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JAN 20 2021

Item No. 17

City of South Gate
CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

10:35am


AGENDA BILL

For the Regular Meeting of: January 26, 2021
Originating Department: Office of the City Clerk

City Clerk:


Carmen Avdlos

Interim City Manager:


Chris Jeffers

SUBJECT: APPROVAL OF CITY COUNCIL MEETING MINUTES.

PURPOSE: To historically preserve the events of the City Council Meetings.

RECOMMENDED ACTION:

- A. Approve the Special City Council Meeting minutes of January 6, 2021; and
- B. Approve the Regular and Special City Council Meeting minutes of January 12, 2021; and
- C. Approve the Special City Council Meeting minutes of January 14, 2021.

FISCAL IMPACT: None.

ANALYSIS: The minutes are provided to the City Council on the Wednesday prior to their regular business meeting. Amendments should be provided to the City Clerk's Office within 24 hours of a City Council Meeting so that verification of the record and corrections are made accordingly. A revised document will be provided to the City Council prior to the Meeting.

BACKGROUND: The minutes typically describe the events of the meeting and may include a list of attendees, a statement of the issues considered by the participants, and related responses or decisions for the issues.

ATTACHMENTS: City Council Minutes

**CITY OF SOUTH GATE
SPECIAL CITY COUNCIL MEETING
MINUTES
WEDNESDAY, JANUARY 6, 2021**

CALL TO ORDER Maria Davila, Mayor called a Special City Council meeting to order at 2:05 p.m.

ROLL CALL Carmen Avalos, City Clerk

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

ABSENT City Treasurer Gregory Martinez

CLOSED SESSION The Council Members recessed into Closed Session at 2:09 p.m. and reconvened at 4:00 p.m. with all Members of Council present. City Attorney Salinas reported the following:

1. CONSIDER THE EVALUATION OF PERFORMANCE OF A PUBLIC EMPLOYEE
Pursuant to Government Code Section 54957(b)(1)

a. Interim City Manager

No reportable action was taken in Closed Session.

ADJOURNMENT Mayor Davila unanimously adjourned the meeting at 4:01 p.m. and seconded Council Member Hurtado.

PASSED and APPROVED this 26th day of January 2021.

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk

**CITY OF SOUTH GATE
SPECIAL CITY COUNCIL MEETING
MINUTES
TUESDAY, JANUARY 12, 2021**

CALL TO ORDER Maria Davila, Mayor called a Special City Council meeting to order at 5:54 p.m.

ROLL CALL Carmen Avalos, City Clerk

PRESENT Mayor Maria Davila, Vice Mayor Al Rios, Council Member Maria del Pilar Avalos, Council Member Denise Diaz and Council Member Gil Hurtado; Interim City Manager Chris Jeffers, City Attorney Raul F. Salinas

ABSENT City Treasurer Gregory Martinez

CLOSED SESSION The Council Members recessed into Closed Session at 5:58 p.m. and reconvened at 6:37 p.m. with all 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. Senorina Rendon v. City of South Gate
- b. Safeway Insurance Company v. City of South Gate
- c. Dulce Vargas v. City of South Gate
- d. Alberto A. Navarro Martinez v. City of South Gate

For Item 1a the City Council received a report from the City Attorney concerning the status of this litigation. On a motion made by Mayor Davila and seconded by Council Member Avalos the City Council authorized the waiver of any conflict of interest caused by the retention of a new law firm to undertake the representation of the City of South Gate in this case. The new law firm retainer agreement is a matter of open session on the Consent Calendar. The insurance company will be accepting the City's tender of defense and paying for the legal fees associated with the City's involvement with this case. The vote was 5 to 0.

For Item 1b involved a suit in which the City was named as a result of a tree falling on the property in which the insurance company paid for the property damage. On a motion made by Council Member Avalos and seconded by Council Member Hurtado the City Council authorized that matter and the amount is being withheld until the agreement is executed. The vote was 5 to 0.

SPECIAL CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

Items 1c and 1d are each tort claims that are filed with the City involving slip and fall injuries on City property. On a motion made on both matters by Mayor Davila and seconded by Council Member Diaz the City Council voted to deny both of the claims. The vote was 5 to 0.

