this is the first time we received a notice of a Public Hearing due to live entertainment.

Lidia, 8919 Annetta Avenue opposes the Hound Bar because of the type of people that bars attract.

Michelle Bernal, 8916 Annetta Avenue opposes the Hound Bar because of its nexus to a residential area causing lack of parking, sleep and excessive littering and loitering.

John Montalvo, 8950 Virginia Avenue circulated a petition to oppose live entertainment and dancing permit for the Hound Bar located at 4626 Firestone Boulevard. He presented this petition and pictures to the City

Council. He also requested that the decibels for the music be lowered on weekdays.

Mayor Davila closed the Public Hearing and stated that on Friday visited Novocane Bar in Huntington Park. She mentioned that in her observation of the facility it was a nice bar. It attracted many young people but it is not in or near a residential area. She supports staff's recommendations and has concerns with the parking issues for the area.

Council Member Diaz has been to The Novocane Bar in Huntington Park but believes that what it comes down to is fairness to both the business community and residents. She suggested maybe setting up a probation period where we could discuss and review again the activities at the bar. She also agrees with staff's recommendations with the addition of a 3-month probation period.

Vice Mayor Bernal discussed several locations in South Gate and will support staff's recommendations.

Council Member Morales stated that we need to support both the business community and the residents. He said that his house is near a bar also but the addition of the security guards at that bar helped manage the problems he was having. He suggested changing the hours of the security for the Hound Bar to 8:00 p.m. to 2:00 a.m. and also changing the area to preferential parking if both the business owner and residents are willing.

Council Member Rios also visited the Novocane Bar and mentioned that it is frequented by a younger crowd. South Gate does not have many businesses that appeal to them. He will also support staff's recommendations.

Council Member Morales asked for clarification on Live Music and DJ and what the hours will be.

Mr. Perez responded that both DJ and live bands are from 4:00 p.m. to 10:00 p.m. Only a jukebox is allowed until 2:00 a.m.

Mayor Davila asked the owner to come back to answer any specific questions that the Council has.

Council Member Morales asked if she would be willing to have extra security.

Ms. Martinez responded that if the requirements are set for live music from 4:00 p.m. to 10:00 p.m. live music is not needed and it can be removed as a condition.

Vice Mayor Bernal asked if Ms. Martinez would be willing to change her security officers to stay until the end of the night.

Ms. Martinez stated that it was absolutely doable.

Council Member Rios stated that when he was at the Novocane Bar he noticed that the back door was open and asked if she would be willing to keep it closed in the South Gate location.

Ms. Martinez responded that out of respect for her neighbors in South Gate, she would keep the doors closed.

City Attorney Salinas offered a recommended approach. The City Council has conducted a Public Hearing for second opportunity for the members of the public to provide input. The City Council has staff's recommendations. As I have tracked the recommendations on the Council level there are two additional conditions. I believe we have at least a consensus on the City Council. It appears that interpreting Councils comments, they support the staff's recommendation with two modifications. One is to require the security guards to remain until it closes, and the other was to bring the matter back to the Council either at a 3-month period or 6-month period. The City Attorney's recommendation is in support of staff's recommendation that the Council move to adopt the recommendation with changes to those two items and then direct staff to move forward with that in a form that is acceptable with the City Attorney. If it turns out that the applicant refuses those conditions, well then we have had our public

hearing, Council has made their decisions and it will either rest or not. Then we have another option which is to send this item back to staff to get greater clarification about whether this is going to be a good fit with the applicant. If Council does that, it can make change out of fairness to the community and the public you should set this for yet another City Council meeting, give notice to the residents and invite them back so they are aware of the latest modification to the Conditional Use Permit will be.

Council Member Morales stated Ms. Martinez is agreeing to security cameras, security guards, not opening doors among other things but the main part that she wants is the Live Entertainment Permit/dancehall and this is what Ms. Martinez is asking to be removed as she is not agreeing with what is being recommended.

City Attorney Salinas stated that this really isn't the right forum to negotiate that or not.

Director Perez stated that one other consideration is that you are really considering two permits. One permit is for live entertainment. The other one is for dancing. One possibility perhaps could be to allow the conditions of approval to apply to the dancing permit and not approving a live entertainment permit.

Council Member Morales motioned to approve staff recommendations striking items 2 and 3, extending the security guard's hours of operation until the business closes, and too add a six-month report back to City Council and seconded by Mayor Davila.

V. Comments From The Audience

Ana Medina, 9329 San Gabriel Avenue wanted to thank the Police Department staff for their handling of a personal matter with her family.

Field Representative for Assembly Member Anthony Rendon thanked the City Council for making the proper accommodations to allow us to host a Citizenship Application Workshop and invited everyone to attend Coffee with Anthony Rendon.

John Montalvo, 9815 Virginia Avenue requested that the Mayor be respectful of his time and also spoke about the Lower LA River meetings.

