

## **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  
Monday, September 14, 2015 – 6:30 P.M.**

### **1. CALL TO ORDER**

The meeting was called to order by Mayor Markovich at 6:31 p.m.

### **2. ROLL CALL**

The following Council Members were in attendance:

Council / Agency Member Garcia (arrived at 8:06 p.m.)  
Council / Agency Member Guerrero  
Council / Agency Member Sanchez  
Vice Mayor / Vice Chair Hernandez  
Mayor / Chair Markovich

### **3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor / Chair Markovich.

### **4. PRESENTATIONS**

#### **A. Introduction of Deputy Sheriff Marino Gonzalez**

Captain Steven Biagini of the East Los Angeles Sheriff Station introduced Deputy Marino Gonzalez specially assigned to the City of Cudahy.

#### **C. Proclamation Recognizing September as Childhood Cancer Awareness Month**

Mayor Markovich read the City proclamation recognizing September as Childhood Cancer Awareness Month.

#### **E. Presentation of Potential Co-sponsorship of a Music Festival (Fiesta de Octubre by Bandachannel.com)**

## **5. PUBLIC COMMENTS**

Mayor Markovich announced this is the time set aside for citizens to address the City Council / Agency on matters relating only to items on the agenda and the limit on each speaker is three (3) minutes.

Pamela Munguia stated she is against the increase in fees.

Estefana Gonzalez stated she makes very little and is against increase for parking tickets and youth programs.

Sandra Orozco spoke on Rosario Pacheco contract cancellation, poster signs and parking tickets.

Gloria Sandoval stated she disagrees with increase in parking tickets and youth programs and asked the City to fix the streetlights.

Carmen Hernandez stated her husband makes minimum wage and she is against increasing fees for youth programs.

Adelina Garcia spoke against fee increases for youth programs and parking tickets. She also spoke on the Sheriff's response to Lugo Park.

Marcos Oliva thanked the City for the LA Works event; providing minutes; and addressed the business license fees for property rentals.

Patricia Covarrubia stated she is recording the meetings and she is against increases in taxes and youth programs.

Aide Castro representative for Assembly Member Rendon respectfully requested that the City Council approve co-sponsorship of the Health Fair with the Assembly Members office.

Javier Flores stated he does not agree with the rate hikes on sports.

William Tejada commended the City for the cancer proclamation and stated he is opposed to the fee and tax increases.

Silvia Palomares spoke on an incident at the park involving a City employee.

With no one else wishing to speak, Mayor Markovich closed Public Comments.

## **6. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS**

Mayor Markovich announced this is the time for the City Council / Agency Members to comment on any topics related to City Business and the limit on each speaker is three (3) minutes.

Council Member Guerrero spoke in opposition to the approved budget, budget deficit, civil rights injustice for constituents, aggressive code enforcement, quadrupling of fees, firing of part-time recreation and maintenance staff, and management bonuses and compensation increases.

Council Member Sanchez congratulated the cities of Bell, Maywood and Cudahy for the success of the LA Works event; announced an open forum to discuss parks and parking on Thursday at 5 p.m. in the Council Chamber; invited the public to participate in the monthly bike ride this Saturday at 10 a.m.; addressed misleading information regarding fee increases and lack of participation in budget sessions and stated the Council passed a balanced budget with one half million dollars allocated for Lugo Park Improvements; working with non-profits to absorb some of the costs.

Vice Mayor Hernandez gave kudos to City staff for the designated officer and neighborhood watch program in the City; announced the restructuring of Commissions and the Ad-Hoc Committee's recommendations; stated he is looking forward to the health festival and thanked the Banda Channel for their support; he said everyone has the right to speak publicly and voice your opinions; he addressed fee increases for parking and reminded everyone there is an overnight parking passes currently available.

Mayor Markovich apologized for his absence at the last meeting due to illness; he stated that differences of opinions are good and encouraged the public to keep coming to the meetings; he stated there was a great turnout at the LA Works event drawing over 1,000 people and brought southeast communities together; he announced he is in talks with the Los Angeles County Library regarding renovating the library to bring it up to the 21<sup>st</sup> century; tree people bringing 500 trees to the City with a potential of securing a grant to bring an additional 5,000 trees to the City.

## **7. CITY MANAGER REPORT**

City Manager Pulido stated there is misinformation being stated regarding budget. The goal for non-profits like AYSO Soccer Program is to help make programs affordable. Changing the way the City does business to provide better quality of service. He is continuing to reach out to other non-profit organizations for staffing and resources.

At the request of Council Member Sanchez, the City Manager reported that Council's attendance at the 2014 Strategic Planning Session included Mayor Markovich, Council Member Sanchez, former Council Member Oliva, and Council Member Garcia, and attendance for the 2015 Session included Mayor Markovich, Vice Mayor Hernandez and Council Member Sanchez.

