

MINUTES

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

March 19, 2019 6:30 P.M.

1. CALL TO ORDER

Mayor / Chair Gonzalez called the meeting to order at 6:33 p.m.

2. ROLL CALL

PRESENT: Council / Agency Member Guerrero
Council / Agency Member Lozoya
Vice Mayor / Vice Chair Alcantar
Mayor / Chair Gonzalez

ABSENT: Council / Agency Member Garcia

ALSO PRESENT: City Manager Jose E. Pulido, Deputy Attorney Martin de los Angeles,
Assistant City Clerk Richard Iglesias, and Junior Deputy City Clerk,
Andres Rangel.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Alcantar.

4. PRESENTATIONS

Certificate of Recognition presented to Evelyn Madrigal

MAYOR GONZALEZ MADE A MOTION TO PLACE AN EMERGENCY RESOLUTION ON THE AGENDA. THE MOTION WAS SECONDED BY VICE MAYOR ALCANTAR BY THE FOLLOWING (2-0-1) ROLL CALL VOTE:

AYES: Alcantar and Gonzalez
NOES: None
ABSENT: Garcia
ABSTAIN: Guerrero and Lozoya

5. PUBLIC COMMENTS

Sergeant Bearse, announced the Sheriff's Town Hall meeting taking place on April 4, 2019, at Turner Hall.

Martina Hernandez, asked to bring back the school crossing guards, citing speeding cars and recent near hit accidents throughout City schools.

Edith Cabezas, asked for Council support to bring back crossing guards on Elizabeth Learning Center. She cited the importance of crossing guards to prevent accidents near schools.

Leticia Guzman, asked for Council support to bring back crossing guards, urging the Council to listen to their voices. She cited an accident that could have been prevented if crossing guards were present.

Frank Gurule, spoke on behalf of the senior and aging commission regarding the one time allocation that was made last year in the City budget. He argued the one time allocation surplus should not go back to the general fund, as it was senior citizen money raised by past seniors in the community. Instead the remaining fund should be reallocated to senior services for the 19-20 FY budget.

Imelda Villalba, asked Council support to bring back crossing guards. She reminded Council that cars do not respect traffic lights.

Covina Menjiva, spoke in favor of reinstating the crossing guard on Elizabeth Learning Center. She urged the Mayor to take initiative in bringing back the crossing guard. She also reminded Council that they work for the residents, and should not be doing actions that are against resident wishes. She urged Council to stop allowing the operation of cannabis businesses, and concluded her comments by speaking against the City Manager.

Pamela Munguia, spoke against Mayor Gonzalez and his familiarity with Brown Act rules based on past Council Meetings, not reading rules of decorum, or specifying the time frame to accept public comment cards. She went on to speak against the City Manager, urging the Council to start the process to find a new City Manager. She further argued that the City Manager is overpaid without being active in the community, realizing the need for community improvements. She spoke against the Mayor for passing resolution 18-48 without the consent of the new Council in December.

Rosa Gallegos, spoke in favor of reinstating crossing guards, citing a near hit accident she experienced with her children.

Juana Lopez, spoke in favor of reinstating crossing guards, telling Council that cars do not respect traffic lights.

William Tejada, spoke in favor of reinstating crossing guards. He went on to urge Council to cancel magazine production contracts, and instead use that funding to hire more crossing guards. He went on to speak against the City Manager. He asked to change a curb color on Clara Street from red to white, and concluded his comments by speaking against cannabis companies in the City.

Jack Guerrero, protested the City's alleged reprehensible scheme to ram through marijuana to the City, in particular resolution passed in December 18 of last year. He argued the City is ill equipped to absorb this industry so suddenly and so recklessly without public affirmation. He referenced last November's results as residents sending a clear message they reject corruption, lavish contracts, excessive taxation on Cudahy families, and the "ghettoization" of Cudahy through excessive cannabis sites. He further argued that the proceedings in last December's meeting were a disgrace, with several legal violations on full display. He reminded Council ordinances cannot be amended through a single reading resolution. Mr. Guerrero then mentioned that when he attempted to bring order following the installation, the City Attorney interjected, and he protested. Mr. Guerrero went on to thank Council Member Lozoya for standing by him during his attempt to rescind the resolution. He further argued that rather than

promoting positive goals like youth career development and education, the Council is focused on promoting on bringing cannabis businesses to the City.

