



SOUTH GATE CITY COUNCIL SPECIAL MEETING AGENDA

Tuesday, February 14, 2023 at 5:05 p.m.

**SOUTH GATE COUNCIL CHAMBERS
8650 CALIFORNIA AVE
SOUTH GATE, CA 90280**

**DIAL-IN-NUMBER: 1 (669) 900-6833
MEETING ID: 874 1869 2552
[HTTPS://US02WEB.ZOOM.US/J/87418692552](https://us02web.zoom.us/j/87418692552)**

Call to Order/Roll Call

CALL TO ORDER: Maria del Pilar Avalos, Mayor
ROLL CALL: Yodit Glaze, City Clerk

City Officials

MAYOR
Maria del Pilar Avalos

CITY CLERK
Yodit Glaze

VICE MAYOR
Gil Hurtado

CITY TREASURER
Jose De La Paz

COUNCIL MEMBERS
Maria Davila
Joshua Barron
Al Rios

CITY MANAGER
Chris Jeffers

CITY ATTORNEY
Raul F. Salinas

Meeting Schedule

The regular meetings of the City Council are held on the second and fourth Tuesday of each month, closed session business will usually commence at 5:30 p.m., when scheduled, and general business session will commence at 6:30 p.m.

Brown Act

Agendas are drafted to accurately state what the legislative body is being asked to consider. The legislative body can take action on "all items" listed on the agenda and be in compliance with the open meeting laws. Under the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The governing body may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

City's Vision Statement

We envision a thriving, safe and inclusive community where everyone has the opportunity to access exceptional services, education and support to be resilient and live full, vibrant lives.

Public Communications

Public Comments on agenda items are limited to three (3) minutes. All comments are to be addressed directly to the Agency Members not to the members of the public.

Meeting Compensation Disclosure

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by City Council Members is \$790 monthly regardless of the amount of meetings.

Open Session

1. Proclamation declaring February as Black History Month

The City Council will issue a Proclamation declaring the month of February 2023, as Black History Month. (CM)

Documents:

[Item 1 Report 02142023.pdf](#)

2. Proclamation declaring January 9, 2023, as National Law Enforcement Appreciation Day

The City Council will issue a Proclamation declaring the month of January 2023, as National Law Enforcement Appreciation Day Month. (CM)

Documents:

[Item 2 Report 02142023.pdf](#)

3. Resolution declaring an emergency and authorizing repair, replacement or maintenance activities of public facilities related to the Urban Orchard

The City Council will consider making a finding and adopting a **Resolution** _____ declaring an emergency still exists and authorizing repair, replacement or maintenance activities of public facilities related to the Urban Orchard, City Project No. 539-PRK, without public bidding, pursuant to the emergency contracting procedures of

the South Gate Municipal Code and the California Public Contract Code. (CM)

Pause for a moment of silence acknowledging the more than 7,000 individuals who lost their lives in the 7.6 and 7.8 magnitude earthquakes in Syria and Turkey.

Documents:

[Item 3 Report 02142023.pdf](#)

Closed Session: (ATTY)

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Pursuant to Government Code Section 54956.9(a), 54954.9(b)(3)(C)

- a. NR Development Inc., v. City of South Gate
- b. Lillian Gonzalez and Manuel Talavera Gonzalez v. City of South Gate

Documents:

[Special Meeting of 02142023.pdf](#)

2. CONSIDER THE EVALUATION OF PERFORMANCE OF A PUBLIC EMPLOYEE

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

- a. City Manager

Special Meeting Adjournment

I, Yodit Glaze, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on February 9, 2023, at 7:50 a.m., as required by law.

Yodit Glaze
City Clerk

GENERAL NOTICE TO THE PUBLIC

The City Council adopted new rules relating to the conduct of the public meetings, proceedings, and business in the City of South Gate on July 12, 2022, (Resolution 2022-38-CC) and go into effect on August 1, 2022. Resolution #2022-38-CC is available at the City Clerk's Office.

MEETING SCHEDULE

Regular meetings of the City Council are held on the second and fourth Tuesday of each month, closed session meetings will commence at 5:30 p.m. unless posted otherwise on its agenda. The regular City

Council meetings will commence at 6:30 p.m. Agendas are available at the following locations: City Clerk Office, Public Notice Boards at City Hall, and on the City's web page at <https://www.cityofsouthgate.org>

The Public can sign up to receive automatic notices of postings of agendas for the City Council or any other Commission or Board of the City of South Gate. Visit the City webpage and click on the Agenda & Minutes icon. That will take you the page where an individual can enter their email in the "Email Updates" box to register.

