

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

Tuesday, May 22, 2018

5/22/2018 - Minutes

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

CALL TO ORDER Mayor María Belén called a Regular City Council meeting to order at 6:38 p.m.

INVOCATION María Belén Bernal, Mayor

PLEDGE OF ALLEGIANCE Arturo Cervantes, Director of Public Works

ROLL CALL Carmen Avalos, City Clerk

II. City Officials

PRESENT Mayor María Belén Bernal, Vice Mayor Jorge Morales, Council Member Denise Diaz, and Council Member Al Rios; City Treasurer Gregory Martinez, City Manager Michael Flad, City Attorney Raul Salinas

ABSENT Council Member Maria Davila

III. Meeting Compensation Disclosure

IV. Proclamations, Certificates, Introductions And Ceremonial Actions

1. Proclamation Declaring May 20-26, 2018, As National Public Works Week

The City Council issued a Proclamation declaring the week of May 20 through 26, 2018 as "National Public Works Week."

2. Proclamation Declaring May 28, 2018, As Memorial Day In Honor Of The Men And Women Who Paid The Ultimate Price For Our Freedom

The City Council issued a Proclamation declaring May 28, 2018, as Memorial Day in honor of the men and women who paid the ultimate price for our freedom.

3. Certificates Of Appreciation To South Gate Police Officers For Receiving The California Highway Patrol 10851 Award

The City Council:

a. Presented Certificates of Appreciation to Police Officers Issac Beteta, Roger Cancio, Alexis Gonzalez, Daniel Melendrez, Antonio Mendez, Arturo Macias, Isidro Munoz, Aloysius Peterson, Anthony Reyes, Andre Sanchez, Aaron Sosa and Rafael Vega in recognition of receiving the California Highway Patrol 10851 Award for combating automobile thefts; and

b. A California Highway Patrol Representative presented the 10851 award pins to the

recipients.

4. Certificate Of Appreciation To Malarkey Roofing Products For Their Generous Donation Of Roofing Materials For The Sports Center Roof

The City Council presented a Certificate of Appreciation to Malarkey Roofing Products for its generous donation of \$65,000 of roofing materials to the City for the South Gate Sports Center Steel Roof Deck Repair and Replacement Project.

V. Public Hearings

5. Ordinance Adding New Section 11.28.040 (Southwest Corner Of Atlantic Avenue And Tweedy Boulevard), To Chapter 11.28 (Specific Plans), Of Title 11 (Zoning), Modifying Precise Plan No. 18 And Site Plan No. 283 For 9323 Atlantic Avenue

The City Council conducted a Public Hearing to consider waiving the reading in full and introducing Ordinance No. 2349 adding new Section 11.28.040 (Southwest Corner of Atlantic Avenue and Tweedy Boulevard), to Chapter 11.28 (Specific Plans), to Title 11 (Zoning), of the South Gate Municipal Code modifying Precise Plan No. 18 and Site Plan No. 283 for 9923 Atlantic Avenue. The City Council approved the introduction of Ordinance No. 2349 as amended by motion of Vice Mayor Morales and seconded by Council Member Diaz.

Roll Call: Mayor Bernal, yes; Vice Mayor Morales, yes; Council Member Diaz, yes; Council Member Rios, no; Council Member Davila, absent.

AMENDMENT: Introduce the ordinance adding the new Section 11.28.040 (Southwest Corner of Atlantic Avenue and Tweedy Boulevard) to Chapter 11.28 (Specific Plans) to Title 11(Zoning), of the South Gate Municipal Code modifying Precise Plan No. 18 and Site Plan No. 283 for the address at 9923 Atlantic Avenue with the following modifications to Section 11.28.040 as it was made a part of the agenda. The very first paragraph of that section the section currently reads that there will be a total of 228 parking stalls for residential component comprised of 159 parking stalls for the residential units, an additional 69 guest parking stalls. That sentence will be replaced with the following sentence there will be a total of 228 parking stalls for the residential component comprised of 200 parking stalls for the residential broken down as follows 54 spaces for 3 bedroom units, 100 spaces for the 2 bedroom units, 46 for 1 bedroom units leaving a balance of 28 spaces for guest parking stalls.

At the end of this same paragraph we will have a new sentence that reads that the developer shall provide a permit process for off hour parking for residents and guests in the retail parking area when not in use. An additional sentence will follow that sentence and will read the developer shall provide security boxes onsite in the retail area open to the public for internet deliveries.