Marcos Covarrubias, urged Council to rescind resolution 18-48. He further spoke against Cudahy cannabis businesses, arguing there are no controls in calculating how much revenue these businesses are making, or how much money they've given the City. In regards to Mayor Gonzalez, he mentioned several deteriorating facilities and parks that need improvement. He concluded his comments by urging the need for reinstating crossing guards at schools, arguing crossing guards are crucial to maintain order with kids crossing and minimizing cars speeding.

Patricia Covarrubias, reminded Council and residents that City residents are the true leaders in the City, not Council. She argued that the City has the order reversed, showing the City Manager as lead, followed by Council Members, then City residents. She urged Council to reinstate crossing guards, reminding Council it has the opportunity to bring them back. She concluded her comments by telling Council to rescind resolution 18-48.

Susie de Santiago, asked Council to bring back the crossing guards. She reminded Council the community submitted a petition to bring back the crossing guards a month ago. She reminded Council crossing guards perform traffic control as well as prevent accidents. She urged Council to reallocate remaining senior funding that was given to them in the 18-19 FY budget. She concluded her comments by announcing to Council that she emailed the City Manager about grant opportunities to improve City streets.

Javier Flores, supported reinstating crossing guards. He argued the City Manager can donate his salary to bring back crossing guards. He reminded the City Manager he has not fulfilled any of the promises he made four years ago, and is overpaid. He spoke against the City Manager for bringing cannabis businesses to the City and against resolution 18-48 for expanding cannabis businesses in the City to recreational use as well.

Irma Lopez, supported reinstating crossing guards. She mentioned to Council that a child crossed in front of her while driving on Elizabeth Street, and thankfully was able to stop before hitting the child. She then stated that Crossing guards are urgently needed. She went on to ask Council to leave park lights on after sunset, citing safety concerns, as well as cleaning City parks.

Edin Enamorado, supported reinstating crossing guards on Elizabeth Street, even bringing volunteers to act as crossing guards. He went on to speak against Council Member Guerrero for allegedly abandoning his seat to run for State Treasurer. He also spoke against Mr. Guerrero for being an alleged Trump supporter. He concluded his comments by pointing out the contradictions between supporting alcohol and tobacco, but being against cannabis.

MAYOR GONZALEZ MADE A MOTION TO MOVE CLOSED SESSION BEFORE CITY COUNCIL COMMENTS. THE MOTION WAS NOT SECONDED. THE MOTION FAILED.

6. CITY COUNCIL COMMENTS

Council Member Guerrero, explained how resolution 18-48 was passed by the former Council before the reorganization happened, how it expands Ordinance 673 to allow recreational cannabis businesses, and how it is not legal to amend an ordinance by a single hearing resolution.

Vice Mayor Alcantar, thanked members to come out to support the reinstatement of school crossing guards. She highlighted the importance of crossing guards in our City. She reminded

residents of two other collisions that happened including an unreported incident and another involving a mother and her child. She invited residents to an event organized by “communities for a better environment” that educated residents about contaminated sites on Southeast Los Angeles. She concluded her comments by highlighting the operation Firefly event.

Mayor Gonzalez, informed residents there are fees coming in to the City from cannabis operators projecting at least \$800,000. He explained the emergency resolution and how the grant can help the youth by expanding parks and sports services. He reminded Council that if the City does not discuss the resolution, the City will miss out on a \$450,000 grant opportunity. He directed City staff to report back to the Council in regards to the bingo money that was discussed during public comment.

7. CITY MANAGER REPORT (information only)

8. REPORTS REGARDING AD HOC, ADVISORY, STANDING OR OTHER COMMITTEE MEETINGS – NONE

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 Guerrero, and seconded by Vice Mayor Alcantar to waive full text reading of all Resolutions and Ordinances by single motion with the exception of item 12A.

10. CONSENT CALENDAR (Items 10A, B, C, and D. were pulled by Council Member Guerrero.)

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

Presented by the Finance Director

The City Council is requested to approve the Local Agency Investment Fund (LAIF) Report for the month of December 2018 in the amount of \$3,931,903.12.

Motion: It was moved by Vice Mayor Alcantar, and seconded by Mayor Gonzalez to approve the Local Agency Investment Fund (LAIF) Report for the month of December 2018 in the amount of \$3,931,903.12. The motion carried (2-2-1) by the following roll call vote.