PUBLIC COMMENT/PARTICIPATION

Any person may request to address a legislative body during a public meeting. The Presiding Officer will call upon those present in the Council Chambers first. After all speakers in the Chambers have spoken, the Presiding Officer will call upon those participating via zoom or teleconference.

Speakers are limited to three (3) minutes on any item listed on the agenda, including public hearings. Under Comments from the Audience portion, speakers are also limited to a single three (3) minutes time limit. Comments from the Audience is initially limited to 45 minutes at each meeting. Any speaker still wishing to speak, that did not speak, will have an addition Comments from the Audience opportunity after the last business item is finished. The Presiding Officer may extend the time limit as long as there is no objection from the City Council as a body.

To ensure that the public is able to participate, the City provides the opportunity to submit their comments in person, virtually, email, phone call, mail and any other method which may become available. Methods of participation may be subject to change during other such times when a State of Emergency, Health Order or State Executive Order limits in-person participation.

CURFEW

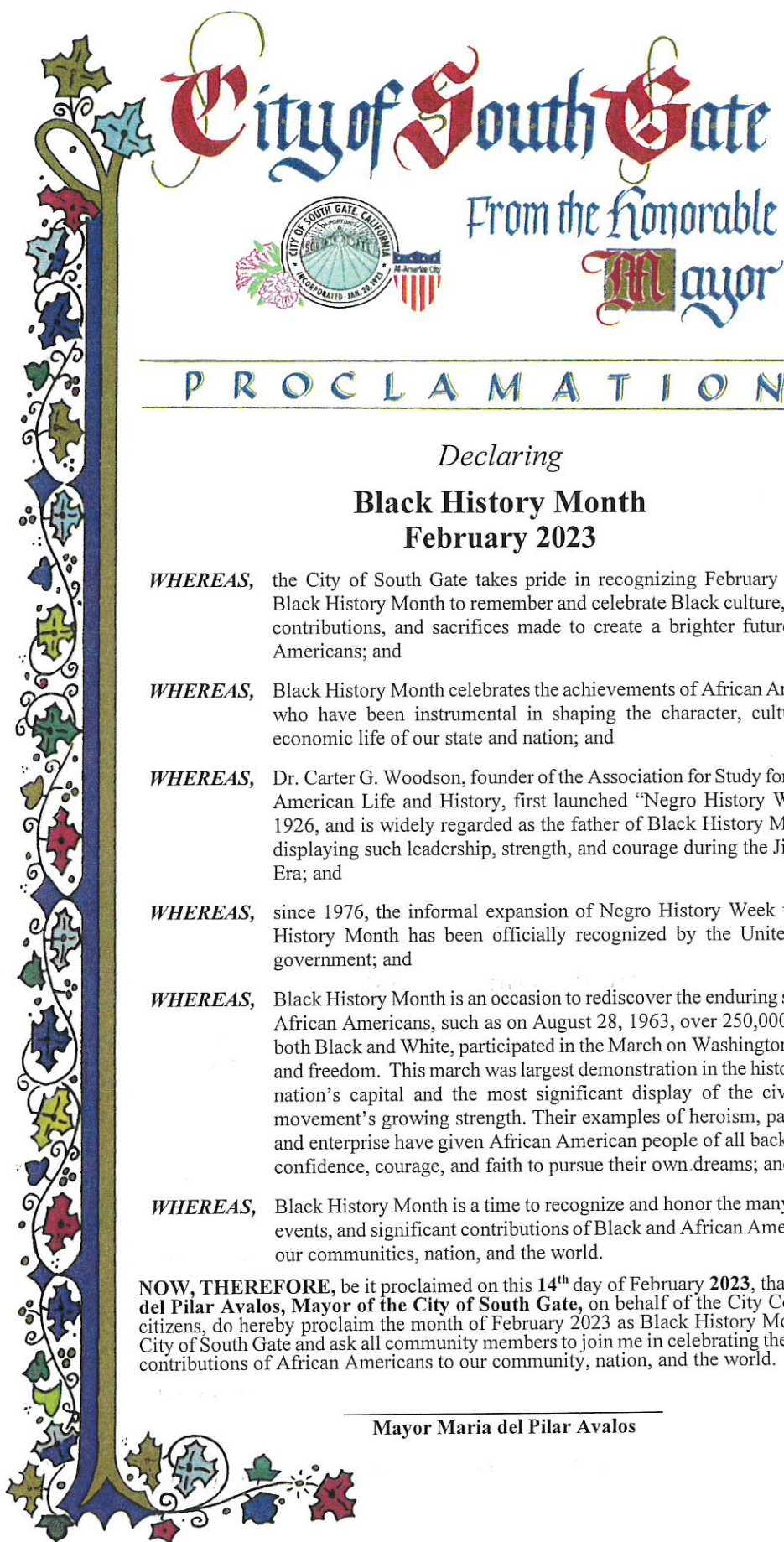
In absence of a motion duly adopted by majority vote of the City Council, the Presiding Officer may adjourn the City Council meetings at 10:30 p.m. The Presiding Officer may ask the City Council if any agenda items listed should be continued or dealt with during the meeting. For those items to be continued, the City Council can direct the item be placed on the next City Council agenda or the current meeting may be adjourned to a time certain at which time the meeting shall be reconvened as an Adjourned Regular Meeting of the City Council and action upon the published agenda continued.

