

## MINUTES

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

July 17, 2018 6:30 P.M.

#### 1. CALL TO ORDER

Mayor / Chair Garcia called the meeting to order at 6:30 p.m.

#### 2. ROLL CALL

PRESENT: Council / Agency Member Markovich (left at 7:05 p.m.)  
Council / Agency Member Sanchez  
Vice Mayor / Vice Chair Hernandez  
Mayor / Chair Garcia

ABSENT: None

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

#### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Markovich.

#### 4. PRESENTATIONS

- A. Rules of decorum presented by Mayor Chris Garcia and East Los Angeles County Sheriff's Department

Sergeant Bearse presented the rules of decorum.

**MAYOR GARCIA MOVED PUBLIC COMMENTS AFTER ITEM 4A OF THE AGENDA, FOLLOWING WITH ITEM 9, WAIVER OF THE FULL READING OF RESOLUTIONS AND ORDINANCES. AGENDA ITEM 12A WAS THEN MOVED AFTER ITEM 9, FOLLOWING THE REST OF SECTION 4 PRESENTATION ITEMS, AS WELL AS ITEM 6, COUNCIL COMMENTS, PUSHED TO THE END OF THE AGENDA WITH NO OPPOSITION**

- B. Certificate of Recognition to students who completed the Citizen's Academy Program

Mayor Garcia presented Certificates of Recognition to students who completed the Citizen's Academy Program.

- C. Presentation for East Los Angeles College Students acknowledging the completion of the AutoCAD Summer Internship Program in Collaboration with the City of Cudahy

East Los Angeles College Students presented their project before City Council.

- D. Update on Community Choice Aggregation (CCA) Energy Program

Presentation was tabled to the next meeting.

## 5. PUBLIC COMMENTS

Carmen Hernandez, spoke against the City Council and in favor of former Council Member Jack Guerrero. She went on to speak against bringing Cannabis industries in the City. She concluded her comments by further speaking against the Council.

Heather Firchow, introduced herself as a representative for the Cudahy Library. She announced ongoing programs for the summer.

Elizabeth Alcantar, spoke on behalf of CHIRLA in support of Resolution No. 18-34 condemning the Trump Administration for its separation of immigrant families.

## 6. CITY COUNCIL COMMENTS - NONE

## 7. CITY MANAGER REPORT (information only)

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

Vice Mayor Hernandez, reported out from the COG, inviting residents to the Eco Rapid Transit project meeting at Turner Hall, Clara Park. He announced two projects being planned for the City. He also directed staff to request the Planning and Parks and Recreation Commission to attend the meeting.

Council Member Sanchez, invited residents to Anthony Rendon's upcoming First Annual Sell a Art festival.

## 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 seconded by Vice Mayor Hernandez to waive full text reading of all Resolutions and Ordinances by single motion.

## 10. CONSENT CALENDAR (Items 10A through 10D)

### COUNCIL MEMBER SANCHEZ PULLED ITEM 10A, AND MAYOR GARCIA PULLED ITEM 10C

- A. Adopt Ordinance No. 690, by Second Reading, approving an Amendment to the City's Zoning Code (AZC 18-01) for the comprehensive update to the City's Development (Zoning) Code and a Zone Change (ZC 90-11) amending the City's Zoning Map to reflect the recently

updated and adopted City of Cudahy 2040 General Plan (Location: Citywide; Applicant: City of Cudahy; Case Numbers: AZC 18-01 and ZC 90-11)

Presented by the Interim Community Development Manager

The City Council is requested to adopt Ordinance No. 690, by Second Reading approving an Amendment to the City's Zoning Code (AZC 18-01) to allow for a comprehensive update to the Development (Zoning) Code and a Zone Change (ZC 90-11) to create new and amended zoning districts to the City's Zoning Map

**Motion:** It was moved by Vice Mayor Hernandez, and seconded by Council Member Gonzalez to adopt Ordinance No. 690, by Second Reading approving an Amendment to the City's Zoning Code (AZC 18-01) to allow for a comprehensive update to the Development (Zoning) Code and a Zone Change (ZC 90-11) to create new and amended zoning districts to the City's Zoning Map. The motion carried (4-0-1) by the following roll call vote.

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

**B.** Approval of First Amendment to the CDBG Program Subrecipient Agreement with Human Services Association (HSA) To Adjust the Scope of Work and Increase the Time of Performance for the Case Manager for Senior Services for Fiscal Year (FY) 2018-19

Presented by the Parks and Recreation Coordinator

The City Council is requested to approve the First Amendment to the CDBG Program Subrecipient Agreement between the City and Human Services Association (HSA) to adjust the scope of work and increase the Care Manager's time of performance for Cudahy senior services during Fiscal Year (FY) 2018-19.

