

MINUTES

CUDAHY CITY COUNCIL REGULAR MEETING and CITY OF CUDAHY AS SUCCESSOR AGENCY TO THE CUDAHY DEVELOPMENT COMMISSION JOINT MEETING

SEPTEMBER 28, 2015 6:30 P.M.

1. CALL TO ORDER

The meeting was called to order by Mayor / Chair Markovich at 6:30 p.m.

2. ROLL CALL

The following Council Members were in attendance:

Council / Agency Member Guerrero (*arrived at 6:35 p.m.*)
Council / Agency Member Sanchez
Vice Mayor / Vice Chair Hernandez
Mayor / Chair Markovich

Absent:

Council / Agency Member Garcia

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Markovich.

4. PRESENTATION

A. Proclamation recognizing Freedom from Workplace Bullies Week October 18-24, 2015

Mayor Markovich presented the proclamation to Jeff Rada, representative from California Workplace Advocates.

5. PUBLIC COMMENTS

Mayor Markovich announced that public comment is now open on matters relating only to items on the agenda and the limit on each speaker is three (3) minutes.

Adelina Garcia spoke against parking ticket fees and the need for sports programs.

Pamela Munguia spoke against increasing fees and the City Manager raise.

Carmen Hernandez spoke on non-agenda items.

Javier Flores spoke in opposition to the increase in parking ticket fees and cutting children's sports programs.

Gloria Sandoval spoke against parking ticket fees.

Sandra Orozco commented on Council accountability to the residents.

Felix Reyes spoke against closing community programs, increasing rates and lack of parking.

Patricia Covarrubias spoke in opposition to fee increases.

Marcos Covarrubias spoke against fee increases and stated he is resigning from the Park & Recreation Commission.

Rosario Pacheco stated she is against the fee increase and closing the ballet classes.

Resident spoke against the parking tickets he's receiving for parking in front of his house and the elimination of sports programs.

Prissilla Carrillo stated she is upset about the elimination of the ballet classes for her daughter.

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

14. CLOSED SESSION

Motion: It was moved by Mayor Markovich, and seconded by Council Member Sanchez, to recess the regular meeting to the following closed session items:

- A. 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.
- F. 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)

The motion carried (3-1-1-0) by the following vote:

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

RECESS

The meeting was recessed to Closed Session in Bedwell Hall at 7:18 p.m. with Council Members Garcia and Guerrero absent.

RECONVENE

The meeting was reconvened in Open Session at 8:32 p.m. with all Council Members present except Council Member Garcia.

15. CLOSED SESSION ANNOUNCEMENT

City Attorney Olivarez reported that with regard to Item 14A, direction was given but no final action was taken; and with regard to Item 14F, direction was given but no final action was taken.

6. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS

Council Member Guerrero commented on 1) the lack of transparency in the budget; 2) disregard for public records requests; 3) increasing fees; 4) the firing of park and recreation staff; 5) employee contract extension; 6) the City Manager compensation; and 7) unachievable revenue estimates.

Council Member Sanchez announced that 1) the monthly bike ride went well on September 19th; 2) thirty people participated in the first neighborhood watch meeting and the budget now includes a Sheriff Deputy dedicated to Cudahy; 3) there will be a health and music festival at 10 a.m. next Saturday; 4) the Civil Grand Jury is looking for volunteers; 5) the budget includes appropriations for the Lugo Park renovation, the General Plan Update, and a Successor Agency loan, and the City is awaiting approval of a \$2.1 million grant award from the Board of Supervisors; and 6) October 7th is National Walk to School day and he encouraged city staff to participate and reach out to the community.

Vice Mayor Hernandez stated that 1) Cudahy is a business friendly city and businesses are coming in; 2) CDBG funding update and Council is working towards a resolution; 3) provided direction to city staff to collect cell phone numbers and email addresses of meeting participants so the City can provide them with updates and information; 4) encouraged the public to contact Southern California Edison to encourage them to put an online form to report problems on their website; and 5) stated he is working closely with Metro and Gateway Cities on transportation issues.

