

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

Tuesday, March 12, 2019

3/12/2019 - Minutes

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

CALL TO ORDER Mayor María Belén Bernal called a Regular City Council meeting to order at 6:43 p.m.

INVOCATION Jerry Ruiz, Attorney

PLEDGE OF ALLEGIANCE Veronica Ramirez, South Gate resident/student

ROLL CALL Carmen Avalos, City Clerk

II. City Officials

PRESENT Mayor María Belén Bernal, Vice Mayor Jorge Morales, Council Member Maria Davila and Council Member Al Rios; City Manager Michael Flad, Special Legal Counsel Jerry Ruiz

ABSENT Council Member Denise Diaz, City Attorney Raul Salinas

LATE City Treasurer Greg Martinez

III. Meeting Compensation Disclosure

IV. Proclamations, Certificates, Introductions And Ceremonial Actions

1. Proclamation Declaring March As American Red Cross Month Recognizing Volunteers And Donors Who Help Those In Need

The City Council issued a Proclamation declaring March 2019 as American Red Cross Month recognizing volunteers and donors who give of their time and resources to help those who need a helping hand.

2. Certificate Of Appreciation To Veronica Ramirez For Participating In Mayor Bernal's South Gate Mentors Initiative In February

The City Council issued a Certificate of Appreciation to Veronica Ramirez for participating in Mayor Bernal's South Gate Mentors Initiative during the month of February.

3. Certificates Of Appreciation To The South Gate Aztec Jr. Varsity Cheer Team For Winning The National Championship

The City Council presented Certificates of Appreciation to the South Gate Aztec Jr. Varsity Cheer Team for winning their respective championship titles at the 2018-2019 JAMZ National Cheer & Dance Competition.

V. Public Hearings

4. Ordinance Repealing Interim Urgency Ordinance Nos. 2336 & 2338 In Their Entirety And Adding New Chapter 11.43 (Accessory Dwelling Units And Accessory Structures), To Title 11 (Zoning), Of The Municipal Code

The City Council conducted a Public Hearing and waived further reading in full and introduced Ordinance No. 2360 entitled - An Ordinance of the City Council of the City of South Gate, California, repealing Interim Ordinance Nos. 2336 and 2338 in their entirety and adding new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code by motion of Mayor Bernal and seconded by Vice Mayor Morales with the additional direction to bring the item back before the City Council in January 2020 with an update report and include the Planning Commission's recommendation to insert the word continuous before the 30 days in terms of rentals.

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

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

Mayor Bernal opened the Public Hearing at 7:22 p.m.

Virginia Johnson, 5751 McKinley Avenue said that even though this is a state mandate she opposes this change and hopes that we can keep the problem to a minimum. She is against this new request by the community to change the square footage from 6,000 to 5,000 feet.

Henry Gonzalez, 10210 Alexander Avenue gave a brief history of additional dwelling units during his time as an elected official.

Cesar Castor, 10348 Elizabeth Avenue said that as a City we are growing but we all need to be concerned with the parking issues. We should handle the parking problems before changing the Ordinance.

Francisco Amezcua, 10000 Rosewood Avenue is opposed to the ADU's because we need more parking enforcement and this will only increase the problem.

Marcos Saez, 9547 San Antonio Avenue said that he feels that people that are selling cars on the street are part of the parking problem. He wants to put in an ADU but was denied by City Hall.

Estela Palacios, 9924 Jackson Avenue said that she wants to build an additional unit but she was not approved because her lot is 5,000 square feet.

Greg Martinez, 2603 Ohio Avenue believes that this is a safety issue. He knows that there are people living in garages and he is concerned that these people are living in substandard conditions.

Edith Garcia, would like to add an ADU but is unable due to lot size.

Andrea Palino, 11625 Utah Avenue is opposed to lowering the lot size requirements

as this will continue to crowd the streets and requests the City Council vote no on lowering ADU requirements.

Juan Carlos Mojica, 9600 Elizabeth said that as he listens to his neighbors the biggest concerns are overpopulation. He would like to see if permit parking can benefit the City.

Marvin De La Cruz, Madison Avenue would like to add an ADU but can't because of the lot size. He wants to see the lot size requirement lowered.

