



# GARDENA CITY COUNCIL SPECIAL MEETING

Special Meeting / Study Session Notice and Agenda

Website: [www.cityofgardena.org](http://www.cityofgardena.org)

**Tuesday, August 30, 2022**

**Open Session 6:00 p.m.**

**TASHA CERDA**, *Mayor*  
**PAULETTE C. FRANCIS**, *Mayor Pro Tem*  
**MARK E. HENDERSON**, *Council Member*  
**RODNEY G. TANAKA**, *Council Member*  
**WANDA LOVE**, *Council Member*

**MINA SEMENZA**, *City Clerk*  
**GUY H. MATO**, *City Treasurer*  
**CLINT OSORIO**, *City Manager*  
**CARMEN VASQUEZ**, *City Attorney*  
**LISA KRANITZ**, *Assistant City Attorney*

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**In order to minimize the spread of the COVID 19 virus Governor Newsom has signed AB 361. Please be advised that the Council Chambers are closed to the public and that some, or all, of the Gardena City Council Members may attend this meeting telephonically. If you would like to participate in this meeting, you can participate via the following options:**

1. VIEW THE MEETING live ONLINE at [youtube.com/CityofGardena](https://www.youtube.com/CityofGardena)
2. PARTICIPATE BEFORE THE MEETING by emailing the Deputy City Clerk at [publiccomment@cityofgardena.org](mailto:publiccomment@cityofgardena.org) by 5:00p.m. on the day of the meeting and write "Public Comment" in the subject line.
3. PARTICIPATE DURING THE MEETING VIA ZOOM WEBINAR
  - <https://us02web.zoom.us/j/81655693665>
  - Phone number: US: +1 669 900 9128, Meeting ID: 816 5569 3665
  - Press \*9 to Raise your Hand and \*6 to unmute when prompted.

If you wish to speak live on a specific agenda item during the meeting you, may use the "Raise your Hand" feature during the item you wish to speak on. Members of the public wishing to address the City Council will be given three (3) minutes to speak.

4. The City of Gardena, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk's Office by phone (310) 217-9565 or email [publiccomment@cityofgardena.org](mailto:publiccomment@cityofgardena.org) at least 24 business hours prior to the scheduled general meeting to ensure assistance is provided. Assistive listening devices are available.

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## STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS

- Treat everyone **courteously**;
- Listen to others **respectfully**;
- Exercise **self-control**;
- Give **open-minded** consideration to all viewpoints;
- Focus on the issues and **avoid personalizing debate**; and
- **Embrace respectful disagreement** and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions.

**Thank you for your attendance and cooperation**

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1. **ROLL CALL**

2. **PUBLIC COMMENT**

*Public comment is permitted only on the items that have been described on this agenda.*

3. **COUNCIL ITEM**

- 3.A [RESOLUTION NO. 6602, Making the legally required findings to Re-Authorize the use of Teleconferencing in accordance with Assembly Bill 361 for meetings of the Gardena City Council and other Commissions, Committees and Boards subject to State open meeting laws](#)

**Staff Recommendation: Adopt Resolution No. 6602**  
[RESO NO 6602.pdf](#)

4. **PRESENTATIONS**

- 4.A. Proposed Development for 14600 S Western Ave
- 4.B. Proposed Development for 2315 Marine Avenue

5. **ADJOURNMENT**

The Gardena City Council will adjourn to the Closed Session portion of the City Council Meeting at 7:00 p.m. followed by the Regular City Council Meeting at 7:30 p.m. on Tuesday, September 13, 2022.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted in the City Hall lobby not less than 72 hours prior to the meeting. A copy of said Agenda is available on our website at [www.CityofGardena.org](http://www.CityofGardena.org).