Mayor Markovich reported that 1) he participated in a mayor's meeting with Senator Lara to discuss the Los Angeles River infrastructure and tax incentives for businesses; and 2) directed staff to send a letter of support for SB 628 and AB 313 for the expansion of the river project to Cudahy and asked that this be a future agenda item.

7. CITY MANAGER REPORT

City Manager Jose Pulido reported that 1) the neighborhood cleanup day was very successful and he is looking forward to continuing the program; 2) in response to the public's request for better customer service the City is implementing a three phase customer service training program which includes National Customer Service week; and 3) there is now a Public Safety section in the City Manager report and he's received feedback from outside the City that Cudahy's City Manager report is one of the most comprehensive and transparent out there and other Cities will be following suit.

8. 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 vote:

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

9. CONSENT CALENDAR (Items A through E)

Council /Agency Member Guerrero pulled Item No. 9A for separate discussion.

A. AS SUCCESSOR AGENCY

- i. Consideration of Successor Agency to Adopt a Resolution Approving Emergency Loan Agreements for Recognized Obligation Payment Schedule (ROPS) No. 15-16B for Olivarez Madruga, LLP

Staff report presented by Finance Director Steven Dobrenen.

Staff responded to questions regarding the Oversight Board quorum and discussion ensued regarding internal controls deficiency and the RDA audit.

Motion: It was moved by Chair Markovich, and seconded by Agency Member Sanchez, to 1) Adopt Resolution No. SA-7 approving Successor Agency Loan Agreement No. 15-16B:4; 2) Authorize the Executive Director to sign an emergency loan in the amount not to exceed \$20,000 for Olivarez Madruga, LLP (Olivarez Madruga) for legal services concerning the preparation of a Long-Range Property Management Plan for the Successor Agency (LRPMP); 3) Adopt Resolution No. SA-8 approving Successor Agency Loan Agreement No. 15-16B:5; and 4) Authorize the Executive Director to sign an emergency loan in the amount not to exceed \$82,000 for Olivarez Madruga, LLP (Olivarez Madruga) for legal services relating to the filing and defending of a Writ of Mandate filed against the California Department of Finance. The motion carried (4-0-1-0) by the following vote:

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

- ii. Consideration of Successor Agency to Adopt a Resolution Approving an Emergency Loan Agreement for Recognized Obligation Payment Schedule (ROPS) 15-16B for Demetriou Del Guercio Springer and Francis LLP

Staff report presented by Finance Director Steven Dobrenen.

Motion: It was moved by Chair Markovich, and seconded by Agency Member Sanchez, to 1) Adopt Resolution No. SA-9 approving Successor Agency Loan Agreement No. 15-16B:6; and 2) Authorize the Executive Director to sign an emergency loan in the amount not to exceed \$46,500 for Demetriou Del Guercio Springer and Francis LLP (DDSF) for special legal services concerning environmental review and analysis of the real properties included in the Long Range Property Management Plan (LRPMP). The motion carried (4-0-1-0) by the following vote:

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

- iii. Consideration of Successor Agency to Adopt a Resolution Approving a Professional Services Agreement with Andersen Environmental and Adopt a Resolution Approving an Emergency Loan Agreement for Recognized Obligation Payment Schedule (ROPS) 15-16B for Anderson Environmental

Staff report presented by Finance Director Steven Dobrenen.

Motion: It was moved by Chair Markovich, and seconded by Agency Member Sanchez, to 1) Adopt Resolution No. SA-10 approving the Professional Services Agreement with Andersen Environmental for the preparation of environmental analysis of the real properties to be included in the Long-Range Property Management Plan (LRPMP); 2) Adopt Resolution No. SA-11 approving Successor Agency Loan Agreement No. 15-16B:7; and 3) Authorize the City Manager to sign an emergency loan in the amount not to exceed \$47,950 for Andersen for environmental analysis of the real properties that are to be included in the LRPMP. The motion carried (4-0-1-0) by the following vote:

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

- iv. Consideration to Adopt a Resolution for Administrative Budget for Six-Month Fiscal Period of January 1, 2016 to June 30, 2016

Staff report presented by Finance Director Steven Dobrenen.

