

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

**Tuesday, September 8, 2020**

9/8/2020 - 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 6:42 p.m.

INVOCATION Pastor Anthony Kidd, Community of Faith Bible Church

PLEDGE OF

ALLEGIANCE Yolanda Carrion, Recipient of the SoCalGas College Scholarship

ROLL CALL Carmen Avalos, City Clerk

**II. City Officials**

PRESENT Mayor Maria Davila, Vice Mayor Al Rios, Council Member Maria del Pilar Avalos, Council Member Denise Diaz and Council Member Gil Hurtado; City Treasurer Gregory Martinez, City Manager Mike Flad, City Attorney Raul F. Salinas

**III. COVID 19 Meeting Procedures**

**IV. Meeting Compensation Disclosure**

**V. Proclamations, Certificates, Introductions And Ceremonial Actions**

**1. Proclamation Declaring September 17, 2020 As Cerritos College Day**

The City Council issued a Proclamation declaring September 17, 2020 as "Cerritos College Day" to commemorate the 65th anniversary of Cerritos College.

**2. Certificate Of Appreciation To Yolanda Carrion, \$5,000 SoCalGas College Scholarship Recipient**

The City Council presented a Certificate of Appreciation to Yolanda Carrion for receiving a \$5,000 college scholarship from SoCalGas.

**3. City Commissions And Committees**

The City Council unanimously approved the removal of Christina Montalvo from her appointment to the Civil Service Commission by motion of Council Member Avalos and seconded by Vice Mayor Rios.

ROLL CALL: Mayor Davila, yes; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, yes; Council Member Avalos, yes.

Council Member Avalos thanked Ms. Montalvo for her service.

**VI. Public Hearings**

#### **4. Adopt Resolution For Three Affordable Housing Waivers, A Resolution For Affordable Housing Agreement And Approve An Affordable Housing Agreement Project, 10130 Adella Avenue**

The City Council unanimously rescheduled the Public Hearing and continued this item to a future City Council.

1. Conducting a public hearing for the consideration of the affordable housing waivers;
2. Accepting the determination that this project is exempt under California Environmental Quality Act (CEQA) Article 19 (Categorical Exemptions) 14 CCR § 15332. § 15332, In-Fill Development Projects, Class 32;
3. Adopting Resolution - approving three (3) affordable housing waivers to facilitate the inclusion of four units with rents affordable to Very Low Income households for a period no less than 55 years, in the Legacy Apartments at 10130 Adella Avenue; and
4. Adopting Resolution - approving the affordable housing agreement for the Legacy Apartments at 10130 Adella Avenue; and
5. Approving the affordable housing agreement between the City of South Gate and 10130 Adella LLC, for the Legacy Apartments at 10130 Adella Avenue.

Joe Perez, Director of Community Development provided a presentation on this item.

During the presentation the City experienced a power outage that momentarily suspended the Public Hearing. When the power returned Mr. Perez continued the presentation.

Council Member Hurtado spoke about the need for affordable housing. By limiting this project to only 4 units it is adding to the problem. He would like to request of the developer to increase the affordable housing units to 12 units.

Council Member Avalos is concerned with the lack of private outdoor space. As we are currently dealing with the time of the pandemic, people will not be able to meet in public areas. The trash area is also a concern for her and the effect it would have on the tenants near that area. Council Member Avalos agrees with Council Member Hurtado and would like to see more affordable housing rentals.

Vice Mayor Rios has concerns over access to the units with it being built so close to the school. He would also like to include patios and is also concerned with the indoor area for trash.

Council Member Diaz states that this project will revitalize the area but shares the concerns of the other Council Members.

Mayor Davila agrees that we should try to work with the developer to get more affordable units.

Raul F. Salinas, City Attorney advised the Council that even though the feedback being provided is valuable we should open the Public Hearing to receive the public's input.

Council Member Avalos asked the City Clerk to explain how a similar situation was

handled by the Cerritos College Board.

Carmen Avalos, City Clerk explained the process and funding sources that the college looked into.

Mayor Davila opened the public hearing and asked if anyone in the audience wishes to speak on this item.

Cindy Esquivel, 4718 Tweedy Boulevard is concerned that the increase in housing will also put a strain on the electricity and would like to know if Edison is working to fix the old transformers in the City.

Veronica Hernandez stated that she would like the developer to give priority for the affordable housing units be given to residents that live in South Gate. She realizes that it is difficult to have private developers include certain requirements and would like the City to develop more land as mixed use. This would allow the City to develop in commercial areas and would like to see the City review the zoning plan.