**Motion:** It was moved by Mayor Garcia, and seconded by Vice Mayor Hernandez to approve the First Amendment to the CDBG Program Subrecipient Agreement between the City and Human Services Association (HSA) to adjust the scope of work and increase the Care Manager's time of performance for Cudahy senior services during Fiscal Year (FY) 2018-19. The motion carried (4-0-1) by the following roll call vote.

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

**C.** Approval of Resolution No. 18-34 Condemning the Trump Administration's Immigration Policies; Calling on All Members of Congress on Both Sides of the Aisle to Repudiate the Trump Administration's Policy of Separating Children from their Families at the Border; and Demanding that Congress Act Immediately to Enact Fair and Humane Comprehensive Immigration Reform

Presented by the City Attorney's Office

The City Council is requested to approve Resolution No. 18-34 condemning the Trump Administration's Immigration Policies, and declaring its strong opposition against the separation

of families.

**Motion:** It was moved by Mayor Garcia, and seconded by Vice Mayor Hernandez to approve Resolution No. 18-34 condemning the Trump Administration's Immigration Policies, and declaring its strong opposition against the separation of families with the amendment of adding the abolishment of Immigration Customs Enforcement (ICE). The motion carried (4-0-1) by the following roll call vote.

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

**D.** Approval of Draft Minutes of July 3, 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 July 3, 2018.

**Motion:** It was moved by Mayor Garcia, and seconded by Vice Mayor Hernandez to review and approve the City Council / Agency Draft Minutes for July 3, 2018. The motion carried (4-0-1) by the following roll call vote.

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

## **11. PUBLIC HEARING**

**A.** A Public Hearing to Consider and Approve Resolution No. 18-35 Memorializing the Conduct of a Public Hearing and Levying the Annual Assessment to Maintain the City of Cudahy Street Lighting District and Direct Staff to Forward the Resolution to the Los Angeles County Assessor

Presented by the Assistant City Engineer

The City Council is requested to:

1. Adopt Resolution No. 18-35; memorializing a Public Hearing and Levying the Annual Assessment to maintain the City of Cudahy Street Lighting District; and
2. Direct staff to forward Resolution No. 18-35 to the Los Angeles County Assessor before the August 10, 2018 deadline.

**MAYOR GARCIA OPENED PUBLIC HEARING AT 7:51 P.M.**

**NO PUBLIC COMMENTS**

**MAYOR GARCIA CLOSED PUBLIC HEARING AT 7:51 P.M.**

**Motion:** It was moved by Mayor Garcia, and seconded by Vice Mayor Hernandez to adopt Resolution No. 18-35 and direct staff to forward Resolution No. 18-35 to the Los Angeles County Assessor before the August 10, 2018 deadline. The motion carried (4-0-1) by the following roll call vote.

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

**B.** A Public Hearing to Consider and Approve Commercial Cannabis Permit (CCP) No. CCP18-0004 and Development Agreement (DA) No. DA18-004C (Location: 4933 Cecelia Street, Applicant: Natures Natural Care Inc.) along with Resolution No. 18-36

Presented by the City Manager

The City Council is requested to:

1. Consider the Planning Commission's recommendation to approve Commercial Cannabis Permit No. CCP18-0004 to allow commercial cannabis activities including, manufacturing, cultivation, and delivery within two currently vacant buildings (Building A is 21,274 square feet and Building B is 4,716 square feet) located at 4933 Cecelia Street, pursuant to the findings presented in this staff report;
2. Adopt Resolution No. 18-36, approving the issuance of Commercial Cannabis Permit No. CCP18-0004 to allow a Commercial Cannabis Facility for the Site located at 4933 Cecelia Street;
3. Authorize the City Manager to allow a payment plan, if requested, for the Community Benefit Program as outlined in the Development Agreement (DA);
4. Allow the City Manager to select the alternative terms of payment of the Operating Fees, if requested, to begin accruing 90 days after the Effective Date of the DA rather than accrue beginning the month of the Effective Date of the DA;
5. Provide direction to City staff on whether to modify or not modify the DA to bind the operator to any future Cannabis Tax that may be imposed by the City and/or by a voter approved Cannabis Tax;
6. Approve DA No. DA18-004C publicly noticed July 6, 2018 City Council meeting and authorize the Mayor to execute said Agreements on behalf of the City; and
7. Introduce Ordinance No. 688 by First Reading by title only, approving the DA by and between the City and Natures Natural Care, Inc.

**MAYOR GARCIA OPENED PUBLIC HEARING AT 8:00 P.M.**

**NO PUBLIC COMMENTS**

**MAYOR GARCIA CLOSED PUBLIC HEARING AT 8:00 P.M.**

**Motion:** It was moved by Vice Mayor Hernandez, and seconded by Council Member Gonzalez to Consider and Approve Commercial Cannabis Permit (CCP) No. CCP18-0004 and

Development Agreement (DA) No. DA18-004C (Location: 4933 Cecelia Street, Applicant: Natures Natural Care Inc.) along with Resolution No. 18-36. The motion carried (3-0-1) by the following roll call vote.