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

Mayor Bernal opened the public hearing at 7:27 p.m.

Virginia Johnson, 5751 McKinley Avenue spoke regarding the bike lane on Tweedy Boulevard and that at the Caltrans meeting she went to about a year ago mentioned making a cul-de-sac at Tweedy Boulevard and Atlantic Avenue near the post office. She also mentioned that there is a bus stop on the southeast corner and she didn't see

it in the presentation.

Dina Dominguez, 10104 Pinehurst Avenue wanted to know when the traffic study was done and if the two new schools taken into consideration.

Sandra, 10128 Rosewood Avenue is concerned about residential tax and lack of information on the expansion of Tweedy Boulevard.

Christina Montalvo, 9815 Virginia Avenue many residents expressed that many of the residents that she spoke with felt that their concerns were not being heard. She too had concerns regarding the rent and traffic study.

Celia Ortega, 10341 Hildreth Avenue spoke on the affordability of these units.

Cindy, 8614 Evergreen Avenue felt the outreach to the public was adequately done and also has concerns about the affordable housing.

Angelica Martinez, 10129 Orange Avenue has concerns about the quality of life for the residents in that area.

Francisco Amezcua, 10000 Rosewood Avenue has concerns about traffic in this area.

Angel Banuelos, 9550 Elizabeth Avenue, Apartment B has concerns about the price of the units and the traffic in that area.

Sylvia Masushige, 8416 Beechwood Avenue stated that she is one of the Planning Commissioners that approved this item. The Planning Commission asked for changes in the parking and other items, all which the developer addressed. She felt that the meetings were open to everyone and that the residents were notified by mail.

Gil Hurtado, 10001 W. Frontage Road, Space 215 stated that he is also one of the Planning Commissioner. He spoke on the process of approving the development by the Planning Commission and is in support of the development.

Oscar Bardolas, 4216 Firestone Boulevard has been a business owner in the City for the last 35 years. He has concerns about traffic and parking.

Janet Torres, 10311 San Juan Avenue spoke in support of the development.

Toni Martinez, 9934 Hunt Avenue suggested having a bulletin board on property being developed to show when the meetings are happening. She believes that South Gate needs a quality hotel.

Henry C. Gonzalez, 10210 Alexander Avenue spoke on the history of the property.

Seeing no one else come forward, Mayor Bernal closed the Public Hearing.

Vice Mayor Morales, stated that according to the document presented the code requires 177 parking spaces for 1 and 2 bedroom apartments. Is this City or State code and how did we come up with those requirements?

Mr. Perez responded that it is the City's Zoning Code and that he was not here, but

typically these follow industry standards.

Vice Mayor Morales asked when the code was last evaluated.

Mr. Perez stated that it was adopted in 2015.

Vice Mayor Morales is concerned about the amount of available parking spaces.

Mr. Perez stated that City Staff worked with the developers because of the parking issues and were able to get an additional 51 spaces designated as guest parking but this could be designated in different ways. He continued to give a brief presentation about South Gate's parking codes and requirements in developments around the City.

Vice Mayor Morales asked about which entrances will be used for deliveries and suggested that since the development would be on a major street (Atlantic) that it be the entrance further from Tweedy Boulevard. He stated that we should address the public comments in regards to property taxes and noticing requirements. He also feels that it is important to go over Regional Housing Needs Assessment (RHNA) numbers, people need to understand that as a municipality the state requires us to build a number of units in a certain timeline. If we do not meet these numbers there are certain penalties that can be imposed on the city.

Mr. Perez stated that there would not be a direct tax on a property, but when you have a project of that size being developed the property value of that property will increase and often times the surrounding properties will also increase in value. Taxes could go up when there is a reassessment of the property.

In regards to RHNA, the State of California determines that there is a certain need throughout the state for additional housing units. They come up with a very large number and then they apportion that number of units to various regional organizations (SCAG) then they apportion that number of units and that numbers gets distributed to local communities like the City of South Gate. Our RHNA (Regional Housing Needs Assessment) the State says that the City of South Gate is responsible for zoning the community in such a way that just over a thousand new units will be developed by 2021. Our portion of the units requires about 558 above moderate income units.

In regards to notices, Mr. Perez explained that when there is a Public Hearing we send out notices within 500 feet of the property not only to the property owners but also to specific addresses within that radius. We have also been keeping a running list of the individuals that have been coming to the community meetings and public hearings and they have also been getting the notices.