Robert Montalvo agrees with Council Member Hurtado's comments and would also like to see the developer add some solar or wind panels to the design. He would like the City Council to deny the developers requests until they are willing to add more affordable units.

Ms. Alvarez stated that she lives in the area and is concerned with the outdoor patios, lack of privacy, traffic, parking, and the noise that the new complex will bring.

Dave Mossman, representative for the developer, stated that they have been working on this project for a couple years with City staff. Mr. Mossman addressed a few items that were brought up during the discussion. He stated that the developers believe that by enclosing the trash containers it will diminish the eyesore of having overflowing trash cans and provide easier access for the residents.

Mr. Mossman explained that the developer will be removing and remediating the soil of the lead contamination at a cost of \$750,000. The developer is also planning on solar panels. Mr. Mossman continued that the City's requirement for open space is 50% of the units and a minimum of 36 square feet. The developers research has lead them to believe that these patios are difficult to regulate and are often used for storage.

The development will not be completed for approximately 21/2 years and they are hopeful COVID will not be the same level of concern that it is today. As a result of listening to comments tonight and the different restrictions that they are under the developer is willing to increase the low income units from four to eight.

Mayor Davila thanked Mr. Mossman for his willingness to work with the City.

Maria Estrada is concerned with the higher priced units and states that any builders putting in property over the median income of the City is building to gentrify the City.

Irene Bates stated that more consideration should be given to seniors. Ms. Bates thinks there should be a greater percentage of low income units in this complex.

Seeing no one come forward, Mayor Davila closed the public hearing.

Mr. Perez responded to some of the public comments. He explained that currently there are no requirements in the City that mandate affordable housing units. They included this as a response to the City saying this is important based on what the City Council has informed staff. Based on conversations tonight the developer is willing to double the original number from 4 to 8 which is more than what the City is proposing in our inclusionary housing ordinance.

As for the concerns on noise and privacy issues, City staff has spent a considerable amount of time working with the developer to address this. There is over 100 feet separating the apartments from the residential areas and in addition to this there will be a 10 foot high wall that will separate the apartments from the current residents.

Mike Flad, City Manager addressed the comment on power reliability. He stated that the situation has been getting better. Edison has been a very good partner in recognizing that they need to do better and they are doing better with regards to outages. They are investing millions of dollars and continuing to upgrade and improve the infrastructure in South Gate.

Mr. Flad continued that the developer came in with no obligation for any low or moderate income priced housing and they were very agreeable. The reason you see any low income housing is them trying to be cooperative working with the City.

Mr. Flad asked Mr. Perez to explain the concept of deny everything.

Mr. Perez explained that the developers can simply go back, meet the City's design standards and then come back with 100% market rate development that would be approved by right. Which is allowed by our code.

Mayor Davila asked about parking. She stated that it has parking for four guests. Is that per unit or overall?

Mr. Perez responded there is nothing in the City code that requires that but staff thought it would be a good idea. It is designed to keep more vehicles on site and would be offered on a first come first serve basis.

Council Member Avalos stated that she would like to see the developer increase the affordable housing units from 8 to between 10-15 units.

Council Member Hurtado would also like to see an increase in the affordable housing units.

Vice Mayor Rios has concerns over the parking, traffic and would still like to see a balcony added to the design.

Council Member Diaz asked if these units will be included in our RHNA numbers.

Mr. Perez responded that during the next cycle the City will have to make available through zoning 8,263 units over an eight year period.

Council Member Diaz asked what happens if the City does not meet these numbers.

Mr. Perez stated that the real concern of not meeting the RHNA numbers comes down

to money and funding. If we are not complying with the numbers the concern is that the State will cut funding.

Mr. Flad explained the background of why the State is pushing for more housing density in City's with already high density.

Council Member Diaz is for developing the area but would like to see the developer increase the number of affordable housing increase to 10 units.

Council Member Davila asked if Mr. Mossman would like to respond to some of Council's questions.

Mr. Mossman stated that they are continuing to listen but to increase any higher than eight would take another hit on the developer's profits and this is as high as they are willing to go.

Council Member Avalos asked if the item could be continued to a future meeting to allow staff to meet with Mr. Mossman to see if they would reconsider.

Mayor Davila asked for guidance from the City Attorney.

Mr. Salinas responded that the Council closed the Public Hearing portion of the meeting but you can continue that portion since the developer and staff need more time to modify their proposal. If more time is needed than a couple of weeks then we could just re-notice the Public Hearing.

