

MINUTES

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

November 23, 2019 3:30 P.M.

1. CALL TO ORDER

Mayor / Chair Gonzalez called the meeting to order at 3:34 p.m.

2. ROLL CALL

PRESENT: Council / Agency Member Garcia (Arrived at 4:04 p.m.
and left at 4:49 p.m.)
Council / Agency Member Guerrero
Council / Agency Member Lozoya
Vice Mayor / Vice Chair Alcantar (Arrived at 3:41 p.m.)
Mayor / Chair Gonzalez

ABSENT: None

ALSO PRESENT: Deputy City 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 Council Member Guerrero.

4. PRESENTATIONS - NONE

5. PUBLIC COMMENTS

Jack Guerrero, protested the City's alleged deliberate subversion of transparency and open meeting protocols, by scheduling the meeting on the Saturday proceeding Thanksgiving, Council Knowing beyond any doubt that few people have and will attend. He went on to announce that the meeting was unlawfully agenized arguing it was supposed to be an adjourned regular meeting ostensibly counting discussion on topics already scoped during last Tuesday's regular meeting. Rather, the City Council deliberately and unlawfully revamped the entire agenda and added new topics to a continuation meeting, arguing if legal advice was solicited would have learned that the proper protocol for a revamped agenda is actually a special meeting complying of course with permissible topics for this type of gathering. He advised the Council could also have convened an adjourned regular meeting and a special meeting on the same date with 24-hour notice. Next, he continued to highlight the City's internal control environment, and asked the council to join him in remediating the current ineffective fiscal conditions together. He cited the latest list from the California State Auditor ranking the City in the bottom seven in the state with the highest evaluation of risk with the potential of waste, fraud, abuse, and mismanagement, reflecting years of severe financial mismanagement. He further cited the findings from the California State Controller, quoting the findings found which included developing a comprehensive remedial plan, identifying milestones and timelines for

completion. In addition, the City Council should require periodic updates on the progress in implementing the remedial plan. Of those, he highlighted none of those recommendations have been achieved. He referenced the City's self-evaluation report finding that only 20% of those recommendations from the California State Auditor have been remediated, and none of it has been independently evaluated by a qualified third-party agency.

Patricia Covarrubias, asked the Council to pay attention to a recurring issue regarding a resident who is in need of a handicap space. She went on to tell Council the resident has been struggling to transport her child due to a lack of a handicap curb. She told Council if it will not do anything, residents will pitch in to fund the installation of the blue curb. She also noted the dysfunctional street light in front of that resident's home. She concluded her comments by urging Council to release the City Manager due to the lack of community engagement and progress.

Marcos Covarrubias, spoke in favor of City Council for its decision to release the City Manager, citing it will benefit the City in the long term. He believes the next city manager should be proactive and ethical in his or her demeanor. He further commented on the Planning Commission's recent decision to approve development projects, stating he believes the City is heading toward the right direction.

Susie de Santiago, asked Council that it should not renew the City Manager's contract under the premise that too many mistakes have been made by his office, and communication is ineffective went drastic policy changes are made. She quotes several instances where residents have tried to reach out to the City Manager, to no avail. She further noted the City Manager rarely attended community events, or briefly attending them whenever he did attend. She concluded her comments by asking Council to consider residents' opinions when looking for the new City Manager, and reminding the Council the City lost crossing guards twice during his tenure.

Carmen Beltran, commented there is a homeless problem in Cudahy, and it is becoming more noticeable and increasingly unsafe. She referenced a specific instance where suspicious individuals have been stealing bikes and slashing tires. She further noted that she feels her daughter is unsafe when she is riding the bus in the City late in the evening. She urged Council to resolve the issue as it is becoming unsafe. She also noted the City is becoming noticeably dirtier, with trash bags and bulky items cluttering the City, and poor quality parks with little routine maintenance.

Stephany Beltran, expressed her concerns regarding to a high volume of squatters on Atlantic Avenue as well as dysfunctional street lights. She commented that it is unsafe to walk the streets late in the evening. She went on to ask Council for clarification regarding business session item 12A.