Council Member Rios asked for clarification on the different types of developments in regard to income.

Mr. Perez gave a brief explanation of the development practices in the City.

Council Member Rios suggested expanding the notification area to 1,000 feet of the project.

Council Member Diaz suggested that people also need to be less dependent on vehicles and consider walking for short trips. She also asked if we have a current rate

for rents in the City of South Gate.

Mayor Bernal discussed the cost of the apartments and the differences between apartments and condominiums. For our community, it comes down to holding the landlord accountable, making sure that you know your neighbor and are willing to work with your community. Also, most one bedroom units have two parking spaces because it is unreasonable to believe that only one adult will be leaving there. She believes that if we lower the amount of guest parking, it might help the situation and perhaps some type of permit parking for the renters.

Mayor Bernal asked the developer what he is willing to do to alleviate some of the parking issues that came up tonight.

Hezi Kashanian, Universal Properties stated that they have met the City's requirements for parking but he is willing to commit 23 parking spaces that were designated guest parking and have them available to the one

bedroom units. Each resident will be assigned parking spaces and it will be placed in their leases. After hours if needed they can issue passes to the residents to park their vehicles in the commercial section.

Mayor Bernal asked if there are plans for security for the property to ensure that the parking spaces are for the tenants.

Mr. Kashanian responded that if there is an issue with the units they can check on security options but the complex is going to be gated with code access for entrance. He also stated that the developers have been working on this project for the past 12 years. They were here before the azalea, before the high school and the other projects in the area.

Mayor Bernal reviewed the goals of the project.

Council Member Rios asked if it was a gated community.

Mr. Perez responded that in regards to the residential there will be a security system for access for both the pedestrians and vehicles. The third floor is where the open area (patio) will be located. One of the conditions of approval from the police department is video cameras in the common areas and the access points as well.

Vice Mayor Morales asked what the process with this item if the Council votes to approve.

Mr. Perez explained that the Ordinance is introduced and then at the next City Council meeting it would go before Council for adoption. After 30 days, the project would be entitled. The conditions of approval state that then the developer would have to act within a year to sign off that project is approved.

Vice Mayor Morales stated that he still has concerns with parking and would like to see additional spaces added, but is concerned with negotiating from the dais.

Mr. Kashanian stated that he has worked with the City and has made concessions where it comes to parking. The units have an additional 51 spaces, plus the addition of

the 23 parking spaces that were designated guest parking and the option for afterhours passes to the residents to park their vehicles in the commercial section.

Mayor Bernal asked if the developer would be willing to decrease the numbers of units to 85 (20 one bedrooms and 65 two bedrooms).

Mr. Kashanian stated that they cannot. Thousands of dollars have gone into architectural designs and after going back and forth with the City this was what was agreed on.

Vice Mayor Morales asked Mr. Perez if the City had any concerns with the layout of the parking spaces.

Mr. Perez responded that it was reviewed and the things that the City was looking for are the compact space disbursed which they did a good job of disbursing. We also look at dimensions and are comfortable with the disbursement of the parking.

City Attorney Salinas stated that it seems clear that the Council is struggling with determining what are the right number of parking spaces and the impact of the project in the neighboring area. This is an ordinance which is passing a law and this project has a specific number parking stalls, a specific number of units. If you are having trouble coming to an agreement whether to approve this project or whether to negotiate with the developer, I agree with the City Manager and you should give guidance to staff to move forward on a policy level and bring this matter back. It is always an awkward situation to have these negotiations going back and forth. This is a big project for the City and yes it has been in the works for 12 years but we have also had to wait on the developer as they changed the project. If you move forward, say yes to the ordinance and then you want to make changes on the next go round keeping in mind that Council Member Davila is not here then you will have to reintroduce this ordinance. Unless you have these numbers right and you are confident you have the deal you want to approve you might want to consider giving specific guidance to staff on parking issues and any other issue you think is important. In order to make any changes at all we will need to change the language of the ordinance tonight and then you will need to accept it as introduced. I can see some drafting issues and we have spent a lot of time on this already. This is one suggested way to deal with this issue if you feel it is appropriate.

Council Member Rios stated that he would like to move in this direction and feels that he is not ready to vote on it.