2. CONFERENCE WITH LEGAL COUNSEL – THREATENED LITIGATION

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

One (1) - Potential Case

For Item 2 the City Council received a report from the City Attorney's Office with respect to a case of threatened litigation involving an accident with a City owned vehicle. On a motion made by Council Member Hurtado and seconded by Vice Mayor Rios the City Council voted to resolve this case by way of settlement as opposed to incurring attorney's fees for this matter. The vote was 5 to 0.

3. CONSIDER THE EVALUATION OF PERFORMANCE OF A PUBLIC EMPLOYEE

Pursuant to Government Code Section 54957 (b)(1)

- a. City Attorney
- b. Interim City Manager

For Item 3 both the Interim City Manager and City Attorney provided reports to the City Council and upon completion of those reports there was no reportable action on either item.

ADJOURNMENT

Mayor Davila unanimously adjourned the meeting at 6:40 p.m. on a motion made by Council Member Diaz and seconded Council Member Hurtado.

PASSED and APPROVED this 26th day of January 2021.

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk

**CITY OF SOUTH GATE
REGULAR CITY COUNCIL MEETING
MINUTES
TUESDAY, JANUARY 12, 2021**

CALL TO ORDER Maria Davila, Mayor called a Regular City Council meeting to order at 6:41 p.m.

INVOCATION Pastor Elias Gabriel, First Baptist Church

PLEDGE OF ALLEGIANCE Darren Arakawa, Captain

ROLL CALL Carmen Avalos, City Clerk

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, Interim City Manager Chris Jeffers, City Attorney Raul F. Salinas

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TITLE 11 The City Council conducted a Public Hearing and unanimously approved A and B by motion of Vice Mayor Rios and seconded by Council Member Hurtado.

Roll Call: Mayor Davila, yes; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, yes; Council Member Avalos, yes.

- a. Waived the reading in full and introduced Ordinance No. 2021-01-CC entitled - An Ordinance of the City Council of the City of South Gate, California, repealing Ordinance No. 2360 in its entirety and adopting new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code to comply with the State's new regulations for the construction of accessory dwelling units and accessory structures; and
- b. Accepted the determination that the proposed amendment is Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17.

Paul Adams, Interim Director of Community Development provided a presentation on this item.

Council Member Avalos asked if the information could be placed on the City's website and translated into Spanish.

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

1

TITLE 11 CONT'D

Mr. Adams responded that the information is on the website and the department has provided educational opportunities for the community. The City has received a grant that will assist staff in getting this information out but will also allow us to develop some examples on how you can build one of these units within the zoning code.

Mayor Davila asked if staff has the number of permits that have been issued currently.

Mr. Adams responded that during the 2020 calendar year the City has received 236 applications and 188 have been approved.

Council Member Avalos asked what the fees for the permits are.

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

Virginia Johnson, 5751 McKinley Avenue spoke on the California state laws for accessory dwelling units.

Melodie Cuevas spoke on unaffordable housing in California and thinks the accessory dwelling units should be more available.

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

Carmen Avalos, City Clerk read the following emails into the record:

Amanda Tapia supports a more flexible accessory dwelling unit Ordinance.

John Montalvo has concerns about the impact that these units will have on parking and would like to know if the City would allow parking on residential front lawns.

Mr. Adams stated that the fees are \$234.00 for the planning review and the permit fees are based on square footage and plan evaluation.

Council Member Avalos asked if this will impact the property tax for the home owner.

Mr. Adams stated that when an improvement is done on a property it does allow the property to be reevaluated by the tax board.

Council Member Hurtado asked can the City make these new units affordable housing.

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

1

TITLE 11 CONT'D

Mr. Adams responded that affordable housing regulations cannot legally be applied to accessory dwelling units.

Council Member Diaz requested staff to provide information on how the City will be monitoring the parking situation with the new dwellings.

Vice Mayor Al Rios supports the Planning Commission recommendations and made a motion to approve.

**DEVIATE FROM
THE AGENDA**

At this time, there being no objections, Mayor Davila stated that Reports and Comments from Arturo Cervantes, Director of Public Works would be considered out of its regular agenda order.