Dated this 26th day of August 2022

/s/ MINA SEMENZA  
MINA SEMENZA, City Clerk



# **City of Gardena**

## **Gardena City Council Special Meeting Meeting**

### **AGENDA REPORT SUMMARY**

Agenda Item No. 3.A  
Section: COUNCIL ITEM  
Meeting Date: August 30, 2022

TO: THE HONORABLE MAYOR AND MEMBERS OF THE GARDENA CITY COUNCIL  
SPECIAL MEETING

AGENDA TITLE: RESOLUTION NO. 6602, Making the legally required findings to Re-Authorize the use of Teleconferencing in accordance with Assembly Bill 361 for meetings of the Gardena City Council and other Commissions, Committees and Boards subject to State open meeting laws

#### **COUNCIL ACTION REQUIRED:**

**Staff Recommendation: Adopt Resolution No. 6602**

#### **RECOMMENDATION AND STAFF SUMMARY:**

On March 4, 2020, Governor Newsom declared a state of emergency due to the novel coronavirus COVID-19. That declaration is still in effect.

Throughout the pandemic, the Governor has issued Executive Orders to suspend and modify some of the teleconference requirements under the Brown Act. The initial Order expired on September 30, 2021 and has been superseded by Assembly Bill (AB) 361, which authorizes local agencies to continue to hold public meetings remotely under modified teleconferencing requirements set forth in the Brown Act (Government Code Section 54953(b(3))) during a state-declared emergency and when either state or local health officials have imposed or recommended measures to promote social distancing, or in situations when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees. AB 361 sunsets on January 1, 2024.

The City Council previously adopted Resolution No. 6534 on October 12, 2021, making the findings necessary for initial invocation of AB 361, including that the proclaimed state of emergency related to COVID-19 remained in effect and state and local officials have imposed or recommended measures to promote social distancing. Following adoption of Resolution No. 6534, the City Council has continuously adopted further resolutions making the findings necessary for invocation of AB 361. In order to continue to meet virtually via Zoom, the City Council must make the requisite findings at least every 30 days.

Proposed Resolution No. 6602 is now being recommended for adoption by the City Council to ensure continued authorization for holding teleconferenced meetings as needed through September 29, 2022. The Governor's proclaimed state of emergency related to COVID-19

remains active and in effect within the boundaries of the City. In light of this and the continuing recommendations by the State and local (Los Angeles County) Departments of Public Health of social distancing as one mechanism for preventing the spread of COVID-19 (particularly in the absence of other mitigation strategies such as vaccines and masking and for persons with compromised health), as reflected in current health officer orders and related orders and guidance, the proposed resolution contains the findings necessary to continue to hold meetings under AB 361 rules for an additional 30-day period.

**FINANCIAL IMPACT/COST:**

N/A

**ATTACHMENTS:**

[RESO NO 6602.pdf](#)

APPROVED:

A handwritten signature in blue ink, appearing to read "Clint Osorio", is written above a horizontal line.

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Clint Osorio, City Manager

## **RESOLUTION NO. 6602**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, MAKING THE LEGALLY REQUIRED FINDINGS TO RE-AUTHORIZE THE USE OF TELECONFERENCING IN ACCORDANCE WITH ASSEMBLY BILL 361 FOR MEETINGS OF THE GARDENA CITY COUNCIL AND OTHER COMMISSIONS, COMMITTEES AND BOARDS SUBJECT TO STATE OPEN MEETING LAWS**

THE CITY COUNCIL OF THE CITY OF GARDENA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California, Gavin Newsom declared a State of Emergency in California to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for broader spread of COVID-19; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continue spread and the effects of COVID-19; and

WHEREAS, on March 16, 2020, the City Manager, as the City’s Director of Emergency Services, did proclaim the existence of a local emergency as authorized by Government Code section 8630 and Gardena Municipal Code Chapter 2.56.060; and

WHEREAS, the Governor’s March 4, 2021, declaration of a state of emergency based on the COVID-19 pandemic remains in place; and

WHEREAS, the Proclamation of Existence of a Local Emergency issued by the City Manager, as the City’s Director of Emergency Services on March 16, 2020, has been ratified by the City Council via Resolution 6441 on March 19, 2020 and reaffirmed by Resolution No. 6454 on May 12, 2020, Resolution No 6469 on July 14, 2020, Resolution No. 6478 on September 8, 2020, Resolution No. 6483 on October 27, 2020, Resolution