Virginia Johnson, 5751 McKinley Avenue stated that she prefers the cricket over the system of the past and is not in favor of the timer.

Nick Godoy, 8611 San Gabriel Avenue is concerned about issues at the azalea, In-N-Out, Sam's Club and the entrance to the 710-Freeway.

VI. Reports And Comments From City Officials

Paul Adams, Director of Parks and Recreation announced that we are starting some new programs at the Golf Course. This Saturday we have a kick-off event for our Frisbee Golf program and on February 21st we will start our night golf program.

Joe Perez, Director of Community Development spoke about the upcoming Citizen's Advisory Committee and Homeless Count.

Mike Flad, City Manager stated that several of the Department Heads will be participating in the Homeless Count including Joe Perez, Art Cervantes, Randy Davis and himself. Mr. Flad also thanked Greg Martinez, City Treasurer for all the work and effort he puts into the

homeless count.

Raul Salinas, City Attorney stated that one of the speakers made reference to a conflict of interest and Brown Act Violation. It is unfortunate that the speaker is no longer here because I would have asked him to submit anything he has in writing and we would have certainly looked into the matter. He has been here over the last fourteen years we have never been accused of any Brown Act Violation. On this conflict of interest issue it was never identified or summarily and there are several ways to bring the issue to either the City, the City Attorney's Office, or State Agency that has jurisdiction over these matters.

Greg Martinez, City Treasurer invited everyone to participate in the Homeless Count.

Council Member Diaz stated that along with Council Member Rios she attended the League's Conference for new Council Members, Vector Control Meeting and the League's Environmental Control Meeting.

Council Member Morales spoke on the Contract's Cities Legislative Tour. He will also be attending the Independent Cities Association Conference this weekend and he will be hosting a retreat on Sunday to go over their priorities for the year.

Council Member Rios stated that the Rotary and the Chamber will be having a lunch tomorrow with the Port of Los Angeles to go over what is happening at the port. Supervisor Solis and the heads of Public and Mental Health to listen and discuss how the Southeast area is lacking in services.

Vice Mayor Bernal attended HUB Cities and thanked staff for their hard work.

Council Member Morales forgot to mention that the San Gabriel Rivers and Mountains Conservatory approved fifty million dollars to go towards a grant program for the lower Los Angeles Rivers and from the Board of the Lower Los Angeles Rivers South Gate is being highlighted in most of the proposals coming out.

Mayor Davila congratulated all the employees that were recognized at the Employee Recognition Dinner and Ramona Trejo for being the Life Time Achievement recipient.

Carmen Avalos, City Clerk requested that we also adjourn tonight's meeting in memory of Victor Otanez, a long-time resident that passed away about a week ago from cancer. She will also be attending a meeting at the County Register Records Office regarding possible Election Bills.

VII. Consent Calendar Items

Agenda Items 3, 4, 7, 8, and 9 were unanimously approved by motion of Mayor Davila and seconded by Council Member Rios. Items 2 and 5 were removed for separate discussion and Item 6 was removed from the agenda.

2. Resolution Approving Application For The Urban Orchard Project

The City Council unanimously adopted Resolution No. 7796 entitled – Resolution of the City Council of the City of South Gate approving the application to the California Department of Parks and Recreation for Land and Water Conservation Funds for the Urban Orchard Project in the amount of \$3,000,000, by motion of Mayor Davila and seconded by Vice Mayor Bernal.

3. Funding Agreement With Metro For The Tweedy Boulevard Traffic Signal Synchronization Project

The City Council unanimously approved items A, B, C, D, E, and F during consideration of the Consent Calendar.

- a. Approved a Funding Agreement (Contract No. 3408) with the Los Angeles County Metropolitan Transportation Authority (Metro) to accept \$1,317,212 in Proposition C 25% Funds (2013 Call for Project) for the Tweedy Boulevard Traffic Signal Synchronization Project, City Project No. 514-TRF;
- b. Amended the Capital Improvement Program to include the Tweedy Boulevard Traffic Signal Synchronization Project;
- c. Appropriated \$1,317,212 in Proposition C 25% Funds to the Tweedy Boulevard Traffic Signal Synchronization Project, Account No. 311-790-39-9471;
- d. Appropriated \$500,000 in Proposition C Local Return Funds to the Tweedy Boulevard Traffic Signal Synchronization Project, Account No. 311 790-39-9471, to meet the City's local match requirements and install additional traffic and pedestrian safety improvements;
- e. Approved Metro's Project Readiness Certification Form; and
- f. Authorized the Mayor to execute the Funding Agreement in a form acceptable to the City Attorney.

4. Funding Agreement With Metro For The Construction Of The I-710 Soundwall Project

The City Council unanimously approved items A, B and C during consideration of the Consent Calendar.