AYES: Alcantar and Gonzalez
NOES: Guerrero and Lozoya
ABSENT: Garcia
ABSTAIN: None

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

Presented by the Finance Director

The City Council is requested to approve the Demands and Payroll in the amount of \$421,697.41 including Cash and Investment Report by Fund for the month of December 2018.

Motion: It was moved by Vice Mayor Alcantar, and seconded by Mayor Gonzalez to approve

the Demands and Payroll in the amount of \$421,697.41 including Cash and Investment Report by Fund for the month of December 2018. The motion carried (2-2-1) by the following roll call vote.

AYES: Alcantar and Gonzalez
NOES: Guerrero and Lozoya
ABSENT: Garcia
ABSTAIN: None

C. Approval of the Local Agency Investment Fund (LAIF) for the Month of January 2019

Presented by the Finance Director

The City Council is requested to approve the Local Agency Investment Fund (LAIF) Report for the month of January 2019 in the amount of \$3,959,274.70.

Motion: It was moved by Vice Mayor Alcantar, and seconded by Mayor Gonzalez to approve the Local Agency Investment Fund (LAIF) Report for the month of January 2019 in the amount of \$3,959,274.70. The motion carried (2-2-1) by the following roll call vote.

AYES: Alcantar and Gonzalez
NOES: Guerrero and Lozoya
ABSENT: Garcia
ABSTAIN: None

D. Approval of the City Demands and Payroll Including Cash and Investment Report for the Month of January 2019

Presented by the Finance Director

The City Council is requested to approve the Demands and Payroll in the amount of \$1,198,060.70 including Cash and Investment Report by Fund for the month of January 2019.

Motion: It was moved by Vice Mayor Alcantar, and seconded by Mayor Gonzalez to approve the Demands and Payroll in the amount of \$1,198,060.70 including Cash and Investment Report by Fund for the month of January 2019. The motion carried (2-2-1) by the following roll call vote.

AYES: Alcantar and Gonzalez
NOES: Guerrero and Lozoya
ABSENT: Garcia
ABSTAIN: None

E. Consideration to Review and Approve the Draft Minutes of February 5, 2019, 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 Assistant City Clerk

The City Council is requested to review and approve the City Council / Successor Agency Draft Minutes for February 5, 2019.

Motion: It was moved by Council Member Guerrero, and seconded by Vice Mayor Alcantar to

review and approve the City Council / Successor Agency Draft Minutes for January 15, 2019. The motion carried (4-0-1) by the following roll call vote.

AYES: Guerrero, Lozoya, Alcantar, and Gonzalez
NOES: None
ABSENT: Garcia
ABSTAIN: None

F. Consideration to Review and Approve the Draft Minutes of January 30, 2017, for the Special Joint Meeting of the Cudahy City Council and Planning Commission

Presented by the Assistant City Clerk

The City Council is requested to review and approve the Draft Minutes of the Special Joint Meeting of the Cudahy City Council and Planning Commission for January 30, 2017.

Motion: It was moved by Council Member Guerrero, and seconded by Vice Mayor Alcantar to review and approve the City Council / Successor Agency Draft Minutes for January 15, 2019. The motion carried (4-0-1) by the following roll call vote.

AYES: Guerrero, Lozoya, Alcantar, and Gonzalez
NOES: None
ABSENT: Garcia
ABSTAIN: None

11. PUBLIC HEARING – NONE

12. BUSINESS SESSION

A. Consideration to: (1) repeal and replace Resolution No. 18-68; (2) modify Resolution No. 18-68; or (3) allow Resolution No. 18-68 to remain in full force and effect will provide guidance to operators with local entitlements

Presented by City Attorney

The City Council is requested to consider whether to: (1) repeal and replace Resolution No. 18-68; (2) modify Resolution No. 18-68; or (3) allow Resolution No. 18-68 to remain in full force and effect will provide guidance to operators with local entitlements.

Motion: It was motioned by Council Member Guerrero and seconded by Council Member Lozoya to approve Resolution No. 19-05, repealing and replacing Resolution No. 18-68. The motion carried (3-0-1) by the following roll call vote.

AYES: Guerrero, Lozoya, and Alcantar
NOES: None
ABSENT: Garcia
ABSTAIN: Gonzalez

B. Approval of a Master Services Contract with Willdan Engineering for On-Call Current Planning Services

Presented by City Manager

It is requested that the City Council: (1) approve staff's request to piggyback on the City of Elk Grove's competitive bid process for on-call planning services; (2) award a Master Services Contract to Willdan Engineering for on-call current planning services utilizing the City of Elk Grove's Request for Proposals and contract award on August 23, 2017; and (3) adopt a resolution authorizing the City Manager to execute a Master Services Contract with Willdan Engineering for on-call current planning services.