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

C. A Public Hearing to Consider and Approve Commercial Cannabis Permit (CCP) No. CCP18-0017 and Development Agreement (DA) No. DA18-017C (Location: 4907 Cecelia Street, Applicant: NYCE Guys, LLC) along with Resolution No. 18-37

Presented by the City Manager

The City Council is requested to:

1. Consider the Planning Commission's recommendation to approve Commercial Cannabis Permit No. CCP18-0017 to allow commercial cannabis activities including, manufacturing, cultivation, and distribution within a currently vacant approximately 8,404 square foot building located at 4907 Cecelia Street, pursuant to the findings presented in this staff report;
2. Adopt Resolution No. 18-37, approving the issuance of Commercial Cannabis Permit No. CCP18-0017 to allow a Commercial Cannabis Facility for the Site located at 4907 Cecelia Street;
3. Authorize the City Manager to allow a payment plan, if requested, for the Community Benefit Program as outlined in the Development Agreement (DA);
4. Allow the City Manager to select the alternative terms of payment of the Operating Fees, if requested, to begin accruing 90 days after the Effective Date of the DA rather than accrue beginning the month of the Effective Date of the DA;
5. Provide direction to City staff on whether to modify or not modify the DA to bind the operator to any future Cannabis Tax that may be imposed by the City and/or by a voter approved Cannabis Tax;
6. Approve DA No. DA18-017C publicly noticed July 6, 2018 City Council meeting and authorize the Mayor to execute said Agreements on behalf of the City; and
7. Introduce Ordinance No. 689 by First Reading by title only, approving the DA by and between the City and NYCE Guys, LLC.

**MAYOR GARCIA OPENED PUBLIC HEARING AT 8:06 P.M.**

**NO PUBLIC COMMENTS**

**MAYOR GARCIA CLOSED PUBLIC HEARING AT 8:06 P.M.**

**Motion:** It was moved by Mayor Garcia, and seconded by Vice Mayor Hernandez to Consider and Approve Commercial Cannabis Permit (CCP) No. CCP18-0017 and Development Agreement (DA) No. DA18-017C (Location: 4907 Cecelia Street, Applicant: NYCE Guys, LLC)

along with Resolution No. 18-37. The motion carried (3-0-1) by the following roll call vote.

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

## 12. BUSINESS SESSION

- A.** Solicitation of Nominations by Members of the City Council to Fill the City Council Seat Abandoned and Vacated by Jack Guerrero; Approval of a Resolution Appointing the City Council's Approved Appointee and Subsequent Administration of the Oath of Office for the Same

Presented by The City Attorney's Office

If it is the desire of the City Council to make an interim appointment to fill the City Council seat abandoned and vacated by Jack Guerrero, it is recommended that the City Council:

1. Solicit nominations from among the members of the City Council;
2. If a majority of the Council approves the appointment of a specific person to fill the vacancy, the City Council must then ratify and memorialize the appointment with the approval of the attached Resolution with the appointee's name included; and
3. If it is the desire of the City Council to have the approved appointee participate in the Council meeting of July 17, 2018 after being appointed, it is recommended that the City Council first have the resolution ratifying and memorializing the appointment fully executed and certified by the City Clerk and then have the City Clerk administer the oath of office to the appointee before the appointee is allowed to be seated. The City Council may wish to call a recess after the approval of the Resolution to allow the City Clerk time to have the Resolution fully executed and certified before administering the oath of office. (The City Council could also defer this third step to the next meeting of the City Council so that further arrangements can be made).

**Motion:** It was moved by Mayor Garcia and seconded by Vice Mayor Hernandez to Fill the City Council Seat Abandoned and Vacated by Jack Guerrero by appointing Jose Gonzalez as an Interim City Council Member. The motion carried (3-1-0) by the following roll call vote.

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

- B.** Review, and Request City Council Direction Regarding the Placement of a Tax Measure on the November 6, 2018 General Municipal Election ballot for the approval of Ordinance No. 691 Amending Section 5-08 of the Cudahy Municipal Code with Respect to Casinos and the Regulation

Presented by the City Manager

The City Council is requested to:

1. Review and Consider Placing the proposed Ordinance No. 691 Amending Section 5-08 of the Cudahy Municipal Code with respect to Casinos and the Regulation on the City's November 6, 2018 General Municipal Election Ballot; and
2. Direct staff to bring Ordinance No. 691 for Frist Reading on August 7, 2018.