Mr. Cervantes provided the public and Council an update on the current issues with the City's water system.

**COMMENTS FROM
THE AUDIENCE**

Ms. Ryan spoke on the attacks at the Capital and actions of a City Commissioner.

Liz Ruiz, Nebraska Avenue, spoke on the brown water incidents in the City are being used by members of the community to get political attention. She suggested that the City find a better way to communicate to the residents to avoid the actions of the political activists.

Itzel Perez, Thomas Buckley, Leticia Wilson, and Robert Montalvo, spoke on the City's water quality.

Gabriel Salinas, wished his father Raul Salinas, City Attorney a happy birthday.

Melodie Cuevas spoke on the state of the City and the living conditions of the residents.

Adolfo Varas stated that there is an opportunity for small businesses regarding the Super Bowl which is called Business Connect. The program allow small businesses to compete with contracts related to the Super Bowl.

Virginia Johnson, 5751 McKinley Avenue thanked the City for fixing the potholes on Center Street and the water quality.

Ana Elizarrars, South Gate Chamber of Commerce shared that the Chamber has started a COVID-19 small business grant program and applications are now available. The deadline is January 18th.

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

COMMENTS FROM THE AUDIENCE CONT'D

Alice expressed her condolences to Chief Davis on his loss of his daughter and wanted to know if South Gate Park would be used for a vaccination site for COVID.

Carmen Avalos, City Clerk read the following emails into the record:

The PMMA and MEA Boards are concerned over discriminating comments that were made by members of the organization Padres Unidos at the December 8, 2020 regular City Council meeting.

Latasha Dominguez wants to know when a Public Meeting will be held to discuss the 2021 Budget.

Christina Montalvo is concerned with the City's water quality.

Maria Estrada and Rudy Morales is concerned with 1st amendment violations on social media accounts.

REPORTS AND COMMENTS FROM CITY OFFICIALS

Steve Costly, Interim Parks and Recreation Director stated that the City has not been contacted by the Office of Public Health about using the Park as vaccination center.

Paul Adams, Interim Community Development Director reminded everyone to get the word out to local business about the Chamber of Commerce Small Business Grant Program.

Council Member Avalos clarified that the City does purchased recycled water from Central Basin on a monthly basis. Council Member Avalos attended a meeting last week with the League of Cities. She also suggested that the residents that experienced brown water that we find a way to credit their accounts.

Council Member Avalos invited the business owners of Tweedy Mile who are interested in applying to be a member of the Tweedy Mile Advisory Board to fill out an application as there will be changes to the Board at a future City Council Meeting. Applications are available on the City's website and can be submitted to the City Clerk's Office.

Council Member Diaz is the representative on the Los Angeles County Library Commission and reported that there will not be a tax measure on our local ballot for Library funding. Currently, all our libraries are open offering drive through services for the community.

Council Member Diaz is concerned with third party delivery apps taking a large cut from local restaurants. The City of Alhambra passed an Ordinance where the food delivery apps are not allowed to go above 15%.

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

REPORTS AND COMMENTS FROM CITY OFFICIALS

CONT'D

Council Member Diaz requested that staff look over the matter and possibly draft an ordinance to bring back to City Council.

Council Member Diaz addressed some of the comments made by the public. She stated that the City Council is working on making changes for inclusionary housing. She appreciated the Union taking a stance and solidarity for our black community. Council Member Diaz did reach out to LAUSD School Board Member Jackie Goldberg as well as her deputy to express her concerns. Also today, Council Member Diaz had a meeting with the Deputy Director of Hilda Solis's Office regarding vaccination distribution and locations for quarantine.

Council Member Hurtado commented on the negative attacks on social media and encourages people not to engage. He would like to see policies to penalize those that choose not to follow the safety requirements. He encouraged the community to move forward.

Vice Mayor Rios experienced internet issues and left the call.

Mayor Davila attended the Gateway Cities Meeting last week where it was announced that Caltrans has an ambassador program that allows Cities a specific representative to assist with Caltrans issues. Mark Archuleta is the representative for South Gate.

