

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

Tuesday, May 14, 2019

5/14/2019 - Minutes

I. Call To Order/Roll Call

CALL TO ORDER Vice Mayor Denise Diaz called a Special City Council meeting to order at 5:30 p.m.

ROLL CALL Sonia Guerrero, Recording Secretary

II. City Officials

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

ABSENT Mayor Jorge Morales, City Treasurer Greg Martinez

LATE Carmen Avalos, City Clerk

III. Meeting Compensation Disclosure

IV. Closed Session: (ATTY)

Nick Godoy, 8611 San Gabriel Avenue inquired about the amount of money that has been spent on the tree trimming law suit. Also, how many times these types of items come before the City Council.

City Attorney Salinas, stated that this is all part of public knowledge and explained that this case is regarding a tree that has fallen on the Torrez home. The Torrez family then filed a suit against the tree trimming company and also against the City of South Gate subsequently. The matter is before the City Council today because the City insisted that the tree trimmer be responsible for all damages. In closed session the City Council will receive a report regarding a proposed settlement that will resolve in payment to the City, not payment by the City in connection with that.

The Council Members recessed into Closed Session at 5:36 p.m. and reconvened at 6:40 p.m. with four Members of Council present. City Attorney Salinas reported the following:

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. Trimming Land Company
- b. Jerry and Dolores Torrez v. City of South Gate
- c. Trimming Land Company v. City of South Gate
- d. State Farm Insurance v. Trimming Land Company

Item 1 dealt with a series of cases under pending litigation and they all are related to a tree that had fallen on a house within the City of South Gate. In Closed Session the City Council received a report by the City Attorney and by City staff with respect to that litigation. There is a proposed settlement in which the City will be recovering the Attorney fees that were incurred in defense of the case and without having to pay any money out on settlement. The precise terms of the agreement are not being disclosed now because the agreement has not been fully executed, but it will be disclosed pursuant to the Brown Act once the agreement goes through. The City Council approved the proposed settlement by a motion made by Council Member Davila and seconded by Council Member Bernal with a vote of 4 to 0. This will include returning money back to the City's General Fund incurred in the prosecution and defense of these cases.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9(c)

Two (2) - Potential Cases

Item 2 was not discussed in Closed Session and will be brought back on a future Closed Session agenda.

3. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

Pursuant to Government Code Section 54956.9(b)(3)(D)&(E)

One (1) - Potential Case

For Item 3, the City Council received a report by the City Attorney with respect to a letter threatening potential litigation involving an action taken by the City Council recently. The City Council did not take any action but guidance was given. There was no reportable action taken.

4. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

Pursuant to Government Code Section 54956.8

Property APN: 6232-003-015
Property: 8618 Garfield Ave., South Gate, California 90280
City Negotiator: Michael Flad, City Manager
Negotiating with: El Paseo Center, SPE LLC
Under Negotiation: Terms of Lease

Property APN: 6204-025-039
Property: 9019 Long Beach Boulevard, South Gate, California 90280
City Negotiator: Michael Flad, City Manager
Negotiating with: Jon Ungvari Co. Trust
Under Negotiation: Terms of Sale

For Item 4, there were two items listed. The item regarding 8618 Garfield Avenue was not discussed in Closed Session and there was staff discussion for the property at 9019 Long Beach Boulevard, however no action was taken.

V. Special Meeting Adjournment

Vice Mayor Diaz motioned to adjourn the meeting at 6:43 p.m. and seconded by Council Member Davila.

PASSED and **APPROVED** this 28th day of May, 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