Mr. Perez stated that since we have received all these comments Staff would need time to meet with the developer. He would suggest closing tonight's public hearing and re-notice for a future date.

Mr. Flad asked for clarification on the direction of council.

Council Member Hurtado clarified that their concerns are not with the waivers but with the elements/units of the project itself.

Council Member Avalos is requesting that besides the number of units for the low income housing the balconies be included as a negotiating point.

## **VII. Comments From The Audience**

Carmen Avalos, City Clerk read into the record the comments of Natasha Dominguez who is in support of defunding the Police Department.

Virginia Johnson stated that there are a lot more problems in Area 5 and is requesting an increase in Police patrols. She also requested that the City look into the housing across from City Hall because she believes it should still be required to be a senior facility. If a resident is listening in by phone can the City presentations be viewed on the website?

Robert Montalvo is concerned with the Mayors association with the Police Officers Association and Mr. C's Towing. He is also concerned with the Mayor's behavior on social media and would like the City to open a food bank by pulling money from the General Fund.

David Mendez, 9833 Atlantic Avenue, is concerned with homeless and drugs being sold in the school parking lot near his address. He reported it to the City Clerk and the Police Department and nothing is ever done.

Maria Estrada spoke in regards to her public records request and how she is not getting her requests from the City.

### **VIII. Reports And Comments From City Officials**

Steve Costley, Interim Parks and Recreation Director, reported that this Friday the Parks will be having their first drive-in movie nights and will be showing Toy Story 4. The next scheduled food distribution will be on Monday, September 28th.

Joe Perez, Director of Community Development reminded everyone that there is just 22 days left to fill out your Census Form.

Art Cervantes, Director of Public Works encouraged residents that are being affected by the power outage to go to Edison's website and check the status there.

Mike Flad, City Manager stated that we are still in a pandemic and have 438 new cases reported today in Los Angeles County. Due to the Labor Day weekend we are expecting a dramatic increase in numbers. Mr. Flad reminded everyone to social distance, stay safe and wear your mask.

Mr. Flad explained that the process that contracts get approved specially because of the recent comments by several people regarding Mr. C's Towing and also addressed the comments regarding City Council action during the pandemic.

Raul F. Salinas, City Attorney addressed the behavior and conduct that the City follows during Public Comments. Mr. Salinas continued by stating that his office did receive late in the day two calls regarding Ms. Estrada's request for records. One from Ms. Estrada and one from Mr. Harris. Mr. Salinas did leave a message through email with Mr. Harris and clarified that many of the requests require information that is not readily available to the City. We do not have updated servers and our servers are breaking down. Some emails we are just not getting and staff is diligent in responding to public records request. The Brown Act understands that it is required to provide a response but also gives us extra time, reasonable time to get the documents to the requesting party. Staff will continue to do that and we will double our efforts to all the members of the public.

Council Member Avalos appreciates the public input and asked the public to refrain from using foul language. She continued by acknowledging the loss of life in the community this weekend caused by a car accident. We need to come together as a community and find positive ways to support each other during these unprecedented times.

Council Member Hurtado stated that the City Manager has done a very good job about reaching out to the people responsible for the black outs and addressed the unfairness of what appears to be taking place. More affluent communities do not go through this as much as the City of South Gate does. If it is possible Council Member Hurtado requested a map of the areas that these blackouts happen.

Council Member Hurtado is still concerned with the amount of people using the parks. He recommended that we look at possible enforcement measures for people that are not following the rules.

Council Member Diaz announced that she was appointed to the Los Angeles County Library Committee representing District 6. She requested that the City share the information that the county is providing hot spots, iPads and tablets to the community. She commended staff and council that in the past the City was able to help fund increased library hours but now we need to encourage the County to fund these programs themselves.

Vice Mayor Rios asked the status on if South Gate will have voting centers for the upcoming election and asked for a report on the cooling stations that opened this past week.

Mayor Davila encouraged everyone to fill out their Census Forms and get counted.

## **IX. Consent Calendar Items**

Agenda Items 5, 6, 8, and 9 were unanimously approved by motion of Mayor Davila and seconded by Council Member Hurtado. Items 7 and 10 were pulled for separate discussion.

ROLL CALL: Mayor Davila, yes; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, yes; Council Member Avalos, yes.