STAFF REPORTS

As a general rule, staff reports, or other written documentation are prepared/organized with respect to each item of business listed on the agenda. Meeting agendas and staff reports are available at least 72-hours prior to the scheduled regular City Council meeting and a minimum of 24-hours prior to a Special City Council meeting. There are times when the City Council receives written material. revised material after the posting of agendas, these materials are become a public record and will be available for public view within 72-hours after the meeting in which they were received. Those materials and any other public document can be inspected in the City Clerk's Office located at 8650 California Avenue, South Gate.

SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS

In compliance with the American with Disabilities Act, if you need special assistance to participate in the City Council Meetings, please contact the Office of the City Clerk. Notification 48 hours prior to the City Council Meeting will enable the City to make reasonable arrangements to assure accessibility. For further information, please contact the Office of the City Clerk at (323) 563-9510 or via email at yglaze@sogate.org.



City of South Gate



From the Honorable
Mayor

PROCLAMATION

Declaring

Black History Month February 2023

WHEREAS, the City of South Gate takes pride in recognizing February 2023 as Black History Month to remember and celebrate Black culture, history, contributions, and sacrifices made to create a brighter future for all Americans; and

WHEREAS, Black History Month celebrates the achievements of African Americans who have been instrumental in shaping the character, culture, and economic life of our state and nation; and

WHEREAS, Dr. Carter G. Woodson, founder of the Association for Study for African American Life and History, first launched "Negro History Week" in 1926, and is widely regarded as the father of Black History Month for displaying such leadership, strength, and courage during the Jim Crow Era; and

WHEREAS, since 1976, the informal expansion of Negro History Week to Black History Month has been officially recognized by the United States government; and

WHEREAS, Black History Month is an occasion to rediscover the enduring stories of African Americans, such as on August 28, 1963, over 250,000 people, both Black and White, participated in the March on Washington for jobs and freedom. This march was largest demonstration in the history of the nation's capital and the most significant display of the civil rights movement's growing strength. Their examples of heroism, patriotism, and enterprise have given African American people of all backgrounds confidence, courage, and faith to pursue their own dreams; and

WHEREAS, Black History Month is a time to recognize and honor the many people, events, and significant contributions of Black and African Americans to our communities, nation, and the world.

NOW, THEREFORE, be it proclaimed on this 14th day of February 2023, that **I, Maria del Pilar Avalos, Mayor of the City of South Gate,** on behalf of the City Council and citizens, do hereby proclaim the month of February 2023 as Black History Month in the City of South Gate and ask all community members to join me in celebrating the countless contributions of African Americans to our community, nation, and the world.

Mayor Maria del Pilar Avalos

City of South Gate



From the Honorable
Mayor

PROCLAMATION

Declaring
National Law Enforcement Appreciation Day
January 9, 2023

- WHEREAS,** the health and safety of the citizens of the City of South Gate, is important to the happiness, prosperity and well-being of our City's families and community; and
- WHEREAS,** the City of South Gate is proud of the dedicated police officers who put their lives on the line to keep our community safe; and
- WHEREAS,** these officers are leaders and teachers, educating the community about the importance of public safety; and
- WHEREAS,** the City of South Gate appreciates the extraordinary efforts and sacrifices made by police officers and their families on a daily basis ; and
- WHEREAS,** National Law Enforcement Appreciation Day is an opportunity to show our support for law enforcement and recognize the difficult career they have chosen in public service for the safety us all.