Resident, 10346 Rosewood Avenue would like to see the lot size requirement lowered.

Robert Ramirez, 5345 Wood Avenue requested that this issue should be determined by a case by case basis.

Paloma Curiel, requested that the City look at different alternatives to the parking situation.

Nick Godoy, 8611 San Gabriel Avenue spoke on the parking conditions on San Gabriel Avenue.

Henry Gonzalez requested a meeting with the Mayor and the City Manager.

Having no one else come forward, Mayor Bernal closed the audience portion

Vice Mayor Morales's recommendation is to keep staff's original recommendation of 6,000 feet. He explained that there are currently 13 bills before the state legislature address ADUs in specific AB 68. Density and parking are really big issues in the City. As a City we have been doing our part to try to get people to use public transportation and knows that the State is looking to take away the ability to regulate these issues.

Mayor Bernal understands the safety issues and the parking issues but at the end of the day we have to think of the quality of life for the residents. The Mayor's recommendation is to also keep staff's original recommendation of 6,000 feet.

Council Member Davila said that as a council member we have to make tough decisions but we have to consider the current situation of our City. Density and parking are huge problems in South Gate. When you take into consideration the changes that are coming from Sacramento it is difficult to follow the laws with what is going through as bills. Council Member Davila agrees with staff's original recommendation of 6,000 feet.

Council Member Rios said that this is probably the most difficult issue to come before him during his time of a Council Member. Whatever decision is made today we can always revisit if we need to.

Vice Mayor Morales suggested that we bring this item back in January of next year. For example if maybe only three people got ADU's at 6,000 maybe we do lower the standards but if we have an influx of people coming in then maybe that was the right number. With the changes coming from the State level all this will change and we will have to revisit this item again.

Director Perez asked for a point of clarification on the motion and stated that one of the recommendations of the Planning Commission was to insert the word continuous before the 30 days in terms of rentals. From staff's perspective we have no problem with this recommendation and should be included in the motion as well.

5. Ordinance Amending Section 1.59.040 (Issuance Of Administrative Citation; Contents Thereof) To Provide Immediate Imposition Of Administrative Fines For Violation Of Illegal Cultivation Of Cannabis

The City Council conducted a public hearing and waived the reading in full and introduced Ordinance No. 2361 entitled - An Ordinance of the City Council of the City of South Gate, California, amending Section 1.59.040 (Issuance of Administrative Citation; Contents Thereof), Chapter 1.59 (Administrative Citations) of Title 1 (Administration and Personnel), of the South Gate Municipal Code, to provide for the immediate imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis by Mayor Bernal and seconded by Council Member Davila.

Mike Flad, City Manager stated that the City Council has already made the growing of marijuana illegal in the City of South Gate. This is not a Public Hearing tonight to determine whether or not marijuana growing should be legal or not. What we are doing tonight is creating an administrative procedure to enforce what the Council has already adopted. The creation of Administrative Procedures comes with fines and enforcements which requires Council action through the process of a Public Hearing.

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

Mayor Bernal opened the Public Hearing, seeing no one come forward the Public Hearing was closed.

Mayor Bernal asked that if the owner doesn't occupy the property and is unaware but has included the no growing clause in the lease, are we then able to fine the tenant.

Director Perez responded that is a possibility and we have done that with other code enforcement violations.

Council Member Davila asked why the fines are so low.

Director Perez responded that these fines are established by the state. There is recent legislation that could be increasing fines and we will be looking at possibly bringing back an Ordinance to adjust those fines.

Vice Mayor Morales asked if the State has any other creative ways of addressing the issue. The City of Los Angeles in the case of dispensaries can start the process of shutting off their water and electricity.

Director Perez responded that the City has not done that but could look into some additional measures.

Mayor Bernal stated that Council will be looking at budget matters very soon. Should we be looking at additional funds for Code Enforcement Officers to help address this?

Director Perez responded that as of right now, we don't see a lot of this happening in the City. Since 2017 when the Council adopted that prohibition he cannot think of a situation where we have been addressing cannabis growers.

Mayor Bernal asked the Chief if his experience has been similar.

