

## **MINUTES**

### **CUDAHY CITY COUNCIL REGUAR MEETING and CITY OF CUDAHY AS SUCCESSOR AGENCY TO THE CUDAHY DEVELOPMENT COMMISSION JOINT MEETING**

**OCTOBER 12, 2015 6:30 P.M.**

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

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

#### **2. ROLL CALL**

The following Council Members were in attendance:

Council / Agency Member Garcia (arrived at 7:30 p.m.)  
Council / Agency Member Guerrero  
Council / Agency Member Sanchez  
Vice Mayor / Vice Chair Hernandez (arrived at 6:37 p.m.)  
Mayor / Chair Markovich

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

The Pledge of Allegiance was led by Mayor Markovich.

#### **4. PRESENTATIONS**

##### **A. Recognition of Ricardo Perez**

Mayor Markovich presented Attorney Ricardo Perez with a certificate of recognition for his pro bono work in the southeast area community.

##### **B. Presentation by Woodcraft Rangers**

Mark Osorio provided the City Council with a brief overview of the Woodcraft Ranger Organization.

##### **C. Presentation by Aztlan Athletics**

Juliano Jarquin provided the City Council with information on the Human Element Passage of Aztlan Athletics and the resources and information they provide.

##### **D. Presentation on Cyber Liability Insurance Coverage**

Vanessa Pena of Keenan and Associates provided a presentation to the City Council.

## 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 minutes.

Pamela Munguia spoke regarding Brown Act violations by the City.

Carmen Hernandez stated she does not agree with the salary increase for employees when the City can't even provide programs for children.

Rosario Pacheco spoke on items not on the agenda.

Sandra Orozco spoke regarding the City Attorney drafting letters ending contracts, and the City Manager salary.

Javier Flores spoke regarding cuts to children's programs, opposed to salary increases and commented on public comment period.

Patricia Covarrubias spoke in opposition to employee salaries and benefits, City Manager salary and Brown Act violations.

With no other members of the public wishing to speak, Mayor Markovich closed Public Comments.

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

Council Member Guerrero commented on 1) the City's lackluster approach to public records requests; 2) increase of fees, aggressive code enforcement, salary increases; and 3) over exaggerated receipts and overstating estimates of cost savings relating to the budget.

Council Member Sanchez stated 1) National Walk to School Day was a good event promoting biking and walking; 2) announced the monthly bike ride to Maywood this Saturday at 10:00 a.m.; 3) announced food distribution on October 22<sup>nd</sup>; 4) announced the Neighborhood Watch meeting on October 20<sup>th</sup> at Clara and Atlantic; 5) agreed that the City Attorney is transparent and ethical; 6) encouraged the public to use the suggestion box at the back of the Chamber; and 7) stated there are trends on how and when the City receives and expends funds and the City is working on the General Plan Update, Lugo Park Renovation, working with non-profits and encouraged the public to participate and get involved.

Vice Mayor Hernandez 1) suggested the CDBG allocation from JADE should be reallocated to senior activities and scholarships to subsidize larger families for sports and youth programs; 2) announced the City Manager was appointed to Transportation Committee of COG Gateway Cities; 3) announced the next Neighborhood Watch meeting will include Halloween safety plus other activities; 4) Fiesta Octubre rescheduled to December and will merge with holiday events; and 5) clarified that the 3% raise is for employees not the City Council.

Council Member Garcia 1) thanked Council Member Sanchez for participating in the National Walk; and 2) thanked staff for redoing the City website and providing access to documents and information.

Mayor Markovich stated 1) constructive criticism is good criticism; and 2) he and the City Manager met with Elizabeth Learning Center to discuss using our parks for events and graduation.

Assistant City Attorney Olivarez addressed public comments made regarding Brown Act violations, Public Records Act violations and the public comment period.

## **7. CITY MANAGER REPORT**

City Manager Jose Pulido announced 1) the City is moving forward with the Lugo Park construction project and bids are due on November 18<sup>th</sup>; 2) it is a priority to bring resources to the City by working with non-profits to provide low cost children's programs; 3) staff is working hard to create transparency; and 4) he encouraged the public to follow the City Manager report.

## **8. REPORTS REGARDING AD HOC, ADVISORY, STANDING, OR OTHER COMMITTEE MEETINGS**

Staff report presented by Interim City Clerk Laura Valdivia.