NOW, THEREFORE, I, Maria del Pilar Avalos, Mayor of the City of South Gate, on behalf of the City Council and citizens of South Gate, do hereby proclaim January 9, 2023, as "National Law Enforcement Appreciation Day" and duly thank our law enforcement personnel for their dedicated service and role in improving the quality of life in our community.

Maria del Pilar, Mayor

City of South Gate CITY COUNCIL

AGENDA BILL

For the ~~Regular~~ ^{Special} Meeting of: February 14, 2023

Originating Department: Public Works

Department Director:


Arturo Cervantes

City Manager:


Chris Jeffers

SUBJECT: RESOLUTION DECLARING AN EMERGENCY STILL EXISTS AND AUTHORIZING REPAIR, REPLACEMENT OR MAINTENANCE ACTIVITIES OF PUBLIC FACILITIES RELATED TO THE URBAN ORCHARD, CITY PROJECT NO. 539-PRK WITHOUT PUBLIC BIDDING, PURSUANT TO THE EMERGENCY CONTRACTING PROCEDURES OF THE SOUTH GATE MUNICIPAL CODE AND THE CALIFORNIA PUBLIC CONTRACT CODE

PURPOSE: To declare an emergency still exists and to authorize the repair, replacement or maintenance activities of public facilities related to the Urban Orchard Project without public bidding. The Los Angeles County Department of Public Health, Solid Waste Division (County) issued a Corrective Action Order requiring construction to stop on the project. The declaration of emergency is necessary to streamline the process to procure a replacement contractor to provide maintenance activities to preserve the site in a safe condition until the County authorizes construction work on the project to resume.

RECOMMENDED ACTIONS: The City Council will consider making a finding and adopting a Resolution declaring an emergency still exists and authorizing repair, replacement or maintenance activities of public facilities related to the Urban Orchard, City Project No. 539-PRK, without public bidding, pursuant to the emergency contracting procedures of the South Gate Municipal Code and the California Public Contract Code.

FISCAL IMPACT: There is no impact to the General Fund. The Urban Orchard Project ("Project") has received a total of \$25.5 million in grant and other funds for design, construction, operations, and maintenance, as summarized below.

ANALYSIS: The Project was under construction and approximately 80% of construction work has been completed. On December 29, 2022, the City received a Corrective Action Order ("Order") from the Los Angeles County Department of Public Health, Solid Waste Management Program ("County"). The Order required the City to stop all construction activities until such time as a Post Closure Land Use Plan ("PCLUP") for the Project site was approved by the County. Given the PCLUP approval process and input received to date, it will take at least several months, possibly six or more, to obtain approval.

To avoid the significant delay damages that would be payable by the City to the general contractor during a prolonged suspension of the project pending approval of the PCLUP, the City Council terminated the general contractor's agreement at a Special City Council meeting on February 6, 2023.

Such termination provided both immediate and long-term cost savings to the City but also created an immediate need for the City to retain an interim contractor to perform certain ongoing maintenance and safety activities; a need which must be met sooner than the time necessary to engage in normal public bidding procedures.

The proposed Resolution declares a continued emergency exists pursuant to the authority granted by South Gate Municipal Code § 1.54.470 and California Public Contract Code § 22050. Those Code Sections allow cities, by resolution, to approve the City's entry into contracts without engaging in public bidding, where certain emergency conditions are found to have occurred. Staff continues to believe that the County's Order directing all construction work to be ceased on the Project, constitutes such an emergency due the public safety with an unfinished construction site and the need to respond accordingly to additional directives given by the County related to ensuring public safety. Staff is recommending that the City Council adopt the proposed Resolution so that the City can avail itself of the accelerated contracting procedures authorized by those Code Sections. The Resolution, (1) declares an emergency, (2) authorizes the City's City Manager to take such actions deemed necessary to cause the maintenance activities to be performed and to procure the necessary equipment, services, and supplies all without giving notice for bids to let contracts, (3) requires that at each regularly scheduled City Council Meeting, the City Manager present to the Council the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids, why that action is necessary to respond to the emergency, and that the City Council review the emergency action to determine, by a four-fifth's vote, that there is a need to continue the emergency action until the emergency action is terminated.

The City is working diligently to secure the PCLUP approval. The process has been initiated with the submittal of technical documents such as the Workplan for interim measures and a Summary of Site Investigation.