Mayor Bernal stated that if the developer is not willing to decrease the number of units understanding that is what makes it a profitable development, they have already invested millions of dollars in the design and partially because our staff was misinforming them. She would like staff to look at parking again. We currently have 228 proposed. If we were to have some of the two bedrooms to three bedroom units have more than two parking spots each and that the developer commit that when the units are rented out you state that the tenants are only allowed two cars.

Vice Mayor Morales stated that he is prepared to vote on this item today. He is not happy with the project. He feels it has a lot of floors (5 stories), a lot of units and not enough parking. The issue that he sees though is that those are our rules that we established and the developer followed our rules. While Vice Mayor Morales does not like it he feels that he has a fiduciary duty to approve it because the developer has

followed our rules. Vice Mayor Morales understands that Council may want to push this item out a couple more weeks but feels they should consider that these are our rules that we have imposed on the developers. He believes that the next step should actually be to bring back our parking restrictions and requirements to the Council so that we don't fall into this situation again.

Mayor Bernal spoke about the parking and believes she too is ready to vote on the issue but encouraged Council Member Rios to ask any further questions that he might have.

Council Member Rios stated he believes that the developer is going to gain from the project but does not believe this to be the case for the local residents.

Council Member Diaz stated that she is ready to move forward with this item. She would like to add that if needed the commercial spaces can be used for residential use when permitted.

Michael Flad, City Manager stated for qualification that the retail spaces after the retail closes can be made available for residential parking by permits.

Council Member Rios feels that the impact of the community has not been addressed fully.

Vice Mayor Morales asked Council Member Rios is there a specific request that he has that people can look into because if what you want is to go to five stories to three stories that is not going to happen and if you are going to vote no then that would not change in two weeks but if he wanted to add seventeen spaces and see if they can negotiate with the developer that makes sense. What would you like to see and I will also give you the two weeks to look into the issue.

Council Member Rios stated that for the amount of units there did not appear to be enough parking and he did not believe that taking the guest parking is the answer. He opined that there needed to be an increase in parking for the current tenants.

Mr. Kashanian added that the guest parking is specified guest parking but it is not necessarily guest parking it is just extra parking. We have all the parking that is required, including the guests. The leases for the tenants are going to have assigned parking and that is how we can control it so that there is no overflow.

Vice Mayor Morales asked the City Attorney to clarify the motion.

City Attorney Salinas stated that if we go to the agenda the action would be to approve the introduction of the ordinance. The City Council would have to specifically add into the ordinance the section to be amended and that would be introduced this evening with the wording in ordinance.

Vice Mayor Morales asked for clarification on if the majority of Council agreed to the addition of the 23 guest parking spaces to be added to the tenant parking as well as the addition by Mayor Bernal for permit parking for the residents to use the commercial parking area after hours if needed.

City Attorney Salinas stated that he wants to direct Councils attention to attachment "B"

in the document. This is in Section 11.28.040 – There will be a total of 228 parking stalls for the residential component comprised of 159 parking stalls for the residential units and an additional 69 guest parking stalls. If you want to introduce the ordinance and change something in the allocation between parking stalls for the residential component and the guest parking stalls we would make that part of the motion.

Mayor Bernal stated that she would like to see 200 parking stalls for residential and 28 parking stalls for guest parking.

Mr. Perez suggested that after it indicates 159 parking stalls for the residential units and at that point where it says for residential units add in parenthesis 46 spaces for one bedroom units, 136 spaces for two/three bedroom units close parenthesis and an additional 28 guest parking stalls.

City Attorney Salinas stated that the contemplated motion is to include during off hours to the extent that additional space is needed there would be a permit system developed by the developer to help reduce offsite parking demands.

Mr. Flad, City Manager stressed that this would be permit only for the residents or guests of residents of the property and would be controlled by the property management.

Mayor Bernal suggested adding an area for secured delivery of packages like an Amazon locker.

City Attorney Salinas stated that we are going to change the 159 parking stalls to 200 parking stalls and we are going to in parenthesis break down to include 54 spaces for 3 bedroom units, 100 spaces for 2 bedroom units, 46 for 1 bedroom units and 28 spaces for guest parking based on Mayor Bernal's recommendation.