### **A. Ad-Hoc Committee to Recommend Appointments to City Commissions (Vice Mayor Hernandez and Council Member Sanchez) – Formed August 24, 2015**

Vice Mayor Hernandez and Council Member Sanchez reported the Ad Hoc met and selected nominees for the various City Commissions. Council Member Sanchez read the names of the nominees.

Vice Mayor Hernandez announced that the process for the way Commissions report out to the City Council is being evaluated.

### **B. Finance Sub-Committee (Mayor Markovich and Council Member Sanchez) – Formed October 21, 2014**

Council Member Sanchez announced the Finance Sub-Committee will provide an update at the next Council meeting.

The City Attorney read from Resolution No. 14-82 Section 1 reminding the Council of the number of times a Council Member can speak on an item and the time allotted for discussion and rebuttal.

## **9. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES**

**Motion:** It was moved by Council Member Garcia, and seconded by Council Member Sanchez, to waive full text reading of all Resolutions and Ordinances by single motion. The motion carried (5-0).

## **10. CONSENT CALENDAR (Items 10A through 10E)**

Council Member Guerrero pulled Items 10A for further discussion.

### **A. Consideration to Approve the City Demands and Payroll including the Cash and Investment Report for the month of August 2015**

Recommendation: Approve the Demands and Payroll in the amount of \$973,057.65 including the Cash and Investment Report by Fund for the month of August 2015

Staff report presented by Finance Director Steven Dobrenen.

Council comments included discrepancies in the projected deficit and trends in fluctuating cash receipts received throughout the fiscal year.

**Motion:** It was moved by Council Member Sanchez, and seconded by Mayor Markovich, to approve Item 10A as recommended. The motion carried (4-1-0-0) by the following vote:

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

**Motion:** It was moved by Mayor Markovich, and seconded by Council Member Garcia, to approve Items 10B, 10C and 10D on the consent calendar. The motion carried (4-0-0-1) by the following vote:

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

- B. Approved the Local Agency Investment Fund (LAIF) Report for the month of August 2015 in the amount of \$5,875,618.75.
- C. Reviewed and approved the minutes of September 14, 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).
- D. Received and Filed file the minutes for the 1) Aging and Senior Citizen Commission Meeting of August 10, 2015; 2) Public Safety Commission Meeting of August 11, 2015; 3) Planning Commission Meeting of August 17, 2015; and 4) Parks and Recreation Commission – Meeting of August 28, 2015.

City Attorney Olivarez announced that Item 10E will be heard after the public hearing to allow the presenter time to arrive at the Council Chamber.

## 11. PUBLIC HEARING

- A. Consideration to Adopt a Resolution Approving the City of Cudahy's Natural Hazard Mitigation Plan (NHMP)

Recommendation: Adopt a resolution approving the City of Cudahy's NHMP.

Staff report presented by Acting Community Development Director Michael Allen and Consultant Tania Gonzalez.

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

Public Speaker No. 1 commented that address numbers aren't painted on curbs and it's difficult for ambulance or emergency vehicles to find addresses, and her neighborhood needs more lighting.

Public Speaker No. 2 asked what the City was doing to train the community.

Sandra Orozco commented on the emergency response team policy and that the disabled have challenges in an emergency.

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

In response to Council Member Guerrero request for clarification on whether these are guidelines or action items, Consultant Gonzalez stated the intent over the next five years is for Council to take action on mitigations to reduce vulnerability.

Vice Mayor Hernandez stated the City now has a disaster planning contract and Mr. Pulido added he will be meeting with the consultant.

**Motion:** It was moved by Mayor Markovich, and seconded by Council Member Garcia to adopt Resolution No. 15-52 approving the City of Cudahy NHMP. The motion carried (5-0) by the following vote:

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

**10E.** Consideration and Approval of a Resolution Adopting the Memorandum of Understanding (MOU) Between the City of Cudahy and the Cudahy Miscellaneous Employee's Association (CMEA) (July 1, 2015 – June 30, 2019)

Staff report presented by Acting Human Resources Specialist Jennifer Hernandez

Mayor Markovich left the meeting at 8:30 p.m. and returned at 8:40 p.m.