Since the original Resolution declaring an emergency was approved by the City Council on February 6, 2023, the following contracts, expenditures, and milestones have been undertaken:

1. Issued a letter to NR Development Inc., communicating termination of Contract No. 2021-66-CC effective February 13, 2023.
2. Coordination with the Trust for Public Land to initiate the process to prepare the technical documents necessary to secure a replacement contractor. Initiated communications to select a replacement contractor for the performance of maintenance activities on the project site.

BACKGROUND: The Project is a part of the Capital Improvement Program. The Project located between the Los Angeles River, Firestone Boulevard, the Thunderbird Villa Mobile Home Park, and the I-710 Freeway. Two primary purposes of the Project are to divert and treat storm water run-off from the Los Angeles River and provide recreation opportunities to South Gate residents.

The Project is being constructed on a property that was used as an unpermitted landfill until 1949 by an entity known as Southeastern Disposal and By-Products. The property site is identified in CalRecycle's Solid Waste Information System (SWIS) as an Unpermitted Closed Solid Waste Disposal Site and SWIS No. 19-AA-5545. In 1984, the State of California Department of Health Services, Toxic Substances Control Division concluded that the clean-up work completed effectively mitigated waste constituents to proceed with the Lewis Homes residential development project. The requirements of the PCLUP came into effect in 1988. As such, the project site is subject to State solid waste

regulations that require the PCLUP before any change to the current land use, construction, or land preparation can occur.

The Los Angeles County Department of Public Health, Solid Waste Management Program, acts as the Local Enforcement Agency (LEA) for the State of California's Department of Resources Recycling and Recovery (CalRecycle). The County is authorized by Division 30 of the Public Resources Code (PRC), Section 43209 and 45000, Title 14 and 27 of the California Code of Regulations (14 CCR & 27 CCR), to enforce applicable solid waste regulations and to ensure solid waste sites meet the State minimum standards within the County of Los Angeles. As such, the City is working with the LEA to obtain approval of the PCLUP.

Construction is currently at the 80% completion stage. Improvements that have been substantially completed include but are not limited to rough grading, drop inlet for storm water diversion structures in the Bandini Channel, a wetland overlook area, the stream adjacent to the education/flexible space building and wetland, south bio swale, construction of 18 raised planters, planting of 75 trees, installation of the prefabricated education center and the restroom/maintenance building, two shade structures, a water element at the playground, installation of multi-use walking and bicycle pathways, exercise equipment located at various stages along the walking and bicycle paths, benches, picnic tables, drinking fountains, trash cans, and pathway lighting. The total estimated cost of improvements completed to date is over \$12 million.

The Project has received the listed grants:

Grants	Amount	Grant Recipient
State Water Resource Control Board (Prop 1)	\$7,975,100	City
Land and Water Conservation Fund (LWCF)	\$3,000,000	
Los Angeles County Flood Control District	\$530,000	
Safe Clean Water- Municipal Funds	\$1,435,401	
Safe Clean Water- Regional Funds	\$5,438,000	
State Parks- Prop. 68 Grant	\$1,919,847	
Conservation Corp of Long Beach	\$713,015	
Rivers and Mountains Conservancy Funds	\$4,404,798	TPL
Private Donations	\$90,000	
Total	\$25,506,161	

ATTACHMENT: Proposed Resolution

GD:lc

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SOUTH GATE, STATE OF CALIFORNIA, DECLARING AN
EMERGENCY STILL EXISTS AND AUTHORIZING
REPAIR, REPLACEMENT OR MAINTENANCE
ACTIVITIES OF PUBLIC FACILITIES RELATED TO THE
URBAN ORCHARD PROJECT WITHOUT PUBLIC
BIDDING, PURSUANT TO THE EMERGENCY
CONTRACTING PROCEDURES OF THE SOUTH GATE
MUNICIPAL CODE AND THE CALIFORNIA PUBLIC
CONTRACT CODE**

WHEREAS, at the Special City Council meeting on February 6, 2023, the City Council for the City of South Gate ("City") considered and passed a Resolution declaring an emergency and authorized the repair, replacement or maintenance activities of public facilities related to the Urban Orchard Project ("Project") pursuant to the emergency contracting procedures of the South Gate Municipal Code and the California Public Contract Code; and

WHEREAS, construction activities at the Project site began on August 2, 2021 and have reached the eighty percent completion stage, but the Project will require several more months of work before it is complete; and

WHEREAS, the City has received notice from the Los Angeles County Department of Public Health, Solid Waste Management Program ("County"), demanding that the City immediately cease all construction work on the Project until such time that a Post Closure Land Use Plan ("PCLUP") is submitted to the County for approval before any change to the current land use, construction, or land preparation can occur to comply with the requirements of the California Code of Regulations, Title 27 (27 CCR), Section 21190 (the "Cease and Desist and Corrective Action Order"); and