Mr. Pulido announced he is working with the Sheriff's Department on a multi-year strategic plan to tackle issues. He is currently reviewing their draft report and within the month he will provide details via the City Manager report. He urged the public to ask questions and invited them to attend the first neighborhood watch meeting.

He is currently in negotiations with Cudahy LF, who is in the process of obtaining a casino license, and he is in negotiations to acquire property for a new casino that will provide potentially 700-1,000 jobs to the area.

Mayor Markovich departed the meeting at 7:37 p.m. and returned at 7:41 p.m.

## 8. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

Recommendation: Approve the Waiver of Full Reading of Resolutions and Ordinances.

**Motion:** It was moved by Vice Mayor Hernandez, and seconded by Council Member Sanchez to waive full text reading of all Resolutions and Ordinances by single motion. The motion carried (3-0-1-1) by the following roll call vote:

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

## 9. CONSENT CALENDAR (Items 9A through 9F)

Council Member Guerrero pulled items 9A and 9E for separate discussion.

**Motion:** It was moved by Council Member Sanchez, and seconded by Mayor Markovich to approve the remaining consent calendar items 9B, 9C, 9D and 9F with correction to August 24, 2015 minutes. The motion carried (3-0-1-1) by the following roll call vote:

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

- B. Approved the Local Agency Investment Fund (LAIF) Report for the month of July 2015 in the amount of \$5,875,618.75.
- C. Reviewed and approved the minutes of August 24, 2015 for the Regular Meeting of the City Council and the Joint Meeting of the City of Cudahy as Successor Agency to the Cudahy Development Commission (Agency) with correction by Council Member Sanchez.
- D. Received and filed the Senior and Aging Citizen Commission Notice of Cancellation for July 13, 2015; Public Safety Commission Minutes of July 14, 2015; Planning Commission Minutes of July 20, 2015; and Parks and Recreation Commission Minutes of July 24, 2015.
- F. Approved co-sponsorship of a health fair in partnership with Assembly Member Anthony Rendon's Office to take place on Saturday, October 17, 2015, from 10:00 a.m. to 2:00 p.m. to be held at Clara Street Park.

Council Member Guerrero pulled items 9A for separate discussion.

- A. Consideration to Approve the City Demands and Payroll including the Cash and Investment Report for the month of July 2015

Finance Director Steven Dobrenen presented the staff report.

Council Member Guerrero stated he appreciated the year to date disbursements and year to date receipts and added it is important to monitor these transactions on a year to date basis. He

explained that the \$1.7 million disbursements minus \$450,000 receipts leaves a \$1.2 million deficiency, and even if \$1 million is subtracted for non-recurring circumstances, it still leaves a deficit of \$200,000 for just month of July. He said he will continue to revisit this on monthly basis.

Council Member Sanchez requested historical data from July 1, 2014 through June 30, 2015 for cash receipts and cash disbursements by month for trends. He stated that money received varies and is seasonal so he would like to see it averaged out over twelve months.

**Recommendation:** Approve the Demands and Payroll in the Amount of \$1,996,824.31 including the Cash and Investment Report by Fund for the month of July 2015.

**Motion:** It was moved by Mayor Markovich, and seconded by Council Member Sanchez, to approve consent calendar Item 9A. The motion carried (3-1-0-1) by the following roll call vote:

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

Council Member Guerrero pulled items 9E for separate discussion.

E. Consideration to Approve a Resolution of the Cudahy City Council Amending the Adopted Fringe Benefits and Salary Plan Establishing Provisions for All Full-time Employees, Hourly Employees, and Appointed Officials and Repealing Resolution No. 15-20B

Acting Human Resources Specialist Jennifer Hernandez presented the staff report.

Council Member Guerrero stated he will be voting no on this item because he voted no on the budget and the basis for this modification is the budget. He explained he is uncomfortable with the language stating it refers to City Manager as a position within the scope of the fringe benefit plan and later says the plan shall not supersede any employment agreement in place. He suggested that the language include that the City Manager employment agreement governs the benefit and compensation for the City Manager position and is outside the scope of this fringe and benefit plan. He said he is concerned about misinterpretation and the possibility for duplicative benefits.

City Manager Pulido responded that his employment agreement supersedes this plan and his agreement does not include the items being discussed. He also stated that he had not had an opportunity to meet with Council Member Guerrero to discuss this.

Vice Mayor Hernandez asked if there will be a recruitment, and City Manager Pulido responded in the affirmative.

**Motion:** It was moved by Mayor Markovich, and seconded by Council Member Sanchez, to approve Resolution No. 15-44, a resolution amending the Fringe Benefits and Salary Plan Establishing Provisions for all full-time employees, hourly employees, and appointed officials and repealing Resolution 15-20B. The motion carried (3-1-0-1) by the following roll call vote:

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

Council Member Garcia arrived at 8:06 p.m.