### **5. Resolution Disclaiming Interest In Purchasing Tax Defaulted Property**

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

a. Adopted Resolution No. 2020-33-CC entitled - A Resolution of the City Council of the City of South Gate, California, disclaiming any interest in purchasing tax defaulted property (APN 6233-032-002), and agreeing to the purchase price of \$4,307 to be paid by the Los Angeles County Flood Control District To The Board Of Supervisors Of Los Angeles County.

b. Authorized the Mayor to execute Chapter 8 Agreement No. 2838 in a form acceptable by the City Attorney.

### **6. Amendment No. 3 To Contract No. 2232 With Adminsure, Inc.**

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

a. Amendment No. 3 to Contract No. 2232 with AdminSure Inc., for the administration of the City's Self-Insured Workers' Compensation Program with a 0% rate increase for Fiscal Year 2020/21 and a 2% increase for Fiscal Years 2021/22, 2022/23 and 2023/24; and

b. Authorized the Mayor to execute Amendment No. 3 in a form acceptable to the City Attorney.

EXCUSED FROM MEETING

At this time, Council Member Hurtado recused himself from participating on this item.

## **7. Deed Restriction With California Department Of Parks & Recreation And National Parks Service For The Urban Orchard Project**

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

a. Deed Restriction with the California Department of Parks and Recreation and National Park Service as necessary to meet the requirements placed on Land and Water Conservation Fund Competitive Program, Grant No. 06-01817 awarded to the Urban Orchard Project, City Project No. 539-PRK (Project); and

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

ROLL CALL: Mayor Davila, yes; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, absent; Council Member Avalos, yes.

REJOINED MEETING Council Member Hurtado rejoined the meeting at the conclusion of Item 7.

## **8. Transfer Agreement With The Los Angeles County Flood Control District To Receive Safe, Clean Water Program Funds**

The City Council adopted Resolution No. 2020-34-CC entitled - A Resolution of the City Council of the City of South Gate, California, approving Transfer Agreement No. 2020MP77 with the Los Angeles County Flood Control District for Safe, Clean Water Program funds for Fiscal Years 2020/21 through 2023/24, in the amount of \$1 Million annually, and authorizing the City Manager to execute and submit the Transfer Agreement and subsequent Annual Expenditure Plans and Annual Reports during consideration of the Consent Calendar.

## **9. Addendum No. 5 With Enterprise FM Trust To Lease One Vehicle For The Police Department**

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

a. Addendum No. 5 to Contract No. 3130 (Master Equity Lease Agreement) with Enterprise FM Trust to include the lease of a 2020 Chevrolet Traverse for the Police Department Services Division for a four-year term in an amount not to exceed \$36,280 (\$9,070 per year);

b. The purchase of the emergency safety equipment and radio for this vehicle in an amount not to exceed \$5,301; and

c. Authorized the Mayor to execute Addendum No. 5 in a form acceptable to the City Attorney.

## **10. Amendment No. 1 To Contract No. 3542 With Nationwide Environmental Services For Citywide Street Sweeping Services**

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

a. Amendment No. 1 to Contract No. 3542 with Nationwide Environmental Services to



provide for a Consumer Price Index (CPI) increase of 2% in Year 5 of the contract (estimated at \$13,851), and to modify the termination clause;

b. Adding Columbus Day and Veterans Day to the non-street sweeping schedule and directed staff to incorporate this change into Amendment No. 1; and

c. Authorized the Mayor to execute Amendment No. 1 in a form acceptable to the City Attorney.

ROLL CALL: Mayor Davila, yes; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, absent; Council Member Avalos, yes.

## **X. Reports, Recommendations And Requests**

### **11. Proclamation Declaring September 2020 As National Suicide Prevention Awareness Month**

The City Council issued a Proclamation declaring September 2020 as National Suicide Prevention Awareness Month to raise awareness about mental health and improve access to mental health treatment and services.

### **12. Warrants**

The City Council unanimously approved A and B by motion of Council Auditor Avalos and seconded by Mayor Davila.

a. Check No. 89826 from August 25, 2020; and

b. Warrant register for September 8, 2020.

Total of Checks:	\$ 1,646,947.00
Voids:	(\$ 7,125.00)
Total Payroll Deductions (FY 2020/21)	(\$ 302,619.43)
Grand Total:	\$ 1,337,202.57

Cancellations: 85237, 87751, 88529, 89352, 89972

## **XI. Adjournment**

Mayor Davila unanimously adjourned the meeting in memory of the community members that lost their lives this weekend in the City at 10:42 p.m. and seconded by Council Member Avalos.

**PASSED and APPROVED** this 13th day of October 2020.

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](http://www.cityofsouthgate.org)