

MINUTES
CUDAHY CITY COUNCIL and
CITY OF CUDAHY AS SUCCESSOR AGENCY
TO THE CUDAHY DEVELOPMENT COMMISSION
A Joint Meeting held in the City Council Chambers
5240 Santa Ana Street, Cudahy, California
Tuesday, July 15, 2014 – 6:30 P.M.

1. CALL TO ORDER

Mayor Garcia called the meeting to order at 6:33 p.m.

2. ROLL CALL

PRESENT: Council/Agency Member Guerrero
Council/Agency Member Oliva
Council/Agency Member Sanchez (arrived at 6:52 p.m.)
Vice Mayor/Vice Chair Markovich
Mayor/Chair Garcia

ABSENT: None

3. PLEDGE OF ALLEGIANCE – Led by Elizabeth Alcantar

4. INVOCATION - None

5. PRESENTATIONS - None

6. PUBLIC COMMENT

Pamela Murguia spoke in support of Agenda Items 12A and 13A, and asked for decorum and respect amongst Council Members because we live in a democracy.

Carmen Hernandez spoke about the right of Free Speech; would like to be told if taxes would rise to build a pool. She also stated that it is a lack of respect that Council Member Sanchez is never present to listen to citizens.

Elizabeth Alcantar spoke about needed support from the City and Council Members for the City College Fair.

Nelly Blaeker spoke about partisan divisions and the need for Council Members and the City Attorney to control themselves when they speak and not interrupt or yell.

Adelina Garcia expressed gratitude for lending the children who play soccer a room, and stated that a pool should only be built if there is enough money.

Jose Parra commented on changes to the public library hours and a grant he wrote for \$5,000 to help students in Cudahy with the SAT.

6. PUBLIC COMMENT (continued)

Jose Cortes asked for donations of computers to create a computer lab for children and requested further support at the swap meet.

Gloria Sandoval requested more information on the proposal to establish cameras in the Chambers to increase transparency because she considers it a waste of money stating there are already recordings. She also wanted Council Members, particularly Mayor Garcia, to respect citizens and not scold them.

Speaker expressed concern about the deterioration of the swap meet and increasing competition and requested support.

Evelia Esquivel was concerned about the swap meet and requested support to re-inaugurate it and create more events.

Javier Flores asked that Council Members respect each other. He also requested greater flexibility for people who want to create businesses in Cudahy.

7. CITY COUNCIL COMMENTS

City Attorney Birrueta requested Urban Futures meet with them during closed session, after Council Comments

Council Member Guerrero talked about the present danger of mismanagement and challenged the Council to come together and submit an aggressive mediator plan regarding the audit. He stated he would reach out to the Civil Rights Commission and file a civil class action lawsuit in Federal Court in the name of the people to achieve justice.

Council Member Oliva asked to agendaize Council Member Guerrero's request. She asked staff to coordinate with Ms. Alcantar to market the college fair. She reported on the 101 Government Workshop and announced that the CERT Class would be held for two more Saturdays in Spanish. She reminded citizens about the Lugo Park Beautification program next Saturday. She requested Clara and Atlantic Street trash be cleaned. She announced the Women Empowerment Class on Friday and the Ballet and Jujitsu classes. She clarified that Council Members cannot raise taxes but suggested to put the item to raise taxes on the ballot. She noted that she supports citizens and that details on the various projects need to be known.

Council Member Sanchez announced that he participated in the NALEO conference and thanked Council Members for the Workshop on a strategic plan to move the City forward through community development, community outreach, and proper staffing.

He stated that the audit reports are being corrected and asked the Director of Finance to give an update.

Steven Dobrenen, Finance Director, spoke about what the reports contain and the effort it takes to produce them.

7. CITY COUNCIL COMMENTS (continued)

Council Member Sanchez continued his comments by stating that he takes Council Member Guerrero's statement seriously, but that he hopes instead they can help the city move forward.

Vice Mayor Markovich expressed that he would like Council Members to work together. He asked for permission to form an ad hoc committee to reinforce a Chamber of Commerce.

Mayor Garcia commented on public comment dialogue. He stated that items that come before the agenda should improve the lives of Cudahy residents that decisions need to be made by considering both sides because we live in a democracy.

Council Member Guerrero requested clarification on a procedural point of order with regards to Mayor Garcia's allowed speaking time during city council comments.

City Attorney Birrueta stated that the Mayor has the decision to allow extra time to speak and cautioned that for fairness sake, Council Members should respect the three-minute time allotted.

8. CITY MANAGER REPORT (information only)

Michael Allen, Acting City Manager, announced that those interested in opening a business in the city can meet with them. He stated that he is in agreement for an ad hoc Committee for a Chamber of Commerce. He asked Council Members one by one if they had new items to add to next meeting's agenda.

Council Member Guerrero requested that an internal control discussion item be placed on the agenda.

Mayor Garcia noted that he would be adding a resolution on the next meeting's agenda to support the use of sub-city resources to help the church on Clara with its project.

Vice Mayor Markovich would like a discussion item on water quality in the City of Cudahy.

Mayor Garcia requested a Water Awareness Workshop in late August separate from a Town hall meeting.

Council Member Sanchez would like a discussion item on bicycle lanes.

Mr. Allen stated that a workshop would be held to discuss bicycle safety.

9. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

Motion: A motion was made by Vice Mayor Markovich, to waive full text reading of all Resolutions and Ordinances by single motion, seconded by Council Member Sanchez. Motion carried (5-0) by the following vote.

ROLL CALL:

AYES: Council Member(s): Guerrero, Oliva, Sanchez,
Vice Mayor Markovich and Mayor Garcia
NOES: Council Member(s): None
ABSTAIN: Council Member(s): None

10. PUBLIC HEARINGS - None

11. CONSENT CALENDAR

Council Member Guerrero requested to discuss a warrant on page 11 of the check register.

City Attorney Birrueta requested that Council Members pull items from Consent if they had questions.

Mayor Garcia pulled item 11A from the Consent Calendar.

Vice Mayor Markovich pulled item 11K from the Consent Calendar.

Council Member Sanchez pulled item 11J from the Consent Calendar.

City Attorney Birrueta recommended that corrections be made on the minutes.

Mayor Garcia would like to table all the minutes.

Council Member Guerrero requested that check number 3715 on page 11 be properly described.

Council Member Oliva requested that there be a line explanation of costs for check numbers 3715 and 3719 on page 12.

Council Member Oliva and Guerrero questioned check numbers 37189 and 37196.

Henry Garcia, Consultant, clarified that costs were related to a rush printing job and rush mailing to residents and covered graphic design, rush print in full color and gloss print.

Council Member Guerrero asked who authorized the printing and the vendor of the flyers.

Mr. Garcia responded that he authorized the printing and the vendor without a second bid.

11. CONSENT CALENDAR (continued)

Council Member Oliva was concerned about the cost and error in the printing and lack of communication after she requested information about the vendor.

Council Member Guerrero requested that it be put on record that the City overpaid \$2,500 for a poor quality flyer.

Mayor Garcia would like that all expenses incurred, be made public and discussed at the next meeting.

City Attorney Birrueta asked if a staff report on costs and expenses from the moment the City paid for the audit would be a separate item on next meeting's agenda.

A. Approved the City Demands and Payroll for the month of April 2014.

Motion: A motion was made by Mayor Garcia, to approve Item 11A with modifications, seconded by Vice Mayor Markovich. Motion carried (4-1) by the following vote.

ROLL CALL:

AYES: Council Member(s): Oliva, Sanchez, Vice Mayor Markovich, and Mayor Garcia

NOES: Council Member(s):

ABSTAIN: Council Member(s): Guerrero

B. Approved the City Treasurer's Financial Report (LAIF) for the month of April 2014.

C. Approved the Cash and Investment Report for the month of April 2014.

E. Approved the City Treasurer's Financial Report (LAIF) for the month of May 2014.

F. Approved the Cash and Investment Report for the month of May 2014.

Motion: A motion was made by Council Member Guerrero, to approve Items 11B, 11C, 11E and 11F, seconded by Vice Mayor Markovich. Motion carried (5-0) by the following vote.

ROLL CALL:

AYES: Council Member(s): Guerrero, Oliva, Sanchez, Vice Mayor Markovich and Mayor Garcia

NOES: Council Member(s): None

ABSTAIN: Council Member(s): None

11. CONSENT CALENDAR (continued)

D. Approve the City Demands and Payroll for the month of May 2014.

Motion: A motion was made by Mayor Garcia, to approve Item 11D, seconded by Council Member Sanchez. Motion carried (4-1) by the following vote.

ROLL CALL:

AYES: Council Member(s): Oliva, Sanchez, Vice Mayor Markovich,
and Mayor Garcia

NOES: Council Member(s):

ABSTAIN: Council Member(s): Guerrero

G. Approve Minutes for the City Council Special Meeting of January 14, 2014.

H. Approve Minutes for the City Council Regular Meeting of January 21, 2014.

I. Approve Minutes for the City Council Special Meeting of May 13, 2014.

J. Approve Minutes for the City Council Special Meeting of June 18, 2014.

K. Approve Minutes for the City Council Special Meeting of July 2, 2014.

Motion: A motion was made by Oliva, to table items 11G through 11K, seconded by Sanchez. Motion carried (5-0) by the following vote.

ROLL CALL:

AYES: Council Member(s): Guerrero, Oliva, Sanchez,
Vice Mayor Markovich and Mayor Garcia

NOES: Council Member(s): None

ABSTAIN: Council Member(s): None

12. BUSINESS SESSION

A. Consideration of adoption on second reading 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 CAMPAIGN ETHICS REGULATIONS. (COUNCIL)
(Guerrero)

City Attorney Birrueta highlighted the only change on the reading of the Ordinance, a threshold of \$50 was placed under section 2.54.060. She defined what a contribution is since the Ordinance pertains to contributions.

Council Member Guerrero asked for clarification of political campaign contributions.

12. BUSINESS SESSION (continued)

City Attorney Birrueta stated the Ordinance only refers to political campaign contributions, and that Section 2.54.060 is not a state requirement but was proposed for Council Members to disclose contributions made by a vendor for political campaigns.

Motion: A motion was made by Council Member Guerrero, to Adopt Ordinance No. 629, seconded by Vice Mayor Markovich. Motion carried (3-1-1) by the following vote.

ROLL CALL:

- AYES:** Council Member(s): Guerrero, Oliva and Vice Mayor Markovich
- NOES:** Council Member(s): Mayor Garcia
- ABSTAIN:** Council Member(s): Sanchez

B. 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)

Council Member Oliva asked if she needed to disclose a raffle she won.

City Attorney Birrueta assured Council Member Oliva that she can vote without disclosing raffle information.

Council Member Sanchez asked the kind of methods used to pick the vendor.

Michael Allen, Acting City Manager, gave descriptions of hourly rates for first plan check and second plan check, which are paid by a percentage base.

City Attorney Birrueta clarified from an earlier question that receipt of a raffle prize does not preclude Council Member Oliva from participating in a vote.

Motion: A motion was made by Mayor Garcia, to award a Professional Service Agreement (PSA) for Building Code Plan Check Services to Transtech Engineers, Inc. for one (1) year with the option to extend, seconded by Vice Mayor Markovich. Motion carried (5-0) by the following vote.

ROLL CALL:

- AYES:** Council Member(s): Guerrero, Oliva, Sanchez, Vice Mayor Markovich and Mayor Garcia
- NOES:** Council Member(s): None
- ABSTAIN:** Council Member(s): None

12. BUSINESS SESSION (continued)

C. Consideration for procurement of a Taxicab Operator's License from the City Council by Futura Taxi. (COUNCIL)

Steven Dobrenen, Finance Director, gave a report stating that the requirements of the Municipal Code have been made pursuant to questions about insurance by Council Members.

Mayor Garcia asked why previous contracts were terminated.

Motion: No motion was made to approve their license

City Attorney Birrueta stated that under the Municipal Code a business license should be approved unless they do not meet requirements and not approving the license could create liability for the City.

Vice Mayor Markovich requested to table this item for Closed Session for the next meeting.

City Attorney Birrueta recommended that Council Members approve the item because they do not have cause for a denial.

Motion: A motion was made by Council Member Sanchez, to approve a Taxicab Operator's License to Futura Taxi to allow the operation of taxi service within the City, seconded by Vice Mayor Markovich. Motion carried (3-0-2) by the following vote.

ROLL CALL:

AYES: Council Member(s): Oliva, Sanchez and Vice Mayor Markovich
NOES: Council Member(s): None
ABSTAIN: Council Member(s): Guerrero and Mayor Garcia

D. Consideration to approve a contract services agreement with Bell Plumbing and Heating for emergency repair of the Los Angeles County Library Air Conditioning Unit. (COUNCIL)

Michael Allen, Acting City Manager, gave a report on how the air conditioner in the Library and City Hall failed; due to the condenser being damaged beyond repair caused by a power shortage in the City. He spoke to a contractor to provide immediate service, costing \$6,600.00.

Motion: A motion was made by Council Member Oliva to approve the contract Services agreement with Bell Plumbing and Heating, seconded by Mayor Garcia. Motion carried (5-0) by the following vote.

12. BUSINESS SESSION (continued)

ROLL CALL:

AYES: Council Member(s): Guerrero, Oliva, Sanchez,
Vice Mayor Markovich and Mayor Garcia
NOES: Council Member(s): None
ABSTAIN: Council Member(s): None

- E. Continued to August 5, 2014 - Consideration of Resolution No. 14-47, A RESOLUTION OF THE CITY OF CUDAHY, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089. (COUNCIL)
(Community Development)**

Recommendation: It is recommended that the City Council conduct a required Public Hearing and approve Resolution No. 14-47.

Michael Allen, Acting City Manager, requested to table item 12E because he did not notice the item, no objections were made, item was tabled to the next meeting.

- F. Consideration of Resolution No. 14-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY APPROVING THE CITY ENGINEER'S REPORT AND DECLARING THE INTENTION OF THE CITY COUNCIL TO HOLD A PUBLIC HEARING AND LEVY THE ANNUAL ASSESSMENT TO MAINTAIN THE CITY OF CUDAHY STREET LIGHTING DISTRICT. (COUNCIL)**

Aaron Hernandez, Assistant City Engineer, gave a report about the various reports that have been prepared for Cudahy City. He noted that there is no fiscal increase to residents. He discussed deadlines for approval and fiscal impact.

Council Member Oliva requested a process for evaluating the lights.

Mr. Hernandez clarified that the City has a more efficient method to keep track of City lights.

Motion: A motion was made by Council Member Sanchez, to adopt Resolution No. 14-19, seconded by Council Member Oliva. Motion carried (5-0) by the following vote.

ROLL CALL:

AYES: Council Member(s): Guerrero, Oliva, Sanchez,
Vice Mayor Markovich and Mayor Garcia
NOES: Council Member(s): None
ABSTAIN: Council Member(s): None

12. BUSINESS SESSION (continued)

(NOTE: ITEM 12G WAS TAKEN BEFORE ITEM 12A, BUT RECORDED HERE IN AGENDA ORDER.)

G. A presentation and discussion of Plaza de Cudahy, and consideration of Cudahy Municipal Code Modifications. (COUNCIL) (City Manager)

Iris Hernandez, Representative for Fenix Corporation, gave an update for Plaza de Cudahy in Spanish. She spoke about the importance of the Plaza and the traditions of a plaza. She stated that the City will create restaurants, shops, fountains, gathering places, and establish events such as mariachi night and various dance presentations. She also explained that various clubs and organizations will have the opportunity to use Plaza de Cudahy and residents of Cudahy will be able to open businesses at the Plaza because the City will advise them through marketing workshops and Wells Fargo will provide them lines of credit.

Mayor Garcia clarified that this is a partnership with a group of investors and asked for clarification on what the Municipal Code does and does not allow.

Michael Allen, Acting City Manager, stated that the Municipal Code does need to be modified; he provided examples such as Pasadena, Santa Monica, Burbank, and San Fernando. He stated that one option is to modify the conditional use permit which is permanent and longstanding, a second option is modify the temporary use permit process, and the third option is to modify the Code to allow such uses on city streets or public property.

City Attorney Birrueta stated that the City needs to go back to planning the kind of area and having the vendors that the City would like to see at Plaza de Cudahy.

Mayor Garcia proposed an ad hoc Committee with himself and Council Member Sanchez and the swap meet community.

Direction was given to formulate an ad hoc Committee with Jose Cortez, Council Member Sanchez, Mayor Garcia and another vendor of his choice, to move the process forward, no objections noted.

H. Consideration to award a Community Development Block Grant Contract (Project JADE). (COUNCIL)

Jennifer Hernandez gave report about the cost of parenting classes and informed Council Members that in order to proceed, special services would need to be in place. She informed that the recommendation had been approved by the City Attorney's office and staff recommended that it be approved.

Council Member Oliva inquired about changes in curriculum from last year that need to be corrected.

Ms. Hernandez stated that JADE employees have discussed concerns and have updated the program.

12. BUSINESS SESSION (continued)

Motion: A motion was made by Council Member Sanchez, to award a contract for Project JADE, seconded by Council Member Oliva. Motion carried (4-0-1) by the following vote.

ROLL CALL:

AYES: Council Member(s): Guerrero, Oliva, Sanchez, and Mayor Garcia
NOES: Council Member(s): None
ABSTAIN: Council Member(s): Vice Mayor Markovich None

13. COUNCIL BUSINESS

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

Motion: A motion was made by Mayor Garcia, no second, to table items 13A indefinitely. Motion failed for lack of second.

Council Member Oliva stated that she would like Council Members to consider three issues under this item: Council Members need to commit to meeting schedules, professional demeanor during meetings, public comments time for the citizens and confrontation should be minimized and new item should be added to the agenda under Public Comment Rules. She requested that they provide direction to add specific language to the rules.

Council Member Guerrero agrees with first two recommendations but he would prefer to keep the rules as flexible as possible during Public Comment.

Mayor Garcia stated that Public Comment is not hostile but rather for clarification to funnel democracy and that meetings should move forward.

Council Member Guerrero recommended for Council Member Oliva to draft a recommendation with the City Attorney for the next meeting.

City Attorney Birrueta explained the language that was proposed by Council Member Oliva.

Council Member Guerrero rescinded his vote to abstain from the motion.

Motion: A motion was made by Mayor Garcia, to move forward on the agenda and take no action, seconded by Council Member Sanchez. Motion carried (2-1-1) by the following vote.

ROLL CALL:

AYES: Council Member(s): Sanchez and Mayor Garcia
NOES: Council Member(s): Oliva
ABSTAIN: Council Member(s): Markovich

13. COUNCIL BUSINESS

B. Consideration of RESOLUTION NO. 14-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY ESTABLISHING RULES FOR THE PLACEMENT OF ITEMS ON CITY COUNCIL AGENDAS AND ORDER OF ITEMS HEARD DURING CITY COUNCIL MEETINGS. (COUNCIL) (Guerrero)

Council Member Guerrero explained the importance of his proposal to give Council Members opportunity to speak.

Council Member Oliva clarified that this resolution involves the section of the agenda of Council Business.

Council Member Sanchez stated that Council Member Guerrero should have brought this item at a different time.

Mayor Garcia expressed that this item does nothing to move the City forward.

Council Member Oliva explained that the agenda is divided into sections and that during the Council Meeting Section, Council Members should be able to discuss and address issues regardless of difference of opinion.

Motion: A motion was made by Mayor Garcia, to table Item 13B indefinitely, seconded by Council Member Sanchez. Motion failed (2-2-1) by the following vote.

ROLL CALL:

AYES: Council Member(s): Sanchez and Mayor Garcia
NOES: Council Member(s): Guerrero and Oliva
ABSTAIN: Council Member(s): Markovich

Council Member Oliva made a motion to have this item tabled to the next meeting but it was denied.

Council Member Sanchez states that he likes the current system.

Motion: A motion was made by Council Member Guerrero, to adopt Resolution No. 14-48, seconded by Council Member Oliva. Motion failed (2-3) by the following vote.

ROLL CALL:

AYES: Council Member(s): Guerrero, Oliva
NOES: Council Member(s): Sanchez, Vice Mayor Markovich and
Mayor Garcia
ABSTAIN: Council Member(s): None

13. COUNCIL BUSINESS

- C. **Continued to August 5, 2014** - Discussion item on Planning Department fees, permit applications and practices.
(Guerrero)

Recommendation: Receive and File

This item was tabled to the next Regular Meeting to be accompanied by a Staff prepared summary of the Fees.

- D. Discussion item to select a date of Fiscal Year 2014/15 Budget Study Session.
(Garcia)

Recommendation: It is recommended that Council provide a date to staff for the future 2014-2015 Budget Study Session.

Mayor Garcia spoke about the importance of having a Budget Study Session to increase transparency.

Mayor Garcia announced that the Budget Study Session would be held Tuesday, July 22nd at 6:30 p.m.

- E. Discussion item regarding prospective City Council consideration and adoption of regulations regarding firearms in the City of Cudahy. (STAFF REPORT INCLUDED) **(Sanchez)**

Recommendation: It is recommended that the City Council provides direction as to whether it desires the City Attorney to draft and 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.

Council Member Sanchez detailed his reason for proposing this item and that his resolution is to have very strict gun ordinances near schools and anywhere near children.

City Attorney Birrueta provided the current gun provision in the Municipal Code, and stated that more regulations could be added as long as they are not preempted by state and federal law. She explained that the Sheriff's Department would monitor gun use and the City would enforce penalties.

Mayor Garcia expressed that he is in support of having very strict firearms ordinances.

Direction was given and there was no objection to Item 13E.

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. 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. Pursuant to Government Code 54957(b) (1)
Public Employment Name of Position Under Consideration: City Manager**

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 reported that the City Council/Agency met in Closed Session to discuss Item B on the Closed Session agenda and that no action was taken.

15. ADJOURNMENT

The City Council/Agency meeting was adjourned at 11:18 p.m.

Respectfully submitted


INTERIM CITY CLERK