Mayor Davila thanked all the callers that voiced their concerns and stated that staff will address their issues. Sometimes Council Members received the information a few hours after the issue but agrees that this information should be sent out to the public through the City's emergency system. She asked the City Attorney what the process would be if a resident suffered any damages from the brown water.

Raul F. Salinas, City Attorney responded that it is typical for the City to compensate when there are issues such as that. If any of the residents of the City suffer damage as a result of this water issue. We have a process that is set up through the City Clerk's Office and the forms can be obtained online. We would have to do a preliminary analysis that staff can undertake to ascertain the nature of the claims and confirm the claims.

Mayor Davila stated that with so many people coming down with the virus we need to take care of each other. She came down with COVID and suffered with the virus for three weeks. She encouraged the community to get tested.

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

REPORTS AND COMMENTS FROM CITY OFFICIALS

CONT'D

Vice Mayor rejoined the call and provided his report. He hopes the community can come together and be civil to your neighbors. He encouraged everyone to stay home as the cases of COVID continue to rise and strain our hospital system.

Mayor Davila announced that LAUSD has a testing center at Legacy High School for all students and family members of the district.

Council Member Avalos and Council Member Diaz requested that a review of the Citizens Advisory Commission be added to a future agenda.

CONSENT CALENDAR

Agenda Items 5, 6 and 7 were unanimously approved by motion of Council Member Hurtado and seconded by Council Member Avalos. Items 2, 3 and 4 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.

2

PURCHASING

The City Council unanimously adopted Resolution No. 2021-01-CC entitled - A Resolution of the City Council of the City of South Gate, California, amending Administrative Regulation 206, Contracting Professional Services, in its entirety and approving a new Administrative Regulation 206, Professional Service Agreements, authorizing the City Manager to approve and execute professional service agreements with less than a \$50,000 value to avoid service and project delays by motion of Vice Mayor Rios and seconded by Council Member Hurtado.

Council Member Avalos verified that all contracts be codified and kept on file in the City Clerk's Office.

Roll Call: Mayor Davila, yes; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, yes; Council Member Avalos, yes.

3

WATER

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

Roll Call: Mayor Davila, yes; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, yes; Council Member Avalos, yes.

- a. Approved the Groundwater Pumping Water Rights Lease Agreement (Contract No. 2021-01-CC) with Rockview Dairies, Inc., to lease 100 acre-feet of the City's Fiscal Year 2020/21 Water Rights, without flex, retroactively effective July 1, 2020, in the amount of \$190 per acre-feet, or \$19,000 total; and

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

3

WATER CONT'D

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

4

**SIDEWALK
IMPROVEMENT**

The City Council approved A, B, C and D by motion of Council Member Avalos and seconded by Council Member Diaz.

Mayor Davila recused herself from participating on this item due to a possible conflict of interest with her home being in the project area.

Roll Call: Mayor Davila, recused; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, yes; Council Member Avalos, yes.

- a. Approved an Agreement (Contract No. 2021-02-CC) with Vido Samarzich, Inc., for the construction of the Citywide Sidewalk Improvement Project, Phase VII, (Project), City Project No. 659-ST, in an amount not-to-exceed \$419,747;
- b. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney;
- c. Approved the Notice of Exemption (NOE) for the construction of the Project; and
- d. Directed the City Clerk to file the NOE with the Los Angeles County Registrar Recorder's Office.

5

LEGAL SERVICES

The City Council unanimously approved A and B during consent calendar.

- a. Approved Attorney Representation Agreement (Contract No. 2021-03-CC), and Disclosure and Client Consent, with the Law Offices of Christensen Hsu Sipes, LLP to represent the City in pending litigation entitled *Senorina Rendon v. The City of South Gate, etc., et. at*, Los Angeles Superior Court Case No. 20STCV1008181; and
- b. Authorized the Mayor to execute the Agreement and the Disclosure in a form acceptable to the City Attorney.

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

6
3297 TWEEDY

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

- a. Accepted the Grant Deed from Margarita Gonzalez to secure a 6-foot swath of right-of-way for street purposes as a part of the proposed development project to be located at 3297 Tweedy Boulevard which was required pursuant to the Mobility Element of the South Gate General Plan 2035; and

6
3297 TWEEDY CONT'D

- b. Authorized the Mayor to execute the Certificate of Acceptance in a form acceptable to the City Attorney.