Motion: It was moved by Chair Markovich, and seconded by Agency Member Sanchez, to Adopt Resolution No. SA-12 approving the Administrative Budget for the 15-16B Recognized Obligation Payment Schedule (ROPS) six-month fiscal period of January 1, 2016 to June 30, 2016. The motion carried (4-0-1-0) by the following vote:

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

- v. Approval of Recognized Obligation Payment Schedule for the 15-16B Six-Month Fiscal Period of January 1, 2016 to June 30, 2016 (ROPS 15-16B)

Staff report presented by Finance Director Steven Dobrenen.

Motion: It was moved by Chair Markovich, and seconded by Agency Member Sanchez, to approve the Recognized Obligation Payment Schedule (ROPS) 15-16B for the period of January 1, 2016 to June 30, 2016, for submission to the City of Cudahy Oversight Board. The motion carried (4-0-1-0) by the following vote:

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

Council /Agency Member Guerrero pulled Item No. 9B for separate discussion.

B. AS CITY COUNCIL

- i. Consideration to Adopt a Resolution Approving Emergency Loan Agreements for Recognized Obligation Payment Schedule (ROPS) 15-16B for Olivarez Madruga, LLP

Staff report presented by Finance Director Steven Dobrenen.

Motion: It was moved by Mayor Markovich, and seconded by Vice Mayor Hernandez, to 1) Adopt Resolution No. 15-45 approving Successor Agency Loan Agreement No. 15-16B:4; 2) Authorize the City Manager to sign an emergency loan in the amount not to exceed \$20,000 for Olivarez Madruga, LLP (Olivarez Madruga) for legal services concerning the preparation of a Long-Range Property Management Plan for the Successor Agency; 3) Adopt Resolution No. 15-46 approving Successor Agency Loan Agreement No. 15-16B:5; and 4) Authorize the City Manager to sign an emergency loan (Attachment D) in the amount not to exceed \$82,000 for Olivarez Madruga, LLP (Olivarez Madruga) for legal services relating to the filing and defending of a Writ of Mandate filed against the California Department of Finance. The motion carried (4-0-1-0) by the following vote:

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

- ii. Consideration to Adopt a Resolution Approving an Emergency Loan Agreement for Recognized Obligation Payment Schedule (ROPS) 15-16B for Demetriou Del Guercio Springer and Francis LLP

Staff report presented by Finance Director Steven Dobrenen.

Motion: It was moved by Mayor Markovich, and seconded by Vice Mayor Hernandez to 1) Adopt Resolution No. 15-47 approving Successor Agency Loan Agreement No. 15-16B:6; and 2) Authorize the City Manager to sign an emergency loan in the amount not to exceed \$46,500 for Demetriou Del Guercio Springer and Francis LLP (DDSF) for special legal services concerning environmental review and analysis of the real properties included in the Long Range Property Management Plan (LRPMP). The motion carried (4-0-1-0) by the following vote:

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

- iii. Consideration to Adopt a Resolution Approving an Emergency Loan Agreement for Recognized Obligation Payment Schedule (ROPS) 15-16B for Andersen Environmental

Staff report presented by Finance Director Dobrenen.

Motion: It was moved by Mayor Markovich, and seconded by Vice Mayor Hernandez to 1) Adopt Resolution No. 15-48 approving Successor Agency Loan Agreement No. 15-16B:7; and 2) Authorize the City Manager to sign an emergency loan in the amount not to exceed \$47,950 for Andersen Environmental (Andersen) for environmental analysis of the real properties to be included in the Long-Range Property Management Plan (LRPMP). The motion carried (4-0-1-0) by the following vote:

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

Council Member Sanchez pulled Item No. 9C for separate discussion.

- C. Consideration to Approve a Professional Service Agreement (PSA) with MV Transportation to Provide Shuttle Service

Recommendation: Approve a three year Professional Service Agreement with MV Transportation, Inc. for fixed route shuttle services relating to the Cudahy Area Rapid Transit (CART).

Updated staff report presented by Finance Director Steven Dobrenen.