- a. Approved a Funding Agreement (Contract No. 3409) with the Los Angeles County Metropolitan Transportation Authority to accept \$8,900,000 in Measure R Funds for the construction of the I-710 Soundwall Project, City Project No. 547 ST;
- b. Appropriated \$300,000 in Metro Measure R Funds to the I-710 Soundwall Project, Account No. 311-790-31-9571; and
- c. Authorized the Mayor to execute the Funding Agreement in a form acceptable to the City Attorney.

5. Agreement With Parkwood Landscape Maintenance, Inc., For Landscape Maintenance Services

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

- a. Approved an Agreement (Contract No. 3410) with Parkwood Landscape Maintenance, Inc., for landscape maintenance services for a three-year term for a not-to-exceed amount of \$806,082;
- b. Appropriated \$30,915 to account no. 251-714-25-6101 from the unassigned Street Lighting and Landscaping fund balance; and

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

6. Master License Agreement With Crown Castle NG West, LLC, To Install, Maintain And Operate Small Cell Antennas On City-Owned Poles

The City Council considered:

a. Approving a Master License Agreement with Crown Castle NG West, LLC, to install, maintain and operate small cell antennas on City-owned poles in the public right-of-way;

b. Authorizing the Mayor to execute the Master License Agreement in a form acceptable to the City Attorney;

c. Authorizing the City Manager and/or his designee to issue individual Pole Licenses under the Master License Agreement for City-owned poles in the public right-of-way; and

d. Directing the Director of Administrative Services to deposit the revenue into the General Fund.

This item was removed from the Agenda.

7. LAUSD's Request For Waiver Of Fees For South Gate High School And South Gate Middle School Student Banners On Firestone Boulevard

The City Council unanimously approved items A, B, and C during consideration of the Consent Calendar.

a. Received and filed a proposal from the Los Angeles Unified School District (LAUSD) to install 20 banners on Firestone Boulevard between Otis Street and State Street, for the purposes of promoting student achievements at South Gate High School and South Gate Middle School;

b. Approved LAUSD's request to waive Public Works Encroachment Permit Fees for the installation of 20 banners, in the amount of \$3,060; and

c. Approved LAUSD's request to waive Banner Permit Fees for the installation of 20 banners, in the amount of \$3,500.

8. Addendum To The South Gate Girls Club House Feasibility Study Report To Include Additional Concept Designs

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

a. Received and filed Addendum to the South Gate Girls Club House Feasibility Study Report (Addendum) containing additional concept designs; and

b. Directed staff to include the Addendum as part of the 2008 Parks & Recreation Master Plan Ten Year Update Financial Plan.

9. Minutes

The City Council unanimously approved items A, B, and C during consideration of the Consent Calendar.

a. Approved the Special and Regular Meeting minutes of November 28, 2017 and December 12, 2017; and

b. Approved the Special Meeting minutes of November 14, 2017 and December 5, 2017; and

c. Approved the Special Joint City Council and Planning Commission Meeting minutes of November 14, 2017.

EXCUSED FROM

ITEM 10 At this time, Council Member Morales was excused from participating on item 10 and departed from the Council Chambers.

VIII. Reports, Recommendations And Requests

10. Community Development Block Grant Program Sub-Recipient Agreement With The Southern California Gas Company

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

a. Approved the Community Development Block Grant Program Subrecipient Agreement (Contract No. 3411) for Fiscal Year 2017/18 with the Southern California Gas Company; and

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

City Attorney Salinas stated that his firm also represents California Gas and had this matter was sent out to another law firm. The agreement the portion noted as “approved as to form line” is signed by a lawyer unrelated to his law firm. On the motion he did not catch the part that says in a form acceptable to the City Attorney and should be slightly modified to read in a form acceptable to the Special Council assigned to this matter.

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

REJOINED MEETING City Council Member Morales rejoined the Council prior to the discussion of item 11.

11. South Gate Safe Routes To School Plan

The City Council unanimously received and filed the Safe Routes to School Plan thereby authorizing its use as the planning document to encourage students walking and biking to school by motion of Mayor Davila and seconded by Council Member Morales.

12. South Gate Police Department Services And Staffing Levels Report

The City Council unanimously received and filed the South Gate Police Department services and staffing levels report by motion of Mayor Davila and seconded by Vice

Mayor Bernal.

13. Warrants And Cancellations

The City Council unanimously approved the Warrants and Cancellations for January 23, 2018 by motion of Vice Mayor Bernal and seconded by Mayor Davila.

Total of Checks: \$1,585,086.55

Voids \$ (1,477.00)

Total of Payroll Deductions: \$ (333,151.69)

Grand Total: \$1,250,457.86

Cancellations: 73579, 74056

IX. Adjournment

Mayor Davila adjourned the meeting at 10:25 p.m. in memory of Harry L. Paul, long-time resident and Sergeant of Arm and Victor Otanez, long-time resident and seconded by Vice Mayor Bernal.

PASSED and **APPROVED** this 27th day of February, 2018.

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