6. CITY COUNCIL COMMENTS

Council Member Guerrero, asked the City Attorney to clarify how setting up an adjourned regular meeting with new sets of topics is justified under the Brown Act, and asked for the specific Government Code section that allows the addition of new items with a 72 hour notice. He expressed his concerns about the meeting being placed on a Saturday before Thanksgiving. He asked that residents need to have their voice expressed regarding this agenda item. He went on to protest the City's alleged deliberate subversion of transparency and open meeting protocols, by scheduling the meeting on the Saturday proceeding Thanksgiving, knowing beyond any doubt that few people have and will attend. He went on to announce that the meeting was unlawfully agenzized arguing it was supposed to be an adjourned regular meeting ostensibly counting discussion on topics already scoped during last Tuesday's regular meeting. Rather, the City Council deliberately and unlawfully revamped the entire agenda and added

new topics to a continuation meeting, arguing if legal advice was solicited would have learned that the proper protocol for a revamped agenda is actually a special meeting complying of course with permissible topics for this type of gathering. He concluded his comments by suggesting that Council could also have convened an adjourned regular meeting and a special meeting on the same date with 24-hour notice.

Vice Mayor Alcantar, announced that the City Attorney explained the urgency of the agendas in this meeting, noting that the City would not have had a City Manager if Council did not agendaize this item for today's meeting. She further spoke in regards to the issues mentioned during public comment, specifically about the increasing number of squatters in the City. She encouraged to report all hot spots to the sheriff's department or City Hall.

Mayor Gonzalez, echoed the vice mayor's comments explaining the urgency of this agenda items being discussed today.

7. CITY MANAGER REPORT (information only) - NONE

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

9. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES – NONE

10. CONSENT CALENDAR - NONE

11. PUBLIC HEARING - NONE

12. BUSINESS SESSION

A. Consideration and Possible Approval of City Manager/Acting City Manager Appointment and Approval of Related Employment Contract.

Presented by City Attorney's Office

Recommendation: Pending Closed Session Discussion and Deliberation it is recommended that the City Council move to:

1. Ratify City Manager appointment;
2. Approve a written employment contract to be made available to the public before consideration of this agenda item and the salient terms of which will be disclosed to the public before approval of this item; and
3. Authorize the Mayor to execute the City Manager Employment Contract on behalf of the City.

Motion: It was motioned by Vice Mayor Alcantar and Seconded by Council Member Lozoya for approval to ratify the Acting City Manager appointment of Dr. Santor Nishizaki, and authorize the mayor to execute the agreement. The motion carried (4-1-0) by the following roll call vote.

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

ABSTAIN: None

13. COUNCIL DISCUSSION – NONE

14. CLOSED SESSION

- A. Closed Session Pursuant to Government Code Section 54957 – Public Employee Discipline, Dismissal, and Release.
- B. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator - Unrepresented Employee – Title: City Manager.
- C. Closed Session Pursuant to Government Code Section 54957 – Public Employee Appointment/Employment – Title: City Manager.

15. CLOSED SESSION ANNOUNCEMENT

Deputy City Attorney Martin de los Angeles reported out that City Council returned to open session noting that four out of five council members attended the closed session; Council Member Garcia left closed session and did not continue to participate further. Regarding Closed Session items 14A, and B, City Council approved by vote of three yes, one ~~abstention~~^{abstention}, one absent (3-0-1) to approve the terms of a settlements and release agreement with ~~incumbent~~ City Manager Jose Pulido. ~~t~~The terms of in which are specified in the document which will be made available to the public upon request. The ~~salient~~^{standing} points of on the agreement are: Mr. Pulido will be a fully burdened employee for the remainder of his contract extension term, after which he will receive five months severance pay. He will ~~cease~~^{seize} to discharge the day to day duties of City Manager and he will be on call, noting this is not a disciplinary action. He will be on call to assist the City for the remainder of his contract, and release possession of all ~~city~~^{City} issued devices. With respect to item 14C, Council approved by vote of four, zero, and one absent (4-0-1) to appoint Dr. Santor Nishizaki as the Acting City Manager, subject to Council approval under agenda item 12A.

16. ADJOURNMENT

The City Council / Agency meeting was adjourned at 7:22 p.m.

Jose R. Gonzalez
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk