

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

**Tuesday, March 26, 2019**

3/26/2019 - Minutes

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

CALL TO ORDER María Belén Bernal, Mayor called a Regular City Council meeting to order at 6:44 p.m.

INVOCATION Paul L. Adams, Director of Parks & Recreation

PLEDGE OF  
ALLEGIANCE Martha Torres, Fair Housing Foundation

ROLL CALL Carmen Avalos, City Clerk

**II. City Officials**

PRESENT Mayor María Belén Bernal, Council Member Maria Davila and Council Member Al Rios; Assistant City Manager Michael Flad, City Attorney Raul Salinas

ABSENT Vice Mayor Jorge Morales, Council Member Denise Diaz

LATE City Treasurer Greg Martinez

**III. Meeting Compensation Disclosure**

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

**1. Proclamation Declaring The Month Of April As National Fair Housing Month**

The City Council issued a Proclamation declaring the month of April 2019 as National Fair Housing Month.

**2. Proclamation Declaring April 10, 2019, As ABC Adult School Recognition Day And Certificates To Two Adult School Students**

The City Council issued a Proclamation declaring April 10, 2019, as Adult School Student Recognition Day in the ABC Unified School District and presented Certificates of Appreciation to South Gate residents Maria Arreola and Silberza Panduro in recognition for being selected as 2019 Outstanding Adult School Students.

**3. Certificates Of Appreciation To Certain South Gate Schools In Recognition Of Their Participation In The 2019 STEAM Fest**

The City Council presented Certificates of Appreciation to Bryson Avenue Elementary School, International Studies Learning Center, Legacy STEAM High School, Montara Avenue STEM Magnet, San Miguel Elementary School, South Gate Middle School, Southeast DREAMS Magnet, and Tweedy Elementary School, for their participation and achievements in the Local District East STEAM Fest on March 2, 2019.

## V. Public Hearings

### **4. Consider Resolutions To Approve OR Deny OR Modify Conditional Use Permit No. 833 To Allow An Unmanned Telecommunications Facility At 8912 Madison Avenue**

The City Council conducted a public hearing to consider adopting one of the following Resolutions regarding the appeal for Conditional Use Permit No. 833:

- a. Resolution - approving without modification Conditional Use Permit No. 833 to allow an unmanned telecommunications facility at 8912 Madison Avenue; OR
- b. Resolution - denying Conditional Use Permit No. 833 to allow an unmanned telecommunications facility at 8912 Madison Avenue; OR
- c. Providing direction on how to modify the Resolution regarding Conditional Use Permit No. 833 to allow an unmanned telecommunications facility at 8912 Madison Avenue and adopt Resolution as amended.

Joe Perez, Director of Community Development gave a presentation of this item. The Planning Commission reviewed this item at its February 21st meeting and denied the Conditional Use Application. The applicant, J5 Infrastructure Partners, on behalf of Verizon Wireless is appealing the Planning Commissions denial of the CUP.

Kevin Sullivan, Verizon Wireless gave a presentation on their plan.

Mayor Bernal opened the Public Hearing at 7:23 p.m.

Virginia Johnson, 5751 McKinley Avenue spoke about different areas that have cell towers and thinks this could be good in providing better coverage for our citizens.

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

Raul Salinas, City Attorney stated that he wanted to follow up on a couple of comments that Mr. Sullivan had made. The presentation by Mr. Perez is one based on aesthetics and not on the health considerations. In reponse to photos discussed by Mr. Sullivan, City Attorney Salinas stated certain pictures relate to antennas located on land owned by the Los Angeles Department of Water and Power. These antennas are on land not owned by the City of South Gate. Attorney Salinas reported that shortly before the City Council Meeting began he spoke with Mr. Sullivan and two of his representatives.

Attorney Salinas reported that Verizon expressed the interest to continue working with the City and staff. It was agreed that they would make this presentation today so that they would have an administrative record of the appeal that Verizon has lodged. Verizon has agreed that, in an effort to further collaborate with City staff, they are prepared to continue the remainder of the public hearing to the second meeting in April. This should allow Verizon enough time to meet with Mr. Perez and members of his staff. Verizon also agreed to undertake additional RF testing that would give guidance to where the tree antenna can be relocated within that parcel and to try to come to some arrangement. There are a number of deadlines that are imposed on the City as well as Verizon we would agree that we would enter into a tolling agreement and I will ask Mr. Sullivan to come back to the podium to state Verizon is willing to enter

into a tolling agreement. The tolling agreement will toll at least through April 23, 2019, the running of all statutes of limitations and time periods to bring any claims, actions or defenses, including those under 47 USC 332 and California Government Code section 65964.1, relating to or regarding Verizon's State Street site application.

Mr. Sullivan returned to the podium and confirmed that Verizon does agree to enter into a tolling agreement with the City. He hopes that we can finalize the agreement in a more definitive form within the next couple of days. He agreed to stay all timelines and deadlines that are running both under the Federal Telecommunications Act 47USC Section 332 as well as Government Codes Section 65964.1. He looked forward to coming back here in the second meeting of April hopefully with some refinements to a site plan and hopefully something that this Council would entertain.

Mayor Bernal suggested looking at moving the tower to the back section of the property that would take the tower from the driver's line of site. She also asked how long the RF testing takes and would we have the information before the second meeting in April.

Mr. Sullivan responded that he has been told that RF testing takes about a week and should be available in time.

This item was continued to the April 23rd City Council Meeting by motion of Council Member Rios and seconded by Mayor Bernal.

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

## **VI. Comments From The Audience**

Virginia Johnson, 5751 McKinley Avenue would like to see neighbors being notified when the City approves an ADU so they will know the impact that it will have in the neighborhood. The notices should also clarify the parking requirements of that property. This is only fair to the residents that will have to deal with the density increase and fewer parking spaces.

Iris Ilagan, Library Manager for Weaver Library said that the WAVE Newspapers are not being delivered on time to the libraries. Every year the library does a book mark contest and each library in Los Angeles County chooses winners from their community. These winners go on to the County wide contest and the Board of Supervisors choose winners to represent each district. This year we have a winner from South Gate.

Julie Hernandez Chan, Hollydale Community Library announced that the Hollydale Community Library will be closing temporarily for renovations. Our last day of service will be Saturday, March 30th.

Yadira Ramiro, 10353 California Avenue, has concerns regarding the lack of transparencies of the JAA. South Gate High School used to work hand and hand with the City Parks Department to provide a place for our teams to play. However, now they no longer do. She would like a baseball diamond designated at South Gate Park for the high school teams to use. She stated that the lights are turned off in the middle of the game and they are being charged high fees by the JAA for the right to use the field. She is concerned with retaliation by the JAA and wants to know who oversees the JAA. She feels that the City needs to step in and do an audit/establish policies that are transparent.

Gabriela Sid, Congresswomen Nanette Barragán's Office stated that the Congresswoman was appointed to the Energy and Commerce Committee. She also provided everyone with an update on some of the legislation coming up. The Congresswoman's office is looking for entries for the Congressional Art Contest for all 9th to 12th graders.

Nick Godoy, 8611 San Gabriel Avenue spoke about traffic issues near the I-710 freeway. He also spoke on the street vendors and parking near San Gabriel. He feels that the current City Council doesn't recognize the veterans of the City.

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

Paul Adams, Director of Parks and Recreation said that the Senior Follies is on Saturday.

Greg Martinez, City Treasurer thanked the Mayor for the Open House event at City Hall. He mentioned the Car Show is on Sunday.

Carmen Avalos, City Clerk spoke on the election of the State Senate.

Council Member Rios thanked everyone for a very successful ground breaking ceremony at the East Los Angeles College. The River Plan will be at South Gate Park on Thursday and he attend a Caesar Chavez luncheon hosted by Supervisor Solis. He reminded everyone that we are one year away from the census and it is important to get everyone counted.

Council Member Davila attended the County Transportation Meeting where they discussed their budget. She also attended the Eco Rapid Transit Meeting, the ground breaking for East Los Angeles College and the census meeting. The South Gate Multi-Cultural Woman's Club held the Annual Conference, which was very successful. She thanked the South Gate Police Officer Association and South Gate Police Management Association for their support. She thanked Mr. Adams for helping us and asked that he relay their thanks to the Parks staff. She congratulated the Mayor on the Open House and she feels that it should be continued in future years.