## 10. PUBLIC HEARING

A. Consideration to Approve Resolution No. 15-41, Establishing the Master Fee and Fine Schedule for Fiscal Year (FY) 2015-16, Introduce Ordinance No. 650, by First Reading Amending Cudahy Municipal Code (CMC) 3.40.040 through 3.40.060, and Introduce an Ordinance by First Reading, Amending CMC Chapter 5.08.360

Finance Director Steven Dobrenen presented the staff report.

Mayor Markovich opened the public hearing and called for public comment.

Carmen Hernandez spoke in opposition to fee increases.

Marcos Oliva asked for clarification on the rental property managers item and why the number is four units.

Pamela Munguia spoke in opposition to increasing fees.

Patricia Covarrubias spoke in opposition to fee increases.

William Tejada spoke in opposition to fee increases stating this is a low income community with limited resources.

With no one else wishing to speak, Mayor Markovich closed the public hearing.

City Council comments addressed parking citation fees and the appeals process; the increase in Park & Recreation Fees and General Fund subsidies; overnight parking pilot program, rental licenses; restoring fees to what they used to be; and how Cudahy's fees compare regionally.

**Motion:** It was moved by Mayor Markovich, and seconded by Vice Mayor Hernandez, to adopt Resolution No. 15-41, establishing Master Fee and Fine Schedule for FY 2015-16; Introduce Ordinance No. 650 by first reading, amending CMC Chapter 3.40.040 to 3.40.060 relating to the City's cost recovery for services provided for Leisure and Cultural (recreational) Activities; and Introduce an Ordinance by first reading, amending CMC Chapter 5.08.360 to temporarily suspend (through June 30, 2019) the business license tax requirements applicable to Rental Property Managers of rental properties with four or fewer units. The motion carried (4-1) by the following roll call vote:

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

B. Consideration to Approve Resolution No. 15-39, Adopting the 2015 Local Development Report (LDR) certifying that the City of Cudahy meets the Conformity Criteria of the 2010 Congestion Management Program (CMP)

Acting Community Development Director Michael Allen introduced Planning Technician Didier Murillo who presented the staff report.

Mayor Markovich opened the public hearing and called for public comment.

With no one wishing to speak, Mayor Markovich closed the public hearing.

Mayor Markovich called for City Council Comments and there were none.

**Motion:** It was moved by Mayor Markovich, and seconded by Council Member Sanchez, to approve Resolution No. 15-39 adopting the 2015 Local Development Report certifying that the City of Cudahy meets the conformance criteria of the 2010 Congestion Management Program (CMP). The motion carried unanimously by the following roll call vote:

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

C. Consideration to Adopt an Urgency Ordinance of the City Council of the City of Cudahy Adding Chapter 15.36 to Title 15 (Buildings and Construction) of the Cudahy Municipal Code Regarding Expedited Permitting Procedures for Small Residential Rooftop Solar Systems and Declaring the Urgency thereof in Accordance with Government Code Sections 36934 and 36937

Acting Community Development Director Michael Allen presented the staff report.

Mayor Markovich opened the public hearing and called for public comment.

With no one wishing to speak, Mayor Markovich closed the public hearing.

Mayor Markovich called for City Council Comments and there were none.

**Motion:** It was moved by Council Member Sanchez, and seconded by Vice Mayor Hernandez, to adopt Urgency Ordinance No. 654 adding Chapter 15.36 to Title 15 (Buildings and Construction) to the Cudahy Municipal Code (CMC) regarding expedited permitting procedures for small residential rooftop solar systems. The motion carried unanimously by the following roll call vote:

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

**11. BUSINESS SESSION - None**

**12. COUNCIL DISCUSSION**

Council Member Garcia:

Discussion ensued regarding City contracts for Urban Futures and HR Dynamics. Council Member Garcia requested that staff continue bringing the strategic plan forward with a third party and that staff provide the City Council with a copy of revised strategic plan.

Discussion ensued regarding the City procurement process and City contract oversight. Council Member Garcia requested that Council be included more in the process and directed the City Attorney to work with the City Manager to prepare a report on other cities' procurement processes. City Manager Pulido stated he will work with the Council to create an even more transparent process.

Council Member Guerrero:

Discussion ensued regarding Public Comment Protocol.

**Motion:** It was moved by Council Member Guerrero to bring public comment period that we ordinarily have at the end of the meeting to the front of the meeting and to allow the members of the public to express their viewpoint on anything within the purview of City business effective two weeks from now. The motion failed due to lack of a second.

Discussion ensued regarding Closed Session Protocol. Council Member Guerrero stated he is in contact with the City Attorney constantly to discuss closed session items and he advocates for enabling the recording of closed session to mitigate hostility and misconduct. City Attorney Olivarez confirmed he does discuss closed session items with Council Member Guerrero on a regular basis.

