

MINUTES
CUDAHY CITY COUNCIL (Regular Meeting) and
CITY OF CUDAHY AS SUCCESSOR AGENCY TO THE CUDAHY DEVELOPMENT
COMMISSION (Special Meeting)
A Joint Meeting held in the City Council Chambers
5240 Santa Ana Street, Cudahy, California
Tuesday, July 1, 2014 – 6:30 P.M.

1. CALL TO ORDER

Mayor Garcia called the meeting to order at 6:36 p.m.

2. ROLL CALL

PRESENT: Council/Agency Member Guerrero
Council/Agency Member Oliva
Council/Agency Member Sanchez (arrived at 10:36 p.m.)
Vice Mayor/Vice Chair Markovich
Mayor/Chair Garcia

ABSENT: None.

3. PLEDGE OF ALLEGIANCE – Led by Mayor Garcia

4. INVOCATION – Given by Mayor Garcia

Mayor Garcia recognized three Jewish children killed in Israel that week.

5. PRESENTATIONS

- Proclamation to Christine Berni-Ramos (**Guerrero, Oliva**)
- Presentation By CARE (California for Affordable and Reliable Energy Coalition) (**City Manager**)/ **Absent**
- Announcement of 101 Government Workshop (**Simona Ramirez**)

6. PUBLIC COMMENT

Alfred Arellano spoke regarding spending public money and enforcing cleanup regulations on small businesses.

Carmen Hernandez spoke regarding the ethics of political campaigning, political transparency, vehicle citations, and raise in taxes.

Mayor Garcia clarified that a raise in taxes has not been proposed.

Council Member Guerrero told Mayor Garcia he is not allowed to interrupt public comment.

Pamela Murguia expressed intimidation to speak at the meeting, and defended her First Amendment rights; she is in favor of item 13G.

Sandra Orozco thanked Council for noting the Jewish children in Israel; stated that she will monitor and hold Mayor and council members accountable for their endorsements and promises.

Jose Cortes expressed concern that the Council is divided and hostile. He asked for support at the swap meet.

Nelly Blaeker stated that although they are poor, residents have the right to live in a clean area.

7. CITY COUNCIL COMMENTS

Council Member Guerrero stated that he attended the NALEO Conference for Latinos in San Diego. He wants to appropriate funds back to the basics (potholes, restrooms, parks) but also keep anti-corruption reform measures in mind. He clarified that he **was** opposed to raising sales tax, and that they will hold a debate about sales tax.

City Attorney Birrueta asked Council Members not to go back and forth on merits of comments that are not on the agenda.

Council Member Oliva listed several committee events that will be coming soon such as the Hearing on the environment, Government 101, Community Emergency Response Training, and the Cudahy Beautification Program at Lugo Park. She listed events she participated at such as a Course at the California Appeal Caucus for Elected Leaders Academy, 86th Annual Bell High School Commencement, 4th Annual City Economic Development Conference, NALEO Conference

Vice Mayor Markovich expressed discomfort with tensions within the committee. He spoke about the NALEO Conference and asked people to thank veterans for their service and he announced the Annual Fourth of July Celebration.

Mayor Garcia gave announcements about the NALEO Conference, the Government 101 Workshop. He also expressed faith in the City, talked about his proposed budget of quality plan, and stated that transparency is important, and that residents are not being intimidated.

8. CITY MANAGER REPORT

Council Member Oliva noted Council Member Sanchez was absent and item 13C should be postponed for next meeting.

Council Member Oliva postponed 13B

Motion: A motion was made by Guerrero, seconded by Oliva, and carried (3-1) to move item 13G after item 13D.

AYES: Guerrero, Oliva, Markovich
NOES: None.
ABSENT: Sanchez
ABSTAIN: Garcia

A motion was made by no second, motion fails, to move items 13D, 13H, 13E, and 13I right before 13A.

Michael Allen, Acting City Manager, discussed future agenda items, Guerrero's discussion item on process for placing items on agendas, Guerrero's planning department application processing of entitlements, Oliva's request for an updated report for park netting item, Attorney Birrueta's item for rules of decorum was moved from tonight's agenda to the next agenda, none for Council Member Markovich, none for Council Member Garcia.

Mr. Allen made announcement that the city was awarded a small grant through Kaiser Permanente to sponsor educational programs for biker safety.

Mr. Allen announced that the city was moving forward with the Lugo Park and Clara Park expansion project.

Mr. Allen announced that last month the proposed alcohol sales at an existing mini market project was denied due to inability to make necessary findings.

Mr. Allen announced that last month the modification for existing monument signs at the Atlantic shopping center for superior and the new laundry-mat were approved.

Mr. Allen announced that last month the renovation project for Circle K gas station was approved.

Mr. Allen announced that engineers are making progress for the Bedwall Hall roof replacement project, the Atlantic Avenue Street improvement project, Street Improvement Projects, Street Lighting Project, Metro Rapids Bus Shelter Project.

Mr. Allen clarified the new process and explained the discrepancy in number of parking citations in the city and explained that there was a restructuring in June that is responsible for the changes.

Mr. Allen stated that the status quo with the housing rehab program is making progress.

Mr. Allen highlighted several important dates on the community calendar: Special City Council Meetings happening in closed session, Annual Fourth of July Celebration, Pet Vaccination Clinic, Public Safety Commission Meeting, Special Council Meeting on Budget Review, LAUSD Board Member Public Hearing, Government 101 Workshop, Community Emergency Response Training, Regular Commission and Council Meetings, Second Family Movie Night of the summer, Lugo Park Beautification Project, Town hall Meeting, Food Distribution Program, Mural Under the Stars Preparation, Concert in the Park

Council Member Guerrero asked about the different numbers between prior parking citations and those in June.

Council Member Oliva inquired on what type of concert would be held August 22nd and if the city had received a grant for it. She also clarified that residents could register for the Community Emergency Response Training at the event. She requested that an Empowerment of Women Class be placed on the calendar.

9. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

Motion: A motion was made by Council Member Markovich, seconded by Guerrero, and carried (4-0) to waive full text reading of all Resolutions and Ordinances by single motion.

AYES:	Guerrero, Oliva, Markovich, Garcia
NOES:	None.
ABSENT:	Sanchez
ABSTAIN:	None

10. PUBLIC HEARINGS

11. CONSENT CALENDAR

Consent Calendar Recommendation:

It is recommended that the City Council/Agency approve Items 11A. through 11C. on the Consent Calendar.

City Clerk noted that item 11A for the minutes of April 15th needs to include the City Attorney's report for Closed Section, and asked that minutes be approved as amended.

City Attorney Birrueta asked that minutes fix typographical error of her last name.

Motion: A motion was made by Mayor Garcia, seconded by Oliva, and carried (4-0) to approve Items 11A through 11C on the Consent Calendar with the amendments given by the City Clerk.

AYES: Guerrero, Oliva, Markovich, Garcia
NOES: None
ABSENT: Sanchez
ABSTAIN: None

- A. A request to approve the Minutes for the City Council/City Council as Successor Agency to the Cudahy Development Commission Regular/Special Joint Meeting of April 15, 2014. (COUNCIL/AGENCY)
(City Clerk's Office)
Recommendation: It is recommended that the City Council/Agency waive reading of the minutes, approve as submitted, and order filed.
- B. A request to approve the Minutes for the City Council Regular Meeting of January 7, 2014. (COUNCIL/AGENCY)
(City Clerk's Office)
Recommendation: It is recommended that the City Council/Agency waive reading of the minutes, approve as submitted, and order filed.
- C. A request to approve the Minutes for the City Council/City Council as Successor Agency to the Cudahy Development Commission Regular/Special Joint Meeting of June 3, 2014. (COUNCIL/AGENCY)
(City Clerk's Office)
Recommendation: It is recommended that the City Council/Agency waive reading of the minutes, approve as submitted, and order filed.

12. BUSINESS SESSION

- A. Consideration to award a Professional Plan Check Services Agreement for Building Code Services to Transtech Engineers, Inc. for one (1) year with the option to extend. (COUNCIL)
Recommendation: It is recommended that the that the City Council award a Professional Services Agreement (PSA) for Building Code Plan Check Services to Transtech Engineers, Inc. for one (1) year with the option to extend.
(Community Development)

A staff report was given by Michael Allen, Acting City Manager, who explained that the city has exceeded spending limits with two companies and gave reasons why he would like City Council award the PSA to Transtech Engineers, Inc. Fiscal impact will not exceed \$95/ hour.

City Attorney Birrueta asked if the modifications were made based on the city attorney's review and asked if there would be a transition period.

Mr. Allen stated that they did review indemnification provision and that there would not be a transition period.

Council Member Oliva asked if this amount was budgeted and stated that she would decline from voting because of appearance of impropriety.

Mr. Allen stated that they did not set a 'not to exceed' dollar amount.

Council Member Oliva stated that the project pays for itself.

Council Member Oliva stated that she participated in a raffle and that she would decline from voting because of appearance of impropriety.

City Attorney Birrueta stated that Council Member Oliva could decline from voting.

Mayor Garcia asked how the plan check savings were generated.

Mr. Allen stated that the proposal highlights each vendor and each plan check company collects percentage of plan check fees.

Motion: A motion was made by Vice Mayor Markovich, no second, to approve item 12A. Motion fails for lack of second.

Council Member Guerrero asked how soon the decision needs to be made and what is the anticipated adjustment to the total expenditures.

Mr. Allen stated that he needs to look into the difference in cost.

City Attorney Birrueta asked for a fiscal impact report.

Motion: A motion was made by Vice Mayor Markovich, seconded by Oliva, and carried (4-0) to move the item to the next meeting with a report on the specific fiscal impact.

AYES:	Guerrero, Oliva, Markovich, Garcia
NOES:	None
ABSENT:	Sanchez
ABSTAIN:	None

**B. Consideration of Cudahy City Monuments Sign Project. (COUNCIL)
(Community Development Department)**

Recommendation: It is recommended that the City Council select a City Monument Sign Design and give direction to City Staff for location(s) of monuments signs to be installed throughout the City.

Aaron Hernandez, Assistant City Engineer, gave a staff report. Mr. Hernandez gave a PowerPoint presentation that gave the background and discussed the importance of the city's monument signs. He discussed where the signs will be installed and that the total project costs depends on the type of signs selected.

Council Member Oliva asked if they will have a sign on Wilcox and Florence.

Mr. Allen stated that tonight the council was being asked to give consensus on locations for the signs to be installed so cost can be determined.

Council Member Guerrero stated his hesitation about the sign facing Salt Lake.

Vice Mayor Markovich noted he would like for a sign at City Hall and would like for a public service announcement on the back of the sign.

Recommendation to put item on the agenda for the next town hall meeting and solicit feedback from the residents to see what the support is.

C. Consideration of Dissolution of the Bell-Cudahy Telecommunications Authority.
(COUNCIL)

(Finance Department)

Recommendation: It is recommended that the City Council of the City of Cudahy authorize staff to send a correspondence to the City of Bell stating that Cudahy will agree to dissolve the Bell-Cudahy Telecommunications Authority upon payment of prior franchise fees and public, educational, and governmental fees owed to Cudahy.

Mayor Garcia announced the presence of Vice Mayor of the City of Maywood, Eddie de la Riva.

Staff Report given by Steven Dobrenen, Finance Director. He provided background authority and discussed the fiscal impact of dissolving the Bell-Cudahy Telecommunications Authority. Mr. Garcia asked the City Council to authorize to dissolve it upon payment of franchise fees.

City Attorney Birrueta asked if the amount owed to the City is \$127,000 and she stated that City Attorney recommends that amount is included in the correspondence to the City of Bell because they will agree to dissolve if the amount is included.

Motion: A motion was made by Council Member Guerrero, seconded by Markovich, and carried (4-0) to send a letter to City of Bell stating that Cudahy will agree to dissolve the Bell-Cudahy Telecommunications Authority as soon as the City of Bell provides figures of what is owed to the city.

AYES: Guerrero, Oliva, Markovich, Garcia
NOES: None
ABSENT: Sanchez
ABSTAIN: None

13. COUNCIL BUSINESS

- A. Discussion/ update item on Plaza De Cudahy.
(Garcia)

Recommendation: Receive report and provide direction.

Mayor Garcia led discussion about the swap meet on Plaza de Cudahy and technical difficulties.

Discussion by Henry Garcia, Consultant, touched on technical difficulties, and ownership of land. A Conditional Use Permit is needed, as well as a reciprocal parking agreement, and a temporary use permit application in order to allow this. Stated that people have expressed an interest in moving the swap meet.

Mayor Garcia stated that Mr. Tsay is the landowner of the area and as a stakeholder has agreed to lease. Proposed to move forward with amending zoning regulations because they are being held back.

City Attorney Birrueta asks to ensure that proper entitlements are sought by Mr. Tsay and look at zoning and swap meet issues in San Fernando and that an Environmental Consultant will have to be hired and notice given.

Council Member Guerrero asked if it is feasible to permanently close down the street to allow for development on that area.

Vice Mayor Markovich stated that he believes this proposal will generate a lot of revenue for the city.