Mayor Markovich disclosed receiving a \$1,000 campaign contribution from PCAM and stated he will be abstaining from voting on this item. .

Discussion ensued regarding providing both parties an opportunity to amend their bids; the scoring discrepancy; the cost difference, requesting a third bid; reaching out to at least ten companies; and allowing as many bidders as possible to give the City best price.

Motion: It was moved by Council Member Sanchez, and seconded by Vice Mayor Hernandez, to reject the proposal as recommended and direct staff to return to Council with recommendations for readdressing the bid process. The motion carried (3-0-1-1) by the following vote:

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

Council Member Guerrero pulled Item No. 9D for separate discussion.

D. Consideration to Adopt a Resolution Amending the Rules to Place Items on City Council Agendas and the Standard Order of Business of City Council Meetings

Staff report presented by City Manager Jose Pulido.

Council discussion ensued regarding public comment coming after closed session and that it's not fair to the residents; opposition to the order of the agenda; point of clarification that this is a new item regarding reporting on Ad Hoc and Standing Committees and no changes were made to public comment; explanation was provided that the purpose of this item is to inform residents of internal and external issues which increases accountability; and that the intention of this item is for more transparency.

Motion: It was moved by Council Member Guerrero to move public comment to the beginning of the meeting and broaden the scope of public comment period. The motion failed due to lack of a second.

Amended Motion: It was moved by Council Member Guerrero to move public comment to the beginning of the meeting, broaden the scope of public comment period by retaining the 20 minute deadline for submitting the form but allowing comments on any matter. The motion failed due to lack of a second.

Motion: It was moved by Council Member Sanchez, and seconded by Vice Mayor Hernandez, to adopt Resolution No. 15-49 amending the rules to place items on City Council agendas and the Standard Order of Business of City Council meetings. The motion carried (3-1-1-0) by the following vote:

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

Council Member Sanchez pulled Item No. 9E for separate discussion.

E. Consideration to Adopt a Resolution Approving the Memorandum of Understanding (MOU) Between the City of Cudahy and the Cudahy Miscellaneous Employee's Association (CMEA) (July 1, 2015 – June 30, 2019)

Recommendation: Adopt a resolution approving the Memorandum of Understanding (MOU) between the City of Cudahy and the Cudahy Miscellaneous Employee's Association (July 1, 2015 – June 30, 2019).

Motion: By a consensus of the City Council, this item was tabled to the next regular meeting.

10. PUBLIC HEARING

A. Consideration to Adopt Ordinance No. 650, by Second Reading Amending Cudahy Municipal Code (CMC) 3.40.040 to 3.40.060, and Adopt an Ordinance by Second Reading Amending CMC 5.08.360

Staff report presented by Finance Director Steven Dobrenen.

Council Member Guerrero stated he is in opposition to raising rates, aggressive code enforcement, the current appeals process and increasing fees for sports programs.

Council Member Sanchez referenced the City Manager's report for accurate parking citation numbers and said attendance at strategic planning sessions is important.

Vice Mayor Hernandez stated that the previous reduction in parking fines resulted in a lax attitude by the public to obeying parking laws.

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

Pamela Munguia spoke on the increased fees, conflict of interest, and rental units.

Gloria Sandoval stated the parking tickets are being given at 4 a.m. without a reason.

Resident spoke regarding parking tickets being given without a reason to fill quotas.

Dr. Patricia Lyons, retired LAUSD Administrator, stated that kids need recreation and urged the Council to do something for children and recreation.

Patricia Covarrubias, spoke against raising fees, parking tickets and children's sports.

Resident spoke regarding parking tickets and his case.

Resident requested that the Council scrap the parking tickets and consider issuing parking permits instead.

Sandra Orozco asked the Council to be sensitive to the elderly and bring public comments up to the beginning of the agenda.

Julian Martin spoke on zero based budgeting, engaging the younger generation, and supporting Cudahy with health and education by providing no cost services.

With no additional members of the public wishing to comment, Mayor Markovich closed the public hearing.