The motion is to introduce the ordinance adding the new Section 11.28.040 to Chapter 11.28 modifying Precise Plan No. 18 and Site Plan 283 for 9923 Atlantic Avenue with the following change to the proposed ordinance being that there will be a total of 228 parking stalls for residential component comprised of 200 units broken down as follows 54 spaces for 3 bedroom units, 100 spaces for 2 bedroom units, 46 for 1 bedroom units and an addition 28 spaces for guest parking.

In addition to this the ordinance will also be modified to add the following language the developer shall provide off retail hour parking through a permit process for residents and their guests in the retail parking areas that are not in use.

Lastly, the developer shall provide a security box for the residents for onsite deliveries by an internet delivery companies.

Mayor Bernal stated that these boxes would be added to the retail section.

Mr. Kashanian agreed as long as the City does not change the conditions to include it.

Council Member Rios asked for clarification on the parking because his understanding is that we are not getting any further spaces but redistributing existing spaces.

Mr. Flad stated that the actual number of spaces doesn't change but he believes that

providing parking in the unused after hour's retail space allows cars to park on site instead of on the street.

A motion to approve the amended ordinance was made by Vice Mayor Morales and seconded by Council Member Diaz.

Carmen Avalos, City Clerk asked that the motion be clarified and restated for the record.

City Attorney Salinas clarified the language for the motion with Mayor Bernal in regards to the retail security boxes and asked the developer if he approved of the changes. The developer agreed and at the request of Vice Mayor Morales he restated the motion for the record.

6. Resolution Ordering The Levy Of The Fiscal Year 2018/19 Annual Assessment For The Street Lighting And Landscaping Maintenance District No. 1

The City Council conducted a Public Hearing and adopted Resolution No. 7813 entitled – Resolution of the City Council of the City of South Gate ordering the levy of the Fiscal Year 2018/19 Annual Assessment for the Street Lighting and Landscaping Maintenance District No. 1 by motion of Vice Mayor Morales and seconded by Mayor Bernal.

Art Cervantes, Director of Public Works gave a brief summary of this item.

Mayor Bernal opened the Public Hearing at 10:06 p.m. and having no one come forward closed the Public Hearing.

Vice Mayor Morales asked Mr. Cervantes to explain why this matter does not need to go before proposition 218 process.

Mr. Cervantes explained that the assessment regulations were in place before Prop 218. Prop 218 regulates services that are specific to an individual service whereas an assessment that is being used for a service that a parcel benefits from.

City Treasurer Martinez commented on the difference in cost from a house in the middle of the block compared to a house on the corner.

Mr. Cervantes stated that the charge equals \$2.38 per front footage.

Vice Mayor Morales asked for the City Attorney to clarify the motion.

City Attorney Salinas stated that the motion is to open and close the Public Hearing. After the Public Hearing order the levy for the Fiscal year 2018/2019 annual assessment for the landscaping maintenance district as proposed. The proposal is for the assessment to remain the same.

7. Resolution Receiving And Approving The Program Year 2018/19 Action Plan And Authorizing Execution And Submittal To HUD

The City Council conducted a Public Hearing and adopted Resolution No. 7814 entitled – Resolution of the City Council of the City of South Gate receiving and

approving the program year 2018-2019 Action Plan and authorizing the execution of all necessary documents for the submittal of said plan to the U.S. Department of Housing and Urban Development by motion of Mayor Bernal and seconded by Vice Mayor Morales.

Joe Perez, Director of Community Development gave a brief summary of this item stating that the City received more money than anticipated. It gave us an additional \$156,000 in CDBG Funding and an additional \$178,000 in HOME Funds. HUD requires that the money be allocated. On CDBG funding the City takes 20% towards administration and the remaining \$125,000 is put towards the relocation of the Seaborg House.

This is a place holder because the CAC has not reviewed this nor has the City Council prior. It is staff's recommendation that at the conclusion of the Public Hearing the City Council approve the action plan and with that fund the Seaborg relocation and with the understanding that Staff will bring that particular allocation back to the CAC for recommendation on how to allocate that funding and then come back to City Council to see if we need to amend the action plan for the \$125,000.00.

Mayor Bernal opened the Public Hearing at 10:06 p.m. and having no one come forward closed the Public Hearing.

8. Consider Request For A Live Entertainment Permit For Buena Mesa Located At 5861 Firestone Boulevard

The City Council conducted a Public Hearing to consider denying the request to provide live entertainment at the Buena Mesa restaurant at 5861 Firestone Boulevard.