Council Member Oliva requested a PowerPoint.

Direction given to create presentation for next meeting, no objections noted.

- B. Discussion item on Rules of Decorum for Council Members.
(Oliva)

Recommendation: Receive report and provide direction.

This item was tabled to the next Regular Meeting by affirmation of Council Member Oliva.

- C. Discussion item on prospective City Council consideration and adoption of regulations concerning firearms in the City of Cudahy.

(Sanchez)

Recommendation: It is recommended that the City Council provides direction as to whether it desires the City Attorney to draft an Ordinance implementing local firearms regulations for the City and, if so, what specific type(s) of firearms regulations it would like to have included in such Ordinance. It is also recommended that City staff provide information to the City Council as to the number of firearms retailers in the City and a breakdown of firearms-related offenses that have occurred in the City within the past 3 years.

This item was tabled to the next Regular Meeting by absence of Council Member Sanchez.

- D. Consideration of RESOLUTION NO. 14-03, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY TO MODIFY CERTAIN PARKING CITATION PRACTICES AND RELATED FEES ASSESSED BY THE CITY'S MUNICIPAL OFFICERS AND/OR CODE ENFORCEMENT OFFICERS (COUNCIL)

(Guerrero)

Recommendation: Approve Resolution No. 14-03.

City Attorney Birrueta stated that a portion of this resolution is in conflict with the administrative process of the Municipal Code's burden of proof, and that it may also be preempted by state laws.

Council Member Guerrero explains that he drafted this resolution because there were issues with code enforcement departments, and that high ticket fees are unbearable for the people of Cudahy. He stated that he is willing to pull sections four (4) and five (5) so that the Council considers the resolution.

Motion: A motion was made by Garcia, seconded by Guerrero, and carried (4-0) to approve resolution 14-03 with the exception of Sections 4 and 5.

AYES: Guerrero, Oliva, Markovich, Garcia
NOES: None
ABSENT: Sanchez
ABSTAIN: None

- E. Consideration of RESOLUTION NO. 14-42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY SUPPORTING PLANS TO DEVELOP THE FIRST COMMUNITY SWIMMING POOL IN THE CITY

(Garcia)

Recommendation: Approve Resolution No. 14-42.

Mayor Garcia explained that studies show that Cudahy needs a swimming pool for the betterment of the city.

Council Member Oliva clarified that she would like a guarantee that there will not be a raise in taxes to fund the swimming pool.

City Attorney Birrueta pointed out that future Council Members could use public funds to upkeep pool.

Council Member Sanchez noted that he is in support of this resolution.

Motion: A motion was made by Garcia, seconded by Sanchez, and carried (5-0) to approve resolution 14-42.

AYES: Guerrero, Oliva, Sanchez, Markovich, Garcia
NOES: None
ABSENT: None
ABSTAIN: None

F. Consideration of RESOLUTION NO. 14-43, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY ENDORSING SB-935 TO AMEND THE CALIFORNIA STATE MINIMUM WAGE ANNUAL ADJUSTMENT.
(Markovich)

Recommendation: Approve Resolution No. 14-43.

A report was given by Vice Mayor Markovich on the necessity to increase minimum wage to better the quality of life for the residents of Cudahy.

Council Member Guerrero stated that he does not support this resolution because it creates inflation and unemployment and other ailments to the community.

Council Member Sanchez stated that this is a difficult issue.

Council Member Oliva stated that retail industries will be affected. She approves the idea but would like to know how it will be compensated.

Mayor Garcia stated that there are benefits to raising minimum wage and this resolution is important for residents.

Motion: A motion was made by Mayor Garcia, seconded by Markovich, and carried (4-1) to approve resolution 14-43.

AYES: Oliva, Sanchez, Markovich, Garcia
NOES: Guerrero
ABSENT: None
ABSTAIN: None

G. Consideration of ORDINANCE NO. 629, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY ADDING CHAPTER 2.54 OF TITLE 2 OF THE CUDAHY MUNICIPAL CODE ESTABLISHING CITY CAMPAIN ETHICS REGULATIONS.

(Guerrero)

Recommendation: Approve introduction of Ordinance No. 629.

Council Member Guerrero explained that there has been a lack of regulation of campaign contributions and campaigning needs transparency in the last public campaign. He wants for candidates to be required to state how much they receive in contributions from entities who are up for a contract before people vote. He would like a discussion on capping the amount of contributions political candidates can receive from contractors.

Vice Mayor Markovich stated that he supports this proposition.