**Motion:** It was moved by Vice Mayor Hernandez and seconded by Mayor Garcia to Review, and Request City Council Direction Regarding the Placement of a Tax Measure on the November 6, 2018 General Municipal Election ballot for the approval of Ordinance No. 691 Amending Section 5-08 of the Cudahy Municipal Code with Respect to Casinos and the Regulation. The motion carried (4-0-1) by the following roll call vote.

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

- C.** Overview, Discussion and Request for Direction Regarding the Placement on the November 6, 2018 Regular Election Ballot of a Tax Measure Establishing a Citywide Parcel Tax to pay for Police Services and a separate Tax Measure Establishing a Three-Fourths Percent (3/4%) Transactions (Sales) and Use Tax to be Approved as a General Tax

Presented by the City Manager and Finance Director

The City Council is requested to:

1. Receive a presentation from the City Manager and Finance staff regarding the placement of two separate tax measures on the November 6, 2018 General Municipal Election Ballot – the first a Citywide Parcel Tax to pay for Police Services and the second a three-fourths percent (3/4) transactions and use tax; and
2. Discuss and deliberate on the two proposed options and, if desired, take action to direct City staff to prepare for approval at the City Council's next Regular Meeting all necessary resolutions, ordinances and reports required to place one or both of the proposed tax measures on the November 6, 2018 ballot. It is also requested that the City Council give direction as to whether the taxes should be permanent or whether they should have a 10-year sunset period.

**MAYOR GARCIA DIRECTED FOR TWO MOTIONS ON THE FLOOR FOR THIS ITEM. THE FIRST IN REGARDS TO PLACING A SALES TAX ON THE NOVEMBER BALLOT. THE SECOND IN REGARDS TO PLACING A PARCEL TAX ON THE NOVEMBER BALLOT WITH NO OPPOSITION**

**Motion:** It was moved by Mayor Garcia, and seconded by Council Member Gonzalez establishing a maximum ten years  $\frac{3}{4}$  percent transaction of sales, take action to direct City staff to prepare for approval at the City Council's next Regular Meeting all necessary resolutions, ordinances and reports required to place a sales tax on the November 6, 2018 ballot. The motion carried (4-0-1) by the following roll call vote.

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

**Motion:** It was moved by Mayor Garcia, and seconded by Vice Mayor Hernandez establishing a parcel tax, take action to direct City staff to prepare for approval at the City Council's next Regular Meeting all necessary resolutions, ordinances and reports required to place a 10 year parcel tax with a cap 15% annual increase, on the November 6, 2018 ballot. The motion carried (3-1-1) by the following roll call vote.

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

**D. Discussion Regarding Further findings with regard to Handicap Placard Exemptions of Citywide Overnight Parking Program that Allows Permitted Overnight On-Street Parking in Designated Parking Areas**

Presented by the City Attorney's Office

The City Council is requested to discuss further findings in regards to handicap placard exemptions of Citywide overnight parking program that allows permitted overnight on-street parking in designated parking areas, and provide direction to City staff.

**Motion:** It was moved by Council Member Sanchez, and seconded by Mayor Garcia to have ordinance amended to exempt vehicles with disability placards. The motion carried (4-0-1) by the following roll call vote.

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

**13. COUNCIL DISCUSSION – NONE**

**RECESS TO CLOSED SESSION**

Deputy City Attorney Richard Gonzalez recess the Regular Meeting to Closed Session at 9:07 p.m.

**14. CLOSED SESSION**

- A.** Closed Session Pursuant to Government Code Section 54956.9(d)(2) – Conference with Legal Counsel to Discuss Matter Involving Significant Exposure to Litigation – One (1) Matter.
- B.** Closed Session Pursuant to Government Code Section 54956.9(e)(3) – Conference with Legal Counsel to Discuss the Receipt of Written Communication Threatening Litigation – One (1) Matter.
- C.** Closed Session Pursuant to Government Code Section 54956.9(d)(4) – Conference with Legal Counsel to Discuss Facts and Circumstances which may Form the Basis for Initiating Litigation – One (1) Matter

## **RECONVENE TO OPEN SESSION**

Deputy City Attorney Richard Gonzalez reconvened the Regular Meeting in Open Session at 9:42 p.m.

## **15. CLOSED SESSION ANNOUNCEMENT**

Deputy City Attorney Richard Gonzalez reported out that three out of five members were present.

In regards to closed session item 14A, direction was given but no final action was taken.

In regards to closed session item 14B, direction was given but no final action was taken.

In regards to closed session item 14C, direction was given but no final action was taken.

## **16. ADJOURNMENT**

The City Council / Agency meeting was adjourned at 9:43 p.m.

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Chris Garcia  
Mayor

ATTEST:

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Richard Iglesias  
Deputy City Clerk