After a lengthy discussion, the City Council approved the recommendations by motion of Vice Mayor Morales and seconded by Council Member Rios. Council Member Diaz voted no.

City Council's recommendation:

Live entertainment is to be on Monday- Wednesday from 11:00 a.m. to 10:00 p.m., Thursday from 11:00 a.m. to midnight, Friday-Saturday from 11:00 a.m. to 1:00 a.m. and Sunday from 11:00 a.m. to 11:00 p.m. City Council would like the restaurant to be reviewed in 6 months and had no change in the style of music proposed.

Roll Call: Mayor Bernal, yes; Vice Mayor Morales, yes; Council Member Rios, yes; Council Member Diaz, no; Council Member Davila, absent.

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

Mayor Bernal opened the public hearing at 10:27 p.m.

Virginia Johnson, 5751 McKinley Avenue stated that she agrees with staff's recommendations.

Ralph Verdugo, applicant for the Buena Mesa restaurant spoke in support of his business.

Henry C. Gonzalez, 10210 Alexander Avenue spoke about the history of these types of businesses in South Gate.

Mr. Thomas, current owner of the restaurant spoke on the crime in the area and the changes that he has made to the restaurant.

Laka Kamel, business owner spoke in favor of the entertainment permit.

Ralph Verdugo, 8610 Guatemala Avenue spoke in favor of the entertainment permit.

Gil Hurtado, 10001 W. Frontage Road, Space 215 spoke in support of issuing the entertainment permit.

Sylvia Masushige, 8416 Beechwood Avenue spoke in support of issuing the entertainment permit.

Claudia Rijari, 3931 Tweedy Boulevard spoke in support of issuing the entertainment permit.

Mr. Verdugo stated that he wants to hire between 50 to 60 employees and would like hire South Gate residents. He also wants to work with the community as part of a youth mentoring program

Greg Martinez, City Treasurer stated that as we talk about locations, we should consider that there are no residents near this location which makes it less impactful on the residents. This could be a good location for live entertainment.

Council Member Diaz stated that she has concerns about why both the Police Department and Community Development do not support this permit. She asked the Chief what types of calls the Police Department received for this property.

Randy Davis, Chief of Police stated that they looked into two separate clubs one in the City of Whittier and one in Los Angeles. After speaking to the local law enforcement agencies they informed us that these locations received calls that numbered in the hundreds. The types of calls included public intoxication, driving under the influence, excessive noise levels and violation of occupancy limits, sexual and physical assaults, gang activity, and criminal motorcycle gang activity. The Police Department based their recommendation on those activities. In addition to these he noted the similar type of clubs in South Gate with similar incidents and reported that they provide a drain on public resources as well as occupy a tremendous amount of officer time during the course of an evening. It is true that it is not a residential area but it is an area that is frequented by the public. The recommendation was based on the history of the applicant and the clubs he was associated with directly and the similar types of clubs that the South Gate Police has had experience with.

Council Member Diaz questioned that if the restaurant is open till 2:00 a.m. do you have plans to convert it to a bar or club.

Mr. Verdugo responded that the clubs that were mentioned he was involved with 15 years ago and had learned tremendously since then. He is planning on putting money into this restaurant and wants to hire a chef that would be paid \$80,000 a year. He prides himself on the food and that will be the main focus of the restaurant.

Vice Mayor Morales wanted to clarify on Council Member Diaz's question and again asked if this was going to be a club. Most restaurants close around 11:00 p.m.

Mr. Verdugo responded that it will not be a club, we will not have dancing. He stated that night clubs are not popular any more. People want to go where there is good food. The popular locations are lounges where people have good food, then are able to sit around talk and listen to good music.

Vice Mayor Morales asked for clarification on the hours and when the music would be played.

Mr. Verdugo responded that they want to have the flexibility of 11:00 a.m. to 2:00 a.m. to plan for when the restaurant is busy they can plan in advance. On the week days the music probably would not start until 5:00 or 6:00 p.m. He does not want to be a burden on his neighbors.

Vice Mayor Morales that Buena Mesa restaurant is being established. The vote would be on the live entertainment and not on a permit to establish the restaurant. His concerned came from the fact that two departments are not supportive of the permit. He proposed a blend of allowing some of the request and have the restaurant report back in a year.

Mr. Verdugo responded that he and his partners were investing a lot money into the place and that he would be willing to hold the live entertainment between 5:00 p.m. to 1:00 a.m. and use soft music during lunch during the weekdays and on the weekends start at 11:00 a.m. to 1:00 a.m.