Council Member Guerrero stated that state law is in tune with this proposition.

City Attorney Birrueta explained that this proposition is the same as state law, and only Sections 2.54.020 and 2.54.060 are stricter than state law.

Council Member Guerrero stated that there should be a modification that contributions above \$50 do not need to be verbally announced.

Council Member Oliva noted that this requirement should be limited to campaign contributions.

Mayor Garcia stated that this proposition does nothing to improve quality of life and only creates limits on our system.

Council Member Guerrero agrees to focus this proposition only on campaign contributions.

Motion: A motion was made by Vice Mayor Markovich, seconded by Guerrero, and carried (3-1) to approve the first reading of Ordinance No. 629 with modification to limit it to campaign contributions.

AYES: Guerrero, Oliva, Markovich,
NOES: Garcia
ABSENT: Sanchez
ABSTAIN: None

H. Consideration of RESOLUTION NO. 14-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY CALIFORNIA REGARDING THE CITY ATTORNEY OFFICE'S REVIEW OF ALL REQUESTS FOR PROPOSALS AND CONTRACTS PRIOR TO PRESENTATION TO CITY COUNCIL.

(Garcia)

Recommendation: Approve Resolution No. 14-45.

Mayor Garcia is asking to authorize the City staff to utilize a low cost option to record council meetings, and to give the city manager discretion to get cameras and tripods to use immediately at the next meeting in order to show transparency on what is being done to move the city forward.

Council Member Oliva stated that she supports transparency and recording but she would like more time to consider the protocol.

Council Member Guerrero supports transparency but would like to hear from the residents before making a decision.

Vice Mayor Markovich suggested using interns to minimize costs.

Michael Allen stated that he needs to check what is feasible and develop an internal process.

Council Member Oliva stated that in the City of Bell, recordings cannot show the face of people, and that she wants to know what the cost will be.

Motion: A motion was made by Garcia, seconded by Markovich, and carried (3-1-1) to approve resolution 14-45 with the amendment that provided the city staff does find a low cost option of posting videos and streaming them online, the recordings will take effect at the next meeting, July 15th.

AYES: Sanchez, Markovich, Garcia
NOES: Guerrero
ABSENT: None
ABSTAIN: Oliva

- I. Consideration of RESOLUTION NO. 14-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY CALIFORNIA REGARDING THE CITY ATTORNEY OFFICE'S REVIEW OF ALL REQUESTS FOR PROPOSALS AND CONTRACTS PRIOR TO PRESENTATION TO CITY COUNCIL.

(Oliva)

Recommendation: Approve Resolution No. 14-46.

Council Member Oliva explained that in order to cover the City from liability and have reassurance that items go through to the agenda, the City Attorney should review all requests for proposals and contracts prior to presentation.

City Attorney Birrueta asks that contracts be submitted to council members after they have been reviewed by the City Attorney so that vendors have protection.

Motion: A motion was made by Mayor Garcia, seconded by Oliva, and carried (5-0) to approve resolution 14-46.

AYES: Guerrero, Oliva, Sanchez, Markovich, Garcia
NOES: None
ABSENT: None
ABSTAIN: None

14. CLOSED SESSION

City Attorney Isabel Birrueta announced that the City Council/Agency would recess to Closed Session to discuss Items A and B on the Closed Session agenda.

- A. Closed Session pursuant to Government Code Section 54956.9(d) (2) and 54956.9(e) (1) – Conference with Legal Counsel to Discuss Matter Involving Potential Litigation and/or Significant Exposure to Litigation – [One (1) Matter] – This Matter will be heard jointly by the Cudahy City Council and the Cudahy City Council in its capacity as Successor Agency to the Cudahy Redevelopment Agency.**
- B. Closed Session pursuant to Government Code 54956.9(d) (1), Conference with Legal Counsel Regarding Pending Litigation: ECM v. City of Cudahy, Los Angeles Superior Court Case No. VC063271.**

City Attorney Report from Closed Session

City Attorney Isabel Birrueta reported that the City Council/Agency met in Closed Session to discuss Item A on the Closed Session agenda. **(Discussed after Section 7, City Council Comments, before Section 8, City Manager Report)**

In regard to Item A, direction was given, no action was taken.

City Attorney Isabel Birrueta stated that there was no reportable action taken.

15. ADJOURNMENT

The City Council/Agency meeting was adjourned at 11:36 p.m.

Respectfully submitted:


INTERIM CITY CLERK