

MINUTES

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

September 18, 2018 6:30 P.M.

1. CALL TO ORDER

Mayor / Chair Garcia called the meeting to order at 6:32 p.m.

2. ROLL CALL

PRESENT: Council Member Gonzalez (arrived at 6:50 p.m.)
Council / Agency Member Markovich
Council / Agency Member Sanchez
Vice Mayor / Vice Chair Hernandez (arrived at 6:51 p.m.)
Mayor / Chair Garcia

ABSENT: None

ALSO PRESENT: City Manager Jose E. Pulido, City Attorney Richard Gonzalez Deputy Attorney Martin de los Angeles, Deputy City Clerk Richard Iglesias, Finance Director Steven Dobrenen, Assistant City Engineer, Aaron Hernandez, Parks and Recreation Coordinator, Victor Santiago, and Administrative Aide, Andres Rangel.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Sanchez.

4. PRESENTATIONS

- A. Glogreen, LLC
 - a. Item was tabled to the next meeting.
- B. Crossing Guards and School Pedestrian Crosswalks

5. PUBLIC COMMENTS

Maria Bocanegra, presented a list of signatures from parents who do not wish to remove school crossing guards, citing CDBG funding should fund the expenditure. She went on to speak against the closed session item selling 18 properties to Larry Flynt.

Carmen Beltran, cited lack of transparency in the process relating to selling 18 properties to Larry Flynt. She argued that the State Treasurer mandates all city transactions to go through its residents. She asked why the transaction is placed under closed session, allegedly minimizing transparency. She went on to speak against Larry Flynt alleging Inglewood is influenced by Mr. Flynt's businesses.

Stephanie Beltran, she went on to speak against closed session item 14E. She spoke against the alleged lack of transparency in regards to selling the 18 city owned properties, alleging Larry Flynt will hold an abundant influence if the transaction is successful.

Miranda, spoke against item 12H, alleging print media is dying, as well as not ecologically friendly. She argued against Council Member Sanchez's budget amendment to increase funding to bulk mail the magazine. She argued magazine funding can be used to fund the crossing guards rather than the magazine. She went on to remember personal instances where her high school friends were in danger of getting ran over at school intersections.

Susie de Santiago, asks for there to be crossing guards at all five school sites. She went on to ask Council to use revenue from the Community Benefit Program to help subsidize youth programs for parents who cannot afford it, as well as asking to expand youth recreational programs.

Ariadna Leanos, explained there aren't speed bumps on Clara side of Teresa Hughes, making it dangerous for pedestrians and students. She went on to ask Council to translate all public notices, as well as spoke against cannabis sites in the City.

Edin Enamorado, spoke against former Council Member Guerrero. He clarified dispensaries will not be entering the City.

6. CITY COUNCIL COMMENTS

Council Member Sanchez, announced a Neighborhood Watch Meeting at Lugo Park, 6 p.m. He went on to update his meeting with Vector Control, providing residents with a phone number to Vector Control due to the high volume of mosquitos in the area. In regards to crossing guards, he asked City Manager if any crossing guards have been removed. He went on to remind residents that properties bids were posted on the website during bidding stage. He clarified the budget was balanced with a surplus, and encouraged residents to use bike for citywide transportation, also reminding residents vehicles still speed near schools, causing an unsafe environment.

Council Member Markovich, reminded residents selling City property has been happening before the current council, and has been discussed at length for years through website, meetings, and workshops. He reminded residents of about the low turnout that occur when the City hosts events intended to educate residents and increase City transparency. He concluded his comments opening himself up to any suggestions in regards to revitalizing Atlantic Boulevard and increasing transparency and outreach.

Council Member Gonzalez, asked the City Manager what the City can do to include a speed bump in Teresa Hughes. He asked what the City can do to have translation services for material, and asked the City Manager to reach out to principals to see how students will be affected during the strike. He concluded his comments by announcing he will be coordinating a meeting to have school police patrol busy streets after school to protect students crossing.

Vice Mayor Hernandez, Asked the City Manager what the process was to sell City properties. He reminded residents all city bids and transactions are transparent and are accessible on the City website, elaborating the process the City took to ensure it developed the properties as efficiently as possible. He directed staff to look for grants aimed at addressing transients and the homeless. He concluded his comments by announcing YMCA soccer and hockey sign ups.