Randy Davis, Chief of Police responded that since Prop 64 passed South Gate has been very clear in their stance regarding any marijuana activity. We have been very successful working with City prosecutors, officers and with the property owners relative to forfeiture of assets, forfeiture of properties and things of that nature. So these fines, even though small are another tool in the bag and does not stop us from going after the property itself and dealing with the property owners. We have not seen an influx of these types of violations.

6. Community Development Block Grant Allocations For Fiscal Year 2019/20

The City Council conducted a public hearing and approved A and B by Mayor Bernal and seconded by Council Member Davila.

- a. The recommended Citizen's Advisory Committee's list of proposed projects and allocations for Community Development Block Grant funds for fiscal year 2019/20; and
- b. Determining the amounts to be appropriated per project from the estimated \$1,500,000 Community Development Block Grant funding for fiscal year 2019/20.

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

Mayor Bernal opened the Public Hearing.

Virginia Johnson, 5751 McKinley Avenue said that the Citizen's Advisory Committee supported Staff's recommendations.

Carlos Galvez, 2643 Iowa Avenue asked why only \$7,000.00 is being provided to the South Gate Police Explorers program, is this enough to fund the program, and can you add more money to this program.

Mayor Bernal asked if anyone in the audience wishes to speak on this item. Seeing no one step forward; Mayor Bernal closed the audience portion.

Mike Flad, City Manager stated that the difficulty with a funding exercise like this is that it is not why didn't you fund one program or why didn't you fund another program because there are several people that apply for these funds. If you add to one you are then taking from another, it truly becomes a balancing act. At the executive level when we are going through all the proposals we look at what is the overall need for the program and what are the goals of the City Council. Then we look at alternative funding sources, for example with the Explorer Program it receives funds from the general fund and asset forfeiture so there are other sources available.

Director Perez added that for the past three years the Police Explorer program has asked for \$7,000.00 and they have received that full amount from CDBG funding.

Council Member Rios stated that he sees the same organizations and he wonders does the Community Advisory Committee look at just the Public Service programs or

everything as a whole.

Director Perez responded that they are presented with the entire listings but in terms of their recommendations it is focused on the nonpublic service and the public service. They receive not only the applications from all the programs, they also have the opportunity to listen to presentations from all the organizations. The committee then proceeds to an evening of deliberations.

Council Member Rios realizes that we have a limited amount of nonprofits but we do have some organizations that are very active in the community and is hoping that we can see a little more diversity.

VI. Comments From The Audience

Mike Kodama, Executive Director of Eco-Rapid Transit said that they hosted a transportation summit in October and we had people sign the board for the West Santa Ana Board and he promised the members of the City Council that he would bring it by if they would like to sign it.

John Montalvo, 9815 Virginia Avenue thanked Mayor Bernal, Mike Flad and staff for their support for their "Employment for Veteran's" event. He also attended the Book Fair event at the Reading with the Mayor.

Diana Ochoa, 4764 Tweedy Boulevard stated that a month ago she attended the Metro meeting and is concerned about the low attendance of South Gate residents. She also is concerned that Council Member Diaz used City letterhead on one of her campaign flyers. Even though it states on the flyer that it is paid by the candidate it is a matter of optics. She wants to know how the City willing to endorse a certain candidate and how can the City inform their residents about events like the Azalea festival but not projects that are going to affect their neighborhoods. What she would like is to clarify how it is that Council Member Diaz was able to circulate flyers whether it was approved or not it is misleading.

Virginia Johnson, 5751 McKinley Avenue stated that this is going back to a few Council Meetings. She has always spoken her mind and speaks from the heart. She feels that when the community, including herself speak on a matter she should be considered seriously and not called out of hand politically motivated. On another note she is not against the person running for Senate but the fact that two years of being in a local political office does not amount to the knowledge and expertise needed for such a high office as Senator of California also this same candidate has sent out unsavory mailers claiming not to have helped with but have done things that took many more people involvement.

Andrea Paulino, Utah Avenue reported that there are coyotes near Circle Park/Hollydale Park and was hoping that the City could post signs warning people that there are coyotes in the area.

Nick Godoy, 8611 San Gabriel Avenue spoke on the parking conditions on San Gabriel Avenue and the street vendors.