**Motion:** It was moved by Council Member Guerrero that the meetings henceforth be recorded and that the recordings be kept at the City Attorney's office. The motion failed due to lack of a second.

Council Member Guerrero then stated he would like to participate remotely in closed session proceedings on a regular basis and that the remote location be properly agendized.

**Motion:** It was moved by Mayor Markovich, and seconded by Vice Mayor Hernandez and carried to receive and file.

Council Member Sanchez:

Discussion ensued regarding of Cudahy en Marcha fundraised appropriations.

**Motion:** It was moved by Council Member Sanchez, and seconded by Vice Mayor Hernandez that the raised funds be transferred back to Cudahy en Marcha. The motion carried (4-0-1-0) by the following roll call vote:

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

Council Member Guerrero departed the meeting at 9:37 p.m.

Discussion ensued regarding the Ad-Hoc Committee Recommendation for City Commission Appointments. Council Member Sanchez distributed the Ad-Hoc's recommendation for vacancies and asked that an action item be brought forward at an upcoming meeting.

**Motion:** It was moved by Council Member Garcia, and seconded by Mayor Markovich to add Elizabeth Alcantar and Leslie Mendoza to the Planning Commission, move Gilbert Cuevas to the Parks and Recreation Commission and to bring this item back for formal action. The motion carried (4-0-0-1) by the following roll call vote:

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

Vice Mayor Hernandez requested that his two items, the Discussion of the Young Mayor Program, and the Discussion to bring a Resolution regarding Equal Wages for Gender Equality, be moved to the next City Council meeting.

### **13. ORAL COMMUNICATIONS (Closed Session)**

Mayor Markovich announced that public comment is now open and limited to closed session items and the limit on each speaker is three (3) minutes.

With no members of the public wishing to speak, Mayor Markovich closed oral communications.

### **RECESS TO CLOSED SESSION**

City Attorney Olivarez recessed the City Council / Agency meeting to Closed Session at 9:42 p.m. all members present with the exception of Council Member Guerrero.

### **14. CLOSED SESSION**

City Attorney Olivarez read into the record the titles of the Closed Session Agenda Items as follows:

- A. Closed Session pursuant to Government Code Section 54956.9(d) (2) and 54956.9(e) (1) – Conference with Legal Counsel to Discuss a Matter Involving Potential Litigation and/or Significant Exposure to Litigation – [Two (2) Matters] - 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. Not discussed

- B. Closed Session pursuant to Government Code Section 54956.9(d) (4) – Conference with Legal Counsel to Discuss a Matter Involving Possible Initiation of Litigation – [One (1) Matter]
- C. Closed Session pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator Location of Property: 4819 Patata, 8420 S. Atlantic Ave. (APN 622-034-014, 032, 040-41), Cudahy, CA 90201 City's Negotiator(s): City Manager Jose E. Pulido Party Negotiating With: Cudahy LF, LLC Under Discussion: Discussion of both price and terms of payment as related to purchase of subject property
- D. Closed session pursuant to Government Code section 54957(b)(1) – Public Employee Performance Evaluation  
  
Employee Title: City Manager
- E. Closed Session Pursuant to Government Code Section 54957.6(a) – Conference with Labor Negotiator Regarding Represented Employees City's Designated Representative(s) for Negotiations: Jose Pulido, City Manager, Rhonda Strout-Garcia, Human Resources Consultant, Oliver Yee, Special Counsel Employee Organization: Cudahy Miscellaneous Employees Association (CMEA)

## RECONVENE

Mayor Markovich reconvened the City Council / Agency meeting in Open Session at 11:35 p.m. with all members present with the exception of Council Member Guerrero.

## 15. CLOSED SESSION ANNOUNCEMENT

City Attorney Olivarez announced that Closed Session Item 14A was not discussed and direction was given on Items 14B, 14C, 14D and 14E but no final action was taken.

## 16. PUBLIC COMMENT

Mayor Markovich announced this is the time set aside for citizens to address the City Council / Agency on matters under the City Council's jurisdiction and the limit on each speaker is three (3) minutes.

With no one wishing to speak, Mayor Markovich closed Public Comment.

## 17. ADJOURNMENT

A motion was made by Mayor Markovich, and seconded by Council Member Garcia and carried to adjourn the City Council / Agency meeting at 11:36 p.m. to the Regular and Joint Meeting as Successor Agency to the Cudahy Development Commission on Monday, September 28, 2015 at 6:30 p.m.

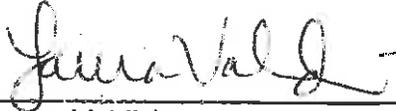
September 14, 2015



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Cristian Markovich  
Mayor

ATTEST:



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Laura Valdivia  
Interim City Clerk

APPROVED: October 12, 2015