Mayor Garcia, welcomed residents for attending the council meeting. He reminded residents this is the first time the City will have elections in November, in hopes of encouraging residents to come out and vote. He told the audience that come campaign season there will be a misinformation campaign, explaining the role of the Council is to clarify and distinguish what is true and what is not true.

7. CITY MANAGER REPORT (information only)

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

Mayor Garcia, asked Council and staff if they are open to write a non-binding letter of support to a concrete company interested in headquartering at the City.

9. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

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

Motion: It was moved by Council Member Markovich, and Vice Mayor Hernandez to waive full text reading of all Resolutions and Ordinances by single motion.

10. CONSENT CALENDAR (Items 10C through 10I)

COUNCIL MEMBER SANCHEZ PULLED ITEMS 10D AND 10E

A. Approval of the Local Agency Investment Fund (LAIF) for the Month of July 2018

Presented by the Finance Director

The City Council is requested to approve the Local Agency Investment Fund (LAIF) Report for the month of July 2018 in the amount of \$5,353,141.21.

Motion: It was moved by Council Member Sanchez, and seconded by Council Member Markovich to approve the Demands and Payroll in the amount of \$5,353,141.21 including Cash and Investment Report by Fund for the month of July 2018. The motion carried (5-0-0) by the following roll call vote.

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

B. Approval of the City Demands and Payroll Including Cash and Investment Report for the Month of July 2018

Presented by the Finance Director

The City Council is requested to approve the Demands and Payroll in the amount of \$915,934.60 including Cash and Investment Report by Fund for the month of July 2018.

Motion: It was moved by Council Member Sanchez, and seconded by Council Member Markovich to approve the Demands and Payroll in the amount of \$915,934.60 including Cash and Investment Report by Fund for the month of July 2018. The motion carried (5-0-0) by the

following roll call vote.

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

C. Consideration to Review and Approve the Draft Minutes of August 21, 2018, for the Regular Meeting of the City Council and the Joint Meeting of the City of Cudahy as Successor Agency and Housing Successor Agency to the Cudahy Development Commission

Presented by the Deputy City Clerk

The City Council is requested to review and approve the City Council / Agency Draft Minutes for August 21, 2018.

Motion: It was moved by Council Member Sanchez, and seconded by Council Member Markovich to review and approve the City Council / Agency Draft Minutes for August 21, 2018. The motion carried (5-0-0) by the following roll call vote.

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

D. Approval of a Second Amendment to Macias Gini & O'Connell LLP (MGO) Professional Services Agreement (PSA)

Presented by the Finance Director

The City Council is requested to approve the Second Amendment to the Macias Gini & O'Connell LLP (MGO) contract extending the term by one year from September 26, 2018 to September 25, 2019 and increasing the PSA amount to \$224,000.

Motion: It was moved by Vice Mayor Hernandez, and seconded by Council Member Markovich to approve the Second Amendment to the Macias Gini & O'Connell LLP (MGO) contract extending the term by one year from September 26, 2018 to September 25, 2019 and increasing the PSA amount to \$224,000. The motion carried (4-1-0) by the following roll call vote.

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

E. City Council is requested to consider the Parks and Recreation Commission recommendations on how to allocate \$50,000 from the Community Benefit Program to Subsidize Non-Profit partnerships and Youth Programming

Presented by the Parks and Recreation Coordinator

The City Council is requested to consider the recommendations from the Parks and Recreation Commission on how to allocate the budgeted \$50,000 from Fiscal Year (FY) 2018-19 for the

Community Benefit program to subsidize non-profit partnerships and youth programming.

Motion: It was moved by Council Member Sanchez, and seconded by Council Member Markovich to consider the recommendations from the Parks and Recreation Commission on how to allocate the budgeted \$50,000 from Fiscal Year (FY) 2018-19 for the Community Benefit program to subsidize non-profit partnerships and youth programming. The motion carried (5-0-0) by the following roll call vote.

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

F. Consideration to Approve a Third Amendment to the Legal Services Agreement (PSA) with Liebert Cassidy Whitmore (LCW) for Employment Matters

Presented by the Human Resources Manager

The City Council is requested to approve a Third Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore (LCW) for employment related matters (July 1, 2018 through June 30, 2019).