Motion: It was moved by Vice Mayor Alcantar and seconded by Mayor Gonzalez to award a Master Services Contract to Willdan Engineering for on-call current planning services for a term of four months, and revisit with a full request for proposal. The motion carried (4-0-1) by the following roll call vote:

AYES: Guerrero, Lozoya, Alcantar, and Gonzalez
NOES: None
ABSENT: Garcia
ABSTAIN: None

C. Approval to award a Professional Services Agreement to Willdan Engineering for On-Call Human Resources Services

Presented by City Manager

It is requested that the City Council award a Professional Services Agreement to Willdan Engineering for on-call Human Resources services and authorize the City Manager to execute a Professional Services Agreement with Willdan Engineering for on-call Human Resources services for the not-to-exceed amount of \$116,480 for a one year term (i.e., March 19, 2019 to March 19, 2020), with two one-year options to extend (i.e., March 19, 2020 to March 19, 2021; and March 19, 2021 to March 19, 2022).

Motion: It was motioned by Mayor Gonzalez and seconded by Vice Mayor Alcantar to table the item to the next meeting. The motion carried (4-0-1) by the following roll call vote:

AYES: Guerrero, Lozoya, Alcantar, and Gonzalez
NOES: None
ABSENT: Garcia
ABSTAIN: None

D. Adoption of a Proposed Resolution No. 19-08 Amending the City of Cudahy Fiscal Year (FY) 2018-19 City Budget

Presented by Finance Director

Recommendation: The City Council is requested to:

1. Receive and file the Fiscal Year (FY) 2018-19 Mid-Year Budget review and related reports; and
2. Adopt Proposed Resolution No. 19-08 approving the requested amendments to the FY 2018-19 City Budget as follows: increasing certain revenues in the General Fund by \$210,300 and decreasing other General Fund revenues by \$210,300.

Motion: It was moved by Vice Mayor Alcantar, and seconded by Mayor Gonzalez to only approve the crossing guard section of the budget amendment. The motion carried (4-0-1) by the following roll call vote.

AYES: Guerrero, Lozoya, Alcantar, and Gonzalez
NOES: None
ABSENT: Garcia
ABSTAIN: None

COUNCIL MEMBER GUERRERO MADE A MOTION TO RECONSIDER APPROVING WALK IN EMERGENCY RESOLUTION NO. 19-09. THE MOTION WAS SECONDED BY VICE MAYOR ALCANTAR BY THE FOLLOWING (4-0-1) ROLL CALL VOTE:

AYES: Guerrero, Lozoya, Alcantar and Gonzalez
NOES: None
ABSENT: Garcia
ABSTAIN: None

13. COUNCIL DISCUSSION – NONE

A. Mayor Gonzalez

- i. Support Letter - Labor issues at L.A. County Sanitation Districts
- ii. Create and establish expedited planning review fee schedule

RECESS TO CLOSED SESSION

City Attorney, Martin de los Angeles recessed the meeting to close session

14. CLOSED SESSION

- A.** Closed Session Pursuant to Government Code Section 54956.9(d)(2) and 54956.9(e)(1) - Anticipated Litigation – One (1) Matter
- B.** Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel to discuss existing litigation – Cudahy Citizens v. City of Cudahy, et al. (Case No. BS174212)
- C.** Closed Session Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation
Title of Employee: City Manager
- D.** Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator
City's Representative: Victor Ponto, City Attorney
Unrepresented Employee: City Manager

RECONVENE TO OPEN SESSION

City Attorney Martin de los Angeles reconvened the Regular Meeting in Open Session

15. CLOSED SESSION ANNOUNCEMENT

In regards to item 14A three of the five council members were present; Council Member Guerrero did not participate. No final action taken.

In regards to item 14B three of the five council members were present; Council Member Guerrero did not participate. No final action taken.

In regards to item 14C and 14D, three of the five council members were present; Council Member Guerrero did not participate. Council voted three to zero to commence the City Manager performance evaluation process.

16. ADJOURNMENT

The City Council / Agency meeting was adjourned at 8:06 p.m.

Jose Gonzalez
Mayor

ATTEST:

Richard Iglesias
Deputy City Clerk