WHEREAS, the City has terminated its construction Agreement with the contractor, except for the requirement for the contractor to perform maintenance activities until such time as a new contractor is procured to perform those activities, as it may take several months before the County will permit or allow construction work to resume and the City would incur significant delay costs which would threaten the available sources of funding for the regionally significant project; and

WHEREAS, although no construction activities will occur at the Project site until the County issues its PCLUP, it will be necessary in the interim for certain minimal maintenance activities to be performed at the site for the protection of the existing improvements and/or for public safety (collectively, the "Maintenance Activities"); and

WHEREAS, at a special meeting of the South Gate City Council ("Council") held on Monday, February 6, 2023, the Council received information provided by the City's Public Works

Department establishing that the City does not have sufficient manpower to perform the Maintenance Activities with its own forces, and that the immediate need for the performance of the Maintenance Activities does not permit a delay that would result from a competitive solicitation for bids.

NOW, THEREFOR, BASED ON THE FACTS SET FORTH ABOVE, THE COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, HEREBY MAKES THE FOLLOWING FINDINGS:

1. The County's issuance of the Cease and Desist and Corrective Action Order at the current stage of the Project work, coupled with the immediate and ongoing need to perform the Maintenance Activities, has created an emergency for the City with respect to the Project; and
2. The emergency will not permit a delay resulting from a competitive solicitation for bids to perform the Maintenance Activities; and
3. The actions to be taken pursuant to the Resolutions set forth below continue to be necessary to respond to the emergency.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, DOES HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council does hereby declare that the above recitals and findings are true and correct and incorporated herein by reference.

SECTION 2: Pursuant to the authority granted by South Gate Municipal Code § 1.54.470 and California Public Contract Code § 22050, the Council hereby authorizes and directs the City's City Manager and his designees to take such actions as the City Manager deems necessary to cause the Maintenance Activities to be performed, and to procure the necessary equipment, services, and supplies therefore, all without giving notice for bids to let contracts, and without regard to the dollar amounts of the contracts for such activities, equipment, services and supplies.

SECTION 3: At each regularly scheduled meeting of the Council after the date of this Resolution until further notice from the Council, the City Manager shall present to the Council the reasons justifying the emergency, that the emergency declaration will reduce delays and associated costs that would otherwise result from the competitive solicitation for bids and why that action is necessary to respond to the emergency.

SECTION 4. At each such regularly scheduled meeting until the emergency action is terminated, the Council shall review the emergency action to determine, by a four-fifth's vote, that there is a need to continue the emergency action.

SECTION 5. The Council shall terminate the emergency action at the earliest possible date that conditions warrant, so that the remainder of the Maintenance Activities may be completed by giving notice for bids to let contracts.

SECTION 6. In accordance with the provisions of California Public Contract Code § 22050, this Resolution shall only be effective if passed by a four-fifths vote of the Council.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution, which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this **14th** day of **February, 2023**.

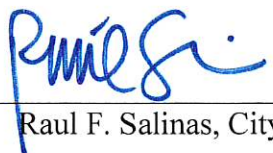
CITY OF SOUTH GATE

By: _____
Maria del Pilar Avalos, Mayor

ATTEST:

By: _____
Yodit Glaze, City Clerk
(SEAL)

APPROVED AS TO FORM:

By:  _____
Raul F. Salinas, City Attorney

MEMORANDUM

TO: Chris Jeffers, City Manager
FROM: Raul F. Salinas, City Attorney
DATE: February 8, 2023
**SUBJECT: CLOSED SESSION ITEMS FOR THE SPECIAL CITY COUNCIL
MEETING OF FEBRUARY 14, 2023**

The following items should be listed on the Closed Session Agenda for the Special City Council Meeting of the City of South Gate on February 14, 2023, at 5:05 p.m.:

1. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**
Pursuant to Government Code Section 54956.9(a), 54954.9(b)(3)(C)
 - a. NR Development Inc., v. City of South Gate
 - b. Lillian Gonzalez and Manuel Talavera Gonzalez v. City of South Gate

2. **CONSIDER THE EVALUATION OF PERFORMANCE OF A PUBLIC EMPLOYEE**
Pursuant to Government Code Section 54957(b)(1)
 - a. City Manager

If you have any questions, please do not hesitate to contact this office immediately.