VII. Reports And Comments From City Officials

Paul Adams, Parks and Recreation Director the Azalea Festival is still ongoing with Bingo, Miss Azaleaita, Karate Tournament, Carnival scheduled. Next Saturday on the 23rd is the Open House here at City Hall followed by the Miss South Gate Pageant and fireworks at South Gate Park.

Randy Davis, Chief of Police said that there is a CERT class starting April 6th going through the 20th for three consecutive Saturdays. Signups are on the South Gate Police Department web site.

Greg Martinez, City Treasurer said that March 31st will be the Azalea Festival Classic Car Show.

Carmen Avalos, City Clerk said that the LAUSD District No. 5 election took place last week. It looks like it will be a runoff on May 14th but the runoff will probably be between Ms. Jackie Goldberg and Ms. Heather Repenning. On March 26th there will be a Special Senate District race and there are several candidates who are running at this particular election. City Clerk Avalos did want to address what was brought up today in regards to the envelope and the way that the material was presented. Under FPPC guidelines and under the elections code guideline there are very specific stipulations that an individual can put on an envelope. If the envelope had actually been addressed from City Hall that would have been a violation because you cannot utilize any city addresses pertaining to the public. In terms of the Election Code there were no violations and to confirm that there was no wrong doing, she contacted the County and they came to the same conclusion that there was no code violation.

Council Member Rios we had a very successful LA Regional Census roundtable. On the 20th East Los Angeles College is having a Career Awareness Day. He attended the Arts Festival Day at the Park and it was a remarkable event. He also wanted to invite the public to ground breaking ceremony on the 22nd at the East LA College.

Council Member Davila attended the County Sanitation where they are still going through labor negotiations. She has been attending the events at the Azalea Festival and also enjoyed the Art Exhibit. This Saturday will be the Miss Azaleaita Contest and there are 20 contestants. She requested that Paul Adams, Director of Parks and Recreation talk to the PTA members that host their Mother's Day event at the Park to discuss insurance requirements.

Mr. Adams stated that he will work with them but believes that their insurance certificate has already come through.

Vice Mayor Morales announced that he and his wife are expecting a baby. He is also looking forward to attending some of the Azalea Festival events now that he is feeling better.

Mayor Bernal had the opportunity to meet with Performance Team which is a logistics company. She also attended the Census roundtable meeting and thought it was important that we had three Council Members present which sends a message that South Gate wants to be involved in this process. She attended the Water Education for Latino Leaders and they visited Coachella to see a group of mobile homes that do not have piping connecting service from any Water District to their homes. The Mayor attended the 20th annual Holocaust Art and Writing Contest at Chapman University and three South Gate students participated.

Mayor Bernal knows that there were quite a few comments that came in about the mailer and when she saw it come in her own mailbox it did catch her attention and thought it was a little weird. When she opened it she realized that it was the piece from Council Member Diaz, however she is not going to disregard the fact that it caught her off guard and that it

could be misleading to our residents. She did bring this up to Council Member Diaz and the Mayor thinks that when you have other people running campaigns you go based on past practices that maybe ok but in her opinion that is not one practice that she would like to see in our community. She believes that it is important to be authentic and she mentioned it when Council Member Diaz was here two weeks ago. It is for the candidates benefit to be as transparent as possible if you want to gain the trust of your residents but it also falls on each resident to be informed.

VIII. Consent Calendar Items

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

7. Ordinance No. 2359 Adding New Section 11.28.030 (Tweedy Boulevard Specific Plan), To Chapter 11.28 (Specific Plans), Of Title 11 (Zoning), Of The Municipal Code; Resolution Approving General Plan Amendment No. 2019-01 By Adding Place Types; And Resolution Approving The Initial Study And Negative Declaration

The City Council approved A, B, and C by motion of Mayor Bernal and seconded by Council Member Rios. Due to a possible conflict of interest Council Member Davila abstained.