Motion: It was moved by Council Member Sanchez, and seconded by Council Member Markovich to approve a Third Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore (LCW) for employment related matters (July 1, 2018 through June 30, 2019). The motion carried (5-0-0) by the following roll call vote.

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

G. Approval of a First Amendment to the Professional Services Agreement (PSA) with ejma Planning + Development Services (ejma)

Presented by the City Manager

The City Council is requested to approve the First Amendment to ejma Planning + Development Services (ejma) contract extending the term by one year from September 26, 2018 to September 25, 2019 and increasing the PSA amount to \$460,000.

Motion: It was moved by Council Member Markovich, and seconded by Vice Mayor Hernandez to approve the First Amendment to ejma Planning + Development Services (ejma) contract extending the term by one year from September 26, 2018 to September 25, 2019 and increasing the PSA amount to \$460,000. The motion carried (4-0-0) by the following roll call vote.

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

H. Approval of a Fourth Amendment to the Professional Services Agreement (PSA) with FUEL

Creative Group

Presented by the City Manager

The City Council is requested to approve a Fourth Amendment to the Professional Services Agreement (PSA) with FUEL Creative Group for the City's quarterly magazine design services, extending the term by one year, expiring June 30, 2019, with a total not-to-exceed amount of \$184,224.

Motion: It was moved by Council Member Sanchez, and seconded by Council Member Markovich to approve a Fourth Amendment to the Professional Services Agreement (PSA) with FUEL Creative Group for the City's quarterly magazine design services, extending the term by one year, expiring June 30, 2019, with a total not-to-exceed amount of \$184,224. The motion carried (5-0-0) by the following roll call vote.

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

- I. Approve a Resolution No. 18-44 to Change the meeting times of the Parks and Recreation Commission Meeting from 6:45 p.m. to 6:00 p.m.

Presented by the Parks and Recreation Coordinator

The City Council is requested to approve Resolution No. 18-44 to change the regularly scheduled Parks and Recreation Commission meeting from 6:45 p.m. to 6:00 p.m.

Motion: It was moved by Council Member Sanchez, and seconded by Council Member Markovich to approve Resolution No. 18-44 to change the regularly scheduled Parks and Recreation Commission meeting from 6:45 p.m. to 6:00 p.m. The motion carried (5-0-0) by the following roll call vote.

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

11. PUBLIC HEARING - NONE

12. BUSINESS SESSION

- A. An Ordinance of the City Council of the City of Cudahy Adding Chapter 8.40 ("Second-Hand Smoke Control") of Title 8 ("Health & Safety") to the Cudahy Municipal Code

Presented by the City Prosecutor

The City Council is requested to:

1. Introduce Ordinance No. 694 for First Reading by title only, adding Chapter 8.40 ("Second-Hand Smoke Control") of Title 8 ("Health & Safety") to the Cudahy Municipal Code; and

2. Waive further reading of Ordinance No. 694.

Motion: It was moved by Council Member Sanchez and seconded by Council Member Gonzalez to table item 12A with Council amendments to the next regularly scheduled Council Meeting. The motion carried (5-0-0) by the following roll call vote.

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

- B.** An Ordinance of the City Council of the City of Cudahy Adding Article XXVI (“Tobacco Retailer”) of Chapter 5.08 (“Business License Tax – Particular Businesses”) of Title 5 (“Business Licenses and Regulations”) to the Cudahy Municipal Code

Presented by the City Prosecutor

The City Council is requested to:

1. Introduce Ordinance No. 695 for First Reading by title only, adding Article XXVI (“Tobacco Retailer”) of Chapter 5.08 (“Business License Tax – Particular Businesses”) of Title 5 (“Business Licenses and Regulations”) to the Cudahy Municipal Code; and
2. Waive further reading of Ordinance No. 695.

Motion: It was moved by Vice Mayor Hernandez and seconded by Council Member Markovich to Introduce Ordinance No. 695 for First Reading by title only, adding Article XXVI (“Tobacco Retailer”) of Chapter 5.08 (“Business License Tax – Particular Businesses”) of Title 5 (“Business Licenses and Regulations”) to the Cudahy Municipal Code and waive further reading of Ordinance No. 695. The motion carried (5-0-0) by the following roll call vote.

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

- C.** Adoption of a Proposed Resolution No. 18-45 Amending the City of Cudahy Fiscal Year (FY) 2018-19 Budget

Presented by the City Director

The City Council is requested to adopt Proposed Resolution No. 18-45 approving the requested amendments to the FY 2018-19 City Budget as follows: increasing General Fund expenditures by \$28,815; and increasing expenditures by \$59,000 for the AQMD fund.

Motion: It was moved by Council Member Markovich and seconded by Council Member Garcia to adopt Proposed Resolution No. 18-45 approving the requested amendments to the FY 2018-19 City Budget as follows: increasing General Fund expenditures by \$28,815; and increasing expenditures by \$59,000 for the AQMD fund. The motion carried (5-0-0) by the following roll call vote.

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

D. Consideration to Approve Construction Contract Award to RS Built Construction, Inc., for the Bedwell Hall Improvement Project (Phase I)

Presented by the Assistant Engineer

The City Council is requested to:

1. Approve a Contract Services Agreement (“CSA” or “Contract”) with RS Built Construction, Inc., (“Contractor”) in the bid amount of \$50,000 to undertake the Bedwell Hall Improvements Project (Phase I); and
2. Approve the request of RS Built Construction, Inc. to add Concrete Coring Company as a subcontractor to perform wall concrete coring work for the project.

CITY ATTORNEY READ OUT THE STAFF REPORT

Motion: It was moved by Council Member Markovich and seconded by Council Member Sanchez to approve a Contract Services Agreement (“CSA” or “Contract”) with RS Built Construction, Inc., (“Contractor”) in the bid amount of \$50,000 to undertake the Bedwell Hall Improvements Project (Phase I); and approve the request of RS Built Construction, Inc. to add Concrete Coring Company as a subcontractor to perform wall concrete coring work for the project. The motion carried (5-0-0) by the following roll call vote.

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

13. COUNCIL DISCUSSION – NONE

RECESS TO CLOSED SESSION

City Attorney, Richard Gonzalez recessed the meeting to close session at 8:39 p.m.

14. CLOSED SESSION

A. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator

Properties:

- 8100 Atlantic Ave., 4720 Santa Ana St., 8110 Atlantic Ave., 4734 Santa Ana St. (APN 6224-018-068, 069, 070, 071, 008)
- 8135 Atlantic Ave., 4629 Cecilia St., 8201 S. Atlantic, 4633 Cecilia St., 8221 S. Atlantic Ave. (APN 6224-022-001, 004, 002, 003, 012)
- 4819 Patata, 8420 S. Atlantic Ave. (APN 6224-034-014, 032, 040, 041)
- 4613/4615 Clara St., 7630 Atlantic Blvd., 7660 Atlantic Blvd., 7638 Atlantic Blvd., 7644 Atlantic Blvd. (APN 6226-022-002, 019, 020, 008, 021, 022, 023, 024)
- 4610 Santa Ana St. (APN 6224-019-014)

City Negotiators: City Manager Jose E. Pulido and City Attorney
Negotiating Parties: Cudahy LF, LLC
Under Negotiation: Price and terms of payment

B. Closed Session Pursuant to Government Code Section 54956.9(d)(1) - Conference with Legal Counsel to Discuss Existing Litigation – Perez v. City of Cudahy, LASC Case No. BC570130

C. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION pursuant to paragraph (2)(d) of Section 54956.9 of the Government Code: Number of cases: One (1)

D. Conference with Legal Counsel-Existing Litigation-Government Code section 54956.9(d)(1): Name of Case: Cudahy Citizens v. City of Cudahy, et al. (Case No. BS174212)

RECONVENE TO OPEN SESSION

City Attorney Richard Gonzalez reconvened the Regular Meeting in Open Session at 9:24 p.m.

15. CLOSED SESSION ANNOUNCEMENT

City Attorney Martin de los Angeles

With respect to item 14A, C, and D, staff discussed, direction was given, but no final action was taken.

With respect with Item 4C, item was discussed, update was given, but no final action was taken.

16. ADJOURNMENT

The City Council / Agency meeting was adjourned at 9:25 p.m.

Chris Garcia
Mayor

ATTEST:

Richard Iglesias
Deputy City Clerk