Motion: It was moved by Council Member Sanchez, and seconded by Mayor Markovich to Adopt Ordinance No. 650 by second reading, amending Cudahy Municipal Code (CMC) Chapter 3.40.040 relating to the City's cost recovery for services provided for Leisure and Cultural (recreational) Activities; and 2) Adopt Ordinance No. 655 second 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 (3-1-1-0) by the following vote:

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

Council Member Sanchez left the meeting at 10:31 p.m. and returned at 10:33 p.m.

B. Consideration to Adopt a Resolution Approving Development Review Permit (DRP) No. 41.503, Allowing Construction of a New 1,500 Square Foot Single Family Dwelling Unit Located at 4051 Olive Street in the Medium Density Residential (MDR) Zone

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

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

With no members of the public wishing to comment, Mayor Markovich closed the public hearing.

Motion: It was moved by Council Member Sanchez, and seconded by Mayor Markovich, to adopt Resolution No. 15-50 approving Development Review Permit (DRP) No. 41.503 to allow construction of a new 1,500 square foot single family dwelling unit, located at 4051 Olive Street in the Medium Density Residential (MDR) Zone. The motion carried (4-0-1-0) by the following vote:

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

11. BUSINESS SESSION

A. Observance of National Customer Service Week

Acting Human Resources Specialist Jennifer Hernandez introduced Sofia Brooks of GLP, who provided a PowerPoint presentation.

Council Member Guerrero departed the meeting at 10:52 p.m.

Mayor Markovich read the National Customer Services Week proclamation.

Motion: It was moved by Council Member Sanchez, and seconded by Mayor Markovich, to approve a proclamation in observance of National Customer Service Week from October 5th to 9th, 2015. The motion carried (3-0-2-0) by the following vote:

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

B. Consideration to Co-Sponsor a Music Festival (Fiestas de Octubre) in Partnership with Bandachannel.com

Staff report presented by Acting Director of Community Services Michael Allen.

Motion: It was moved by Mayor Markovich, and seconded by Vice Mayor Hernandez, to approve co-sponsorship of a music festival (Fiestas de Octubre) with Bandachannel.com to take place on Saturday, October 17, 2015, from 1:00 p.m. to 8:00 p.m. at Clara Expansion Park located at 4835 Clara Street, Cudahy, CA 90201. The motion carried (3-0-2-0) by the following vote:

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

Motion: It was moved by Council Member Sanchez, and seconded by Mayor Markovich to hear Item 11D, table the remaining items and adjourn thereafter. The motion carried (3-0-2-0) by the following vote:

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

D. Approval of PS&E Bid Package (Plans, Specifications and Estimates) and Authorization of Staff to Issue NIB (Notice Inviting Bids) for the Lugo Park Improvements Project

Staff report presented by Acting Community Development Director Michael Allen.

Discussion ensued regarding schedules, budget, restrooms and project support.

Motion: It was moved by Council Member Sanchez, and seconded by Mayor Markovich, to 1) Approve PS&E Bid Package (Plans, Specifications and Estimates); 2) Authorize staff to issue NIB (Notice Inviting Bids) for the Lugo Park Improvements Project; and 3) Approve Environmental Assessment as follows: the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The motion carried (3-0-2-0) by the following vote:

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

12. COUNCIL DISCUSSION

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

13. PUBLIC COMMENT (Closed Session) - None

16. PUBLIC COMMENT

Nick Sonora spoke on Cudahy being made a region of AYSO and offered his help to put a soccer program together.

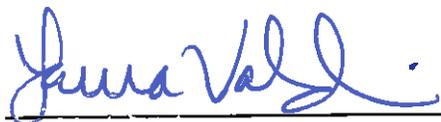
17. ADJOURNMENT

Motion by Mayor Markovich and seconded by Council Member Sanchez and carried to adjourn the City Council / Agency meeting at 11:17 p.m. to the Regular and Joint Meeting as Successor Agency to the Cudahy Development Commission on Monday, October 12, 2015 at 6:30 p.m.



Cristian Markovich
Mayor / Chair

ATTEST:



Laura Valdivia
Interim City Clerk / Secretary

APPROVED: November 9, 2015