Council comments included not locking the City into a long-term agreement; evaluating potential adjustments on an annual basis; employee benefits; and ongoing negotiations;

**Motion:** It was moved by Vice Mayor Hernandez, and seconded by Mayor Markovich, to move Item 10E to after Closed Session. The motion carried (4-1-0-0) by the following vote:

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

## 12. BUSINESS SESSION

- A. Consideration to Approve the Ad-Hoc Committee's Recommendations to fill City Commission Vacancies

Recommendation: The City Council is requested to approve the Ad-Hoc Committee's recommendations to fill City Commission vacancies for the Parks and Recreation Commission, Aging and Senior Citizens Commission, Public Safety Commission and Planning Commission.

**Motion:** It was moved by Council Member Garcia, and seconded by Council Member Sanchez to approve Item 12A as recommended. The motion carried (4-0-0-1) by the following vote:

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

- B. Consideration to Introduce Ordinance No. 653 by First Reading, Amending Cudahy Municipal Code Chapter 20.28 Development Agreements of Title 20 Zoning

Recommendation: introduce Ordinance No. 653 by first reading, amending Cudahy Municipal Code (CMC) Chapter 20.28 Development Agreements of Title 20 Zoning

Staff report presented by Acting Community Development Director Michael Allen

**Motion:** It was moved by Council Member Sanchez, and seconded by Vice Mayor Hernandez to approve Item 12B as recommended. The motion carried (5-0) by the following vote:

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

- C. Discussion of the City Council Appointments to the General Plan Advisory Committee (GPAC)

Recommendation: consider the appointment of up to three candidates each to the General Plan Advisory Committee (GPAC) per Council Member

Staff report presented by Acting Community Development Director Michael Allen.

Council discussion ensued regarding clarification on the protocol for appointments.

**Motion:** It was moved by Mayor Markovich, and seconded by Vice Mayor Hernandez to receive and file the report and direct staff to bring the item back to the next City Council meeting for Committee appointments. The motion carried by a consensus of the Council.

### **13. COUNCIL DISCUSSION**

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

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

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

Patricia Covarrubias spoke in opposition to Item 15F employee bonuses.

With no other members of the public wishing to speak, Mayor Markovich closed Oral Communications.

### **RECESS TO CLOSED SESSION**

City Attorney Olivarez recessed the meeting to Closed Session at 8:53 p.m. with all Council Members present and Council Member Guerrero participating remotely from Bedwell Hall.

### **15. CLOSED SESSION**

- 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.
- 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 54956.9(d)(2) and 54956.9(e)(1) – Conference with Legal Counsel to Discuss Potential Litigation and/or Significant Exposure to Litigation [One (1) Matter]
- D. 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
- E. Closed Session Pursuant to Government Code section 54957(b)(1) – Public Employee Performance Evaluation  
  
Employee Title: City Manager
- 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)

## RECONVENE

The meeting was reconvened in Open Session at 9:57 p.m. with all Council Members present.

## 16. CLOSED SESSION ANNOUNCEMENT

City Attorney Olivarez reported that with regard to Item 15A the Council received a briefing, no final action was taken; for Item 15B the Council received a briefing from the City Attorney, direction was given but no final action was taken; for Item 15C the Council received a briefing from staff, no final action was taken; for Item 15D, the Council received a briefing from staff, no final action was taken; Item 15E was not discussed; and for Item 15F the Council received a briefing from the City's designated representative, direction was given but no final action was taken.

## CONTINUED ITEM

**10E.** Consideration and Approval of a Resolution Adopting 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:** It was moved by Council Member Sanchez, and seconded by Vice Mayor Hernandez, to approved Item 10E as recommended. The motion carried (4-1-0-0) by the following vote:

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

## 17. PUBLIC COMMENT

Mayor Markovich announced that public comment is now open on any matters under the City Council's jurisdiction.

Pamela Munguia commented on her public records request for the agenda in Spanish.

Council Member Garcia departed the meeting at 10:04 p.m.

Carmen Hernandez commented on Council Members leaving the meetings and saying things without cameras present.

With no other members of the public wishing to speak, Mayor Markovich closed Public Comment.

**18. ADJOURNMENT**

A motion was made by Mayor Markovich, seconded by Council Member Sanchez and carried by consensus to adjourn the City Council / Agency meeting at 10:05 p.m. to the Regular and Joint Meeting as Successor Agency to the Cudahy Development Commission on Monday, October 26, 2015 at 6:30 p.m.



Cristian Markovich  
Mayor

ATTEST:



Laura Valdivia  
Interim City Clerk

APPROVED: November 23, 2015