No. 6489 on December 15, 2020, Resolution No. 6495 on February 9, 2021, Resolution No. 6503 on March 23, 2021, Resolution No. 6512 on May 11, 2021, Resolution No. 6521 on June 22, 2021, Resolution No. 6526 on August 10, 2021, Resolution No. 6533 on October 26, 2021, Resolution No. 6538 on December 14, 2021, Resolution No. 6559 on February 8, 2022, Resolution No. 6567 on March 22, 2022, Resolution No. 6574 on May 10, 2022, Resolution No. 6590 on June 28, 2022 and Resolution No. 6599 on August 9, 2022, with the result that the proclamation of a local emergency based on the COVID-19 pandemic remains in place; and

WHEREAS, Paragraph 3 of Executive Order N-29-20, issued by the Governor on March 17, 2020, among other things, suspended the Brown Act requirements for teleconferencing, provided that notice and accessibility requirements were met, the public was allowed to observe and address the legislative body at the meeting, and the legislative body had a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, specifying that this suspension would remain in place during the period in which state or local public health officials have imposed or recommended social distancing measures; and

WHEREAS, paragraph 42 of Executive Order N-08-21, issued by the Governor on June 11, 2021, withdrew, and replaced paragraph 3 of Executive Order N-29-20's suspension of the Brown Act requirements for teleconferencing with a similar suspension of those requirements that it specified would remain in place only through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed into law Assembly Bill No. 361 ("AB 361"), which, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing or when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, AB 361 requires legislative bodies that hold teleconferenced meetings under its abbreviated teleconferencing procedures to give notice of the meeting and post

agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body; and

WHEREAS, AB 361 requires the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored; and

WHEREAS, AB 361 prohibits the legislative body from requiring public comments to be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time; and

WHEREAS, AB 361 prohibits the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified; and

WHEREAS, when there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, AB 361 requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under AB 361's abbreviated teleconferencing procedures; and

WHEREAS, this body previously adopted a Resolution, which made the findings required by AB 361 to allow the City Council and all City Commissions, Committees and Boards to continue to meet under AB 361's abbreviated teleconferencing procedures, and authorized the City Council and all City Commissions, Committees and Boards to conduct meetings under AB 361's abbreviated teleconferencing procedures, without complying with the requirements set forth in Government Code Section 54953(b)(3), subject to compliance with the requirements set forth in Government Code Section

54953(e)(2); and

WHEREAS, in light of the continuing State and local declarations of emergency resulting from the COVID-19 pandemic, the continuing recommendation by Los Angeles County Public Health officials of measures to promote social distancing, and the imminent risks to the health of safety of attendees at meetings conducted in person, the City Council desires to again make the findings required by AB 361 to allow the City Council and all City Commissions, Committees and Boards to continue to meet under AB 361's abbreviated teleconferencing procedures.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE, AS FOLLOWS:**

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. The City Council finds that the State and local declarations of emergency resulting from the COVID-19 pandemic remain in place, and that the state of emergency continues to directly impact the ability to meet safely in person.

SECTION 3. The City Council finds that local officials, namely, the Los Angeles County Department of Public Health, has continued to recommend measures to promote social distancing.

SECTION 4. As a result of the findings in Sections 1 through 3 above, the City Council and all City Commissions, Committees and Boards are authorized to conduct meetings under AB 361's abbreviated teleconferencing procedures, without complying with the requirements set forth in Government Code Section 54953(b)(3), subject to compliance with the requirements set forth in Government Code Section 54953(e)(2).

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this



Resolution would be subsequently declared invalid or unconstitutional.

BE IT FURTHER RESOLVED that the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original Resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

Passed, approved, and adopted this 30th day of August 2022.

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TASHA CERDA, Mayor

ATTEST:

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MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

  
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CARMEN VASQUEZ, City Attorney