Mayor Bernal expressed her appreciation for having a great year as Mayor. She has seen many successes in her personal life, family and career but also here in the City of South Gate. This is her fourth year as a member of City Council after serving six years as City Treasurer. It was not until this year that she feels that she has worked more closely with staff and it is probably because she dedicated more time personally. She appreciated all the staff support for the Open House event and thought that the Seaborg Ribbon Cutting was a success. She attended the Budget Subcommittee meeting and they covered the 1% sales tax. She thanked Council Member Davila for her work with the South Gate Multicultural Women's Club. She also participated in the Career Day at Stanford Elementary School.

## **VIII. Consent Calendar Items**

Agenda Items 5, 6, 7, 11, 15, and 16 were approved by motion of Mayor Bernal and seconded by Council Member Davila. Items 8, 9, 10, 13, and 14 were pulled for discussion. Item 12 was removed from the agenda.

### **5. Ordinance No. 2360 Repealing Interim Urgency Ordinance Nos. 2336 & 2338 In Their Entirety And Adding New Chapter 11.43 (Accessory Dwelling Units And Accessory Structures), To Title 11 (Zoning), Of The Municipal Code**

The City Council waived the reading in full and adopted Ordinance No. 2360 entitled -

An Ordinance of the City Council of the City of South Gate, California, repealing Interim Ordinance Nos. 2336 and 2338 in their entirety and adding new Chapter 11.43 (Accessory Dwelling Units and Accessory Structures), to Title 11 (Zoning), of the South Gate Municipal Code during the consent calendar.

**6. Ordinance No. 2361 Amending Section 1.59.040 (Issuance Of Administrative Citation; Contents Thereof) To Provide Immediate Imposition Of Administrative Fines For Violation Of Illegal Cultivation Of Cannabis**

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

**7. Resolution Electing To Be Exempt From The Congestive Management Program**

The City Council considered adopting Resolution No. 7849 entitled - A Resolution of the City Council of the City of South Gate, California, - electing to be exempt from the Congestion Management Program during consent calendar.

**8. Resolution Amending The Hourly Pay Table To Provide Salary Increases To The City's Part-Time, Hourly Employees**

The City Council adopted Resolution No. 7850 entitled - A Resolution of the City Council of the City of South Gate, California, - amending the Hourly Pay Table to provide salary increases to the City's part-time, hourly employees with the addition of retroactive pay by motion of Mayor Bernal and seconded by Council Member Davila.

**9. Resolution Temporarily Suspending Enforcement Of Issuing Administrative Citations To Allow Limited Alcohol Beverage Consumption During The California Contract Cities Association Board Meeting Taking Place At The Los Angeles River And Rio Hondo Channel Confluence Point**

The City Council adopted Resolution No. 7851 entitled - A Resolution of the City Council of the City of South Gate, California, temporarily suspending enforcement of issuing administrative citations to allow for limited alcohol beverage consumption during the California Contract Cities Association Board Meeting taking place at the Los Angeles River and Rio Hondo Channel confluence point on Wednesday, April 17, 2019, from 6:00 p.m. to 8:30 p.m. by motion of Council Member Rios and seconded by Mayor Bernal.

**10. Resolution Adopting The Local Streets And Roads Funding Program Project List For Fiscal Year 2019/20**

The City Council considered adopting Resolution No. 7852 entitled - A Resolution of the City Council of the City of South Gate, California, adopting the Local Streets and Roads Funding Program Project List for Fiscal Year 2019/20 to program \$1.6 million in Senate Bill 1 funds to the Citywide Residential Resurfacing Cape-seal Program, City Project No. 637-ST, in compliance with Senate Bill 1 requirements by Mayor Bernal and seconded by Council Member Davila.

**11. Freeway Maintenance Agreement With Caltrans To Add Maintenance**

## **Provisions For The New 1-710 Corridor Soundwall**

The City Council approved A and B during consent calendar.

- a. Approved a Freeway Maintenance Agreement (Contract No. 3516) with Caltrans to add maintenance provisions for the new soundwall that the City is proposing to construct under the 1-710 Corridor Soundwall Project, City project No. 587-ST; and
- b. Authorized the Mayor to execute the Freeway Maintenance Agreement in a form acceptable to the City Attorney.

## **12. Donation Agreement With ChargePoint, Inc., To Receive A Grant To Install Electric Vehicle Charging Stations; And Agreement With AMB Electrical And Lighting Solutions, Inc., For Construction Of The Electric Vehicle Charging Stations**

The City Council considered:

- a. Approving a Donation Agreement with ChargePoint, Inc., to receive a \$7,210 grant from the FivePoint EV Charging Station Donation Program and appropriate the grant to the Electric Vehicle Charging Stations, Project, City Project No. 636-GEN, Account No. 223-610-49-0995;
- b. Approving an Agreement with ABM Electrical and Lighting Solutions, Inc. for the construction of the Electric Vehicle Charging Stations, City Project No. 636-GEN (Project), in an amount not-to-exceed \$189,503;
- c. Transferring \$7,000 in Water Funds from Account No. 411-731-71-6101 to the Electric Vehicle Charging Stations Project, City Project No. 636-GEN, Account No. 223-610-49-9005;
- d. Authorizing the Mayor to execute the Agreements in a form acceptable to the City Attorney; and
- e. Approving the Notice of Exemption for this Project, and direct the City Clerk to file it with the Los Angeles County Recorder's Office.

This item was removed from the agenda.

## **13. Amendment No. 1 To Contract No. 3229 With The Pun Group, LLC, Extending Auditing Services For An Additional Two Fiscal Years**

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

- a. Approved Amendment No. 1 to Contract No. 3229, Professional Services Agreement with The Pun Group, LLP, extending financial auditing services for the fiscal years ending June 30, 2019, and June 30, 2020, in the amounts not-to exceed \$65,564 and \$67,531, respectively; and
- b. Authorized the Mayor to execute Amendment No. 1 in a form acceptable to the City Attorney.

## **14. Rejection Of Bids For The Construction Of The Walnut Avenue Restroom Building No. 5 Project**

The City Council rejected all bids received in the City Clerk's Office for the construction of the Walnut Avenue Restroom Building No. 5, City Project No. 628-PRK by motion of Council Member Rios and seconded by Mayor Bernal.

#### **15. 2018 Housing Element Annual Progress Report**

The City Council approved A and B during consent calendar.

- a. Received and filed the Housing Element Annual Progress Report for calendar year 2018; and
- b. Directed staff to provide a copy of the Housing Element Annual Progress Report to the State Department of Housing and Community Development.

#### **16. Special And Regular City Council Meeting Minutes Of February 26, 2019 And March 12, 2019**

The City Council approved the Regular Meeting minutes and Special Meeting minutes of February 26, 2019 and March 12, 2019 during consent calendar.

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

#### **17. Mid-Year Budget Adjustments**

The City Council considered:

- a. Receiving and filing the mid-year budget report for Fiscal Year 2018/19;
- b. Appropriating \$32,716 from the unassigned Prop A Fund balance to account no. 221-480-33-6304 for payment of the Eco-Rapid Transit Annual Membership Dues;
- c. Increasing revenue projections by \$203,595 in the Water Fund, account no. 411-4999, for the annual reimbursement from the Sewer Fund for its share of the annual debt service payments on the 2012 Water Revenue Bonds;
- d. Appropriating \$203,595 from the unassigned Sewer Fund balance to account no. 412-732-52-7999 to reimburse the Water Fund for the Sewer Fund's share of the annual debt service payments on the 2012 Water Revenue Bonds;
- e. Appropriating \$20,000 from the unassigned Building & Infrastructure Maintenance Fund balance to account no. 524-415-61-6704 for the emergency repair of lateral lines at the Patricia G. Mitchell Swim Stadium; and
- f. Appropriating \$20,000 from the unassigned Building & Infrastructure Maintenance Fund balance to account no. 524-415-61-9100 for emergency repairs to the skylights at the Patricia G. Mitchell Swim Stadium.

This item was continued to the April 23rd City Council Meeting

#### **18. Warrant Register For March 26, 2019**

The City Council approved the Warrants and Cancellations for March 26, 2019 by motion of Council Auditor Davila and seconded by Council Member Rios.

Total of Checks: \$2,134,282.18  
Voids \$ ( 0.00)

Total of Payroll Deductions: \$ (345,198.98)  
Grand Total: \$1,789,083.20

## **X. Adjournment**

Mayor Bernal adjourned the meeting in memory of Laura Cruz, former Mayor Henry C. Gonzalez's sister; and Abelino Ostos Montañez, father of City's Street Foreman Abel Montañez at 9:00 p.m., seconded by Council Member Davila.

**PASSED** and **APPROVED** this 23rd day of April, 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](http://www.cityofsouthgate.org)