Mayor Bernal has reviewed other restaurants in the City that have late hours. She pointed out that if there will be no dancing she noted that most people would not be eating after 11:00 p.m. She does not agree with the 2:00 a.m. time because the location is not in a good location to be liable for things that could happen in that parking lot.

Mayor Bernal asked the Chief for more detail on the activities discussed and noted that they could happen at any establishment.

Chief Davis responded that any one of these incidences could have happened at any establishment. The recommendation was based primarily based on what we see as the successes or failures on the past of the same applicant. As we looked at these two particular locations, one in the City of Whittier and one in the City of Los Angeles while they did not have history on each specific incident according to Whittier Police the business was averaging over 200 calls per year at the Whittier location. Anyone of these violations could occur at any other location but factually they did occur at the locations that this particular applicant was involved with. He does agree with the applicant that these incidents happened a number of years ago but when he makes a recommendation it is based on the information he has.

Mayor Bernal asked Director Mr. Perez for more information on Community Developments recommendations.

Mr. Perez stated that from his perspective they look at the surrounding businesses. We look at what is the use, when are they operating, and again what we are looking at is a very traditional retail center. We have sit down family style restaurants and the majority of the businesses are currently not operating very late into the evening. It has to do with compatibility with the other businesses.

Council Member Rios asked what the restaurants occupancy capacity was.

Mr. Verdugo responded that the capacity was for 100 people however there were three patios.

Vice Mayor Morales clarified that it has 72 indoor seats and 82 outdoor seats.

Council Member Rios asked what the restrictions were for the Hound Bar that just opened.

Mr. Perez stated that there is no live entertainment, only dancing for the Hound Bar, Monday – Sunday from 4:00 p.m. to 2:00 a.m. Estrellita Del Mar Restaurant, live entertainment Friday – Sunday from 5:00 p.m. to 10:00 p.m. and it is very specific on the types of live entertainment, non-amplified acoustic trio band and no dancing.

Mr. Verdugo spoke on his brothers past business ventures.

Council Member Diaz asked how long the kitchen will be open.

Mr. Verdugo stated that 11:00 a.m. – 12:00 a.m.

Council Member Diaz noted that she was unclear as to why the restaurant would need live entertainment after the kitchen closes.

Mr. Verdugo stated that after eating a meal people like to sit and talk for a time and have a glass of wine.

Mayor Bernal had some concerns about the business hours.

Vice Mayor Morales asked for clarification as he thought they were only discussing live entertainment hours.

Mr. Perez clarified that we are only determining the live entertainment hours.

Mr. Verdugo stated that the live entertainment hours would be Monday-Wednesday from 5:00 p.m. to midnight, Thursday-Friday from 5:00 p.m. to 1:30 a.m. and Saturday-Sunday 11:00 a.m. – 1:30 a.m.

Council Member Diaz suggested for Monday-Wednesday 5:00 p.m. – 10:00 p.m. and Thursday - Sunday 5:00 p.m. – midnight. She agrees with the six month review process.

City Council discussed their options and recommended that live entertainment be on Monday- Wednesday from 11:00 a.m. to 10:00 p.m., Thursday Saturday from 11:00 a.m. to midnight and Sunday from 11:00 a.m. to 11:00 p.m. City Council would like the restaurant to be reviewed in 6 months and had no change in the style of music proposed.

City Attorney Salinas stated that we need to see if we concurred with the proposal from the applicant.

Mr. Verdugo asked that if on Friday and Saturday it can be extended to 1:00 a.m.

City Council agreed with this request.

9. Presentation On Proposed Fiscal Year 2018/19 Municipal Budget From The City Clerk; Administrative Services; City Manager; Continue Public Hearing To June 12, 2018

The City Council considered:

- a. Hearing a presentation on the proposed Fiscal Year 2018/19 Municipal Budget; and
- b. Hearing presentations from the City Manager, Director of Administrative Services and the City Clerk on their proposed Fiscal Year 2018/19 departmental budgets; and
- c. Opening the Continued Public Hearing, take public testimony, and continue the Public Hearing to May 29, 2018.

Item 9 was continued to the City Council Meeting of May 29, 2018 by motion of Mayor Bernal and seconded by Vice Mayor Morales.