- a. Waived the reading in full and adopted Ordinance No. 2359 entitled - An Ordinance of the City Council of the City of South Gate, California, adding new Section 11.28.030 (Tweedy Boulevard Specific Plan), to Chapter 11.28 (Specific Plans), of Title 11 (Zoning), of the South Gate Municipal Code;
- b. Adopted Resolution No. 7847 entitled - A Resolution of the City Council of the City of South Gate, California, approving General Plan Amendment No. 2019-01 by adding place types "Light Industrial/Flex and Manufacturing Distribution" to the Tweedy Educational District and changing the residential General Plan designation of a portion of the General Plan area from Neighborhood-Low to Neighborhood Medium; and
- c. Adopted a Resolution No. 7848 entitled - A Resolution of the City Council of the City of South Gate, California, approving the Initial Study and Negative Declaration, dated April 19, 2017, pertaining to the Tweedy Boulevard Specific Plan.

8. Professional Services Agreement With Utility Cost Management LLC For Auditing Of The City's Electric Bills

The City Council approved A and B during consent calendar.

- a. A Professional Services Agreement (Contract No. 3511) with Utility Cost Management LLC for auditing of the City's electric bills; and
- b. Authorized the Mayor to execute the Professional Services Agreement in a form acceptable to the City Attorney.

9. Notice Of Completion For The City Hall Lighting Improvements

The City Council approved A and B during consent calendar.

- a. Accepted completion of construction of the South Gate City Hall Lighting Improvements, City Project No. 502-ARC, effective January 8, 2019; and

b. Directed the City Clerk to file a Notice of Completion with Los Angeles County Recorder's Office.

10. Notice Of Completion For The Hollydale Resource Center Electrical Upgrades

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

a. Accepting completion of construction of the Hollydale Resource Center Electrical Upgrades, City Project No. 516-ARC, effective February 20, 2019; and

b. Directing the City Clerk to file a Notice of Completion with Los Angeles County Recorder's Office.

11. Letters To The City Of Downey Protesting The Proposed Housing Development At The Former American Legion Site, Located At 11269 Garfield Avenue

The City Council approved A, B and C by motion of Mayor Bernal and seconded by Council Member Rios. Due to a possible conflict of interest Special Legal Counsel Jerry Ruiz left the Chambers.

a. Authorized the Mayor to execute the letter to the City of Downey protesting the Request for Proposals for a proposed housing development at the County-owned property, former American Legion Site, located at 11269 Garfield Avenue and expressing concerns regarding the Notice of Preparation of a Draft Program Environmental Impact Report for the proposed Rancho Los Amigos South Campus Specific Plan; and

b. Directed the City Manager or his designee to execute the letter to the City of Downey stating the City of South Gate's concerns regarding the Notice of Preparation of a Draft Program Environmental Impact Report for the proposed Rancho Los Amigos South Campus Specific Plan; and

c. Directed the City Manager to send the two aforementioned letters to the City of Downey.

12. Minutes

The City Council approved the Special and Regular Meeting minutes of February 12, 2019 during consent calendar.

IX. Reports, Recommendations And Requests

13. Funding Appropriations For The Capital Improvement Program For Fiscal Year 2018/19

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

a. Appropriating \$133,000 in General Funds to the Capital Improvement Program to fully fund the City Hall Complex Improvements and Firestone Boulevard Median Island;

b. Appropriating \$1,779,200 in grant funds and \$4,901,284 in other funds to the Capital Improvement Program for existing projects as shown in Attachment A; and

c. Directing the Director of Administrative Services to transfer \$31,709 from Auto/Rolling Stock Account No. 223-610-49-9003 to the Electric Vehicle Charging Stations Project No. 636-GEN Account No. 223-610-49-9005.

14. Warrant Register For March 12, 2019

The City Council approved the Warrants and Cancellations for March 12, 2019 by motion of Council Auditor Davila and seconded by Council Member Rios.

Total of Checks: \$2,147,852.93

Voids: (\$ 1,801.85)

Total Payroll Deductions: \$ 370,521.94

Grand Total: \$1,775,529.14

Cancellations: 80528, 81046, 81266, 81525, 81549, 81701

X. Adjournment

Mayor Bernal adjourned the meeting in memory of Luz Elva Reyes, longtime resident and Administrative Analyst Marina Urias's mother; Rolando Meza, longtime resident; and Matilda Lopez, longtime resident and Anchor Dave Lopez's mother at 10:20 p.m. and seconded by Council Member Davila.

PASSED and APPROVED this 26th day of March, 2019.

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