7
MINUTES

The City Council unanimously approved A and B during consent calendar.

- a. Approving the Regular and Special City Council Meeting minutes of November 24, 2020; and
- b. Approved the Regular and Special City Council Meeting minutes of December 8, 2020.

8
HOME PROGRAM

The City Council unanimously tabled this item by motion of Vice Mayor Rios and seconded by Council Member Avalos.

- a. Received and filed report approving and adopting the HOME Investment Partnership Program (HOME) funded First-Time Homebuyer Program Guidelines and Procedures; and
- b. Appropriated \$300,000 in unassigned Fiscal Year 2020/21 HOME Funds (Fund No. 242) to the First-Time Homebuyer Program fund.

Roll Call: Mayor Davila, recused; Vice Mayor Rios, yes; Council Member Diaz, yes; Council Member Hurtado, yes; Council Member Avalos, yes.

9
WARRANTS

The City Council unanimously approved the warrants with the exception of #91260 by motion of Council Auditor Avalos and seconded by Mayor Davila.

- a. Approved Check No. 90844 and 90848 from November 24, 2020;
- b. Approved the Warrant Register for January 12, 2021;

Total of Checks:	\$2,238,383.95
Total Payroll Deductions:	<u>\$ 372,977.14</u>
Grand Total:	\$1,865,406.81

REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 12, 2021

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WARRANTS CONT'D

0

- c. Ratified the Warrant Register for December 22, 2020; and
- d. Approved Check Nos. 90946, 90951, 90960, 90971, 90994 and 91010 from December 8, 2020.

ADJOURNMENT

Mayor Davila unanimously adjourned the meeting at 9:39 p.m. in memory of Chief of Police Randy Davis' daughter Brittany Davis; Mario Antonio Lopez, father of South Gate Employee Chris Lopez; Ubaldo Ramirez, South Gate Resident; Rosa Quezada, South Gate Resident; Rosa Mora, South Gate Resident; Jesus Cruz Ortiz, South Gate Resident and seconded by Council Member Avalos.

PASSED and APPROVED this 26th day of January 2021.

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk

**CITY OF SOUTH GATE
SPECIAL CITY COUNCIL MEETING
MINUTES
THURSDAY, JANUARY 14, 2021**

CALL TO ORDER Maria Davila, Mayor called a Special City Council meeting to order at 4:36 p.m.

ROLL CALL Carmen Avalos, City Clerk

PRESENT Mayor Maria Davila, Vice Mayor Al Rios, Council Member Maria del Pilar Avalos, Council Member Denise Diaz and Council Member Gil Hurtado; Interim City Manager Chris Jeffers, City Attorney Raul F. Salinas

ABSENT City Treasurer Gregory Martinez

CLOSED SESSION The Council Members recessed into Closed Session at 4:39 p.m. and reconvened at 6:38 p.m. with all Members of Council present. City Attorney Salinas reported the following:

1. CONSIDER THE EVALUATION OF PERFORMANCE OF A PUBLIC EMPLOYEE
Pursuant to Government Code Section 54957(b)(1)

- a. Interim City Manager

For Item 1 the City Council received a report from the Interim City Manager on a number of items and the City Council provided guidance in regards to that report. Upon completion of the report there was no reportable action taken by the City Council.

2. CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code Section 54957.6

Agency Representation: Chris Jeffers, Interim City Manager

Employee Organizations:

SGPMA, SGPOA, SGDMA, SGPMMMA, SGMEA

SPECIAL CITY COUNCIL MEETING MINUTES OF JANUARY 14, 2021

For Item 2 the City Council received a report from the Interim City Manager on the various employee organizations listed. Upon completion of the report there was no reportable action taken by the City Council.

ADJOURNMENT Mayor Davila unanimously adjourned the meeting at 6:39 p.m. and seconded Council Member Hurtado.

PASSED and **APPROVED** this 26th day of January 2021.

ATTEST:

Maria Davila, Mayor

Carmen Avalos, City Clerk