VI. Comments From The Audience

Virginia Johnson, 5751 McKinley Avenue spoke on a recent article in the Wave Newspaper published on May 3rd. on the City of Norwalk's fireworks ordinance. She mentioned that the crime reports on the Police is not accessible and believes it may be a problem with the link. She also stated that it is a slippery slope when we start giving non-profits money from the General Fund. If we give to one, we should be giving to all. If the City has that much money then we should look at removing graffiti from the Community Block Grant Funds.

Nick Godoy, 8611 San Gabriel Avenue stated that the bench that was put in the last row of the Council Chambers is a hazard. He would like to see a crosswalk on California Avenue (City Hall to the Mortuary). He noted that the City of Bell has speeding signs that have cameras and believes it may be a good idea for South Gate. He also brought up the traffic issue near San Gabriel Elementary school.

VII. Reports And Comments From City Officials

Greg Martinez, City Treasurer invited everyone to attend the Street Fair on June 1st – 3rd.

Council Member Diaz stated that she attended the HUB Cities Committee and Vector Control meetings. She congratulated Vice Mayor Morales for being President for Contract Cites and thanked staff for doing an exceptional job representing South Gate.

Council Member Rios congratulated Vice Mayor Morales for the leadership role he had accepted with Contract Cities.

Vice Mayor Morales thanked staff for their work at the Contract Cities event noting that staff did a phenomenal job of representing South Gate.

Michael Flad, City Manager stated that he is working on a memo for Council outlining the funding for the event. He noted that staff was able to stay within budget utilizing private

sector funding. Hence taxpayers' dollars were not used for the event. The City was able to leverage some of the items that were purchased using sponsored dollars from the community and businesses and get things that will benefit the City in the long run.

Mayor Bernal attended the County Sanitation District and they discussed raising the fees at our local South Gate transfer station. She also became an official appointee of the Independent Cities Association. She congratulated Vice Mayor Morales for his position with Contract Cities and stated that she would like to have the report on funding for the Contract Cities event to ensure transparency of how these funds were received and spent.

VIII. Consent Calendar Items

Agenda items 11, 12 and 13 were approved by motion of Vice Mayor Morales and seconded by Mayor Bernal. Item 10 was removed for separate discussion.

10. Agreement With Honeywell International, Inc., For Heating Ventilating And Air Conditioning Services

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

a. Approved a Maintenance Services Agreement (Contract 3444) with Honeywell International, Inc., for HVAC Equipment Maintenance, Monitoring, and Repair Services for a three-year term, for a not-to-exceed amount of \$459,871;

b. Authorized funding said contract in the amount of \$459,871 with \$283,138 in General Funds, \$90,000 in Water Funds, \$42,000 in Sewer Funds and \$44,733 in Lighting and Landscape Maintenance Fund, as indicated in the Fiscal Impact table; and

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

11. Accepting Completion Of The Sports Center Steel Roof Deck Repair And Replacement Project

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

a. Accepted the completion of construction, effective March 7, 2018, of the South Gate Sports Center Steel Roof Deck Repair and Replacement Project, City Project No. 498-ARC formerly known as the South Gate Sports Center Roof Replacement Project, City Project No. 498-ARC, performed by Best Contracting Service, Inc.;

b. Authorized the Director of Public Works/City Engineer to approve Change Order No. 7, which is a balancing change order necessary to reduce the contract amount by \$649,002; and

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

12. Accepting Completion Of The Park Reservoir Spray Aeration Treatment System Piping Repair

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

a. Accepted the completion of construction, effective April 10, 2018, of the Park

Reservoir Spray Aeration Treatment System Piping Repair Project, City Project No. 562-WTR, performed by Superior Tank Solutions, Inc.; and

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

13. Minutes

The City Council approved the Special and Regular Meeting minutes of April 24, 2018 during consideration of the Consent Calendar.

IX. Reports, Recommendations And Requests

14. Warrant Register For May 22, 2018

The City Council approved the Warrants and Cancellations for May 22, 2018 by motion of Mayor Bernal and seconded by Vice Mayor Morales.

Total of Checks: \$2,956,451.47

Voids: (\$ 0.00)

Total of Payroll Deductions: \$ 316,064.54

Grand Total: \$2,640,386.93

X. Adjournment

Mayor Bernal adjourned the meeting at 12:22 a.m. and seconded by Vice Mayor Morales.

PASSED and **APPROVED** this 26th day of June, 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