

MINUTES

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

August 20, 2019 6:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Council / Agency Member Garcia (Arrived at 6:51 p.m.)
Council / Agency Member Guerrero
Council / Agency Member Lozoya
Vice Mayor / Vice Chair Alcantar
Mayor / Chair Gonzalez

ABSENT: None

ALSO PRESENT: City Manager Jose E. Pulido, City Attorney, Marc Tran, Assistant City Clerk, Richard Iglesias, Finance Director, Steven Dobrenen and Junior Deputy City Clerk, Andres Rangel.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Alcantar.

4. PRESENTATIONS - NONE

5. PUBLIC COMMENTS

Tania Castaneda, introduced herself as the new relations manager for Republic Services now acting as liaison for the City.

Jessica Prietto, spoke on behalf of rent stabilization in the City of Cudahy, making a breakdown of the burden rent is to Cudahy residents' overall income. She went on to highlight the consequences of those who suffer from increasingly high rent such as displacement. She concluded her comments by asking for more protections for the residents of Cudahy.

Hannali Paniagia, announced an event on behalf of the Office of County Supervisor Hilda Solis.

Jack Guerrero, announced that the latest status update from the California State Auditor, placed the City of Cudahy as one of the worst cities in California with highest possible evaluation of risk. He quoted the state auditor's that said Cudahy has a high potential for waste, fraud, abuse, and mismanagement. He further quoted the Orange County Register reporting on Cudahy's financial uncertainty. He went on to call his fellow Council Members to move forward with conducting a forensic audit by an impartial third-party government authority. He told Council a watchdog group of residents in the community are coordinating a petition to bring such an audit if the Council fails to move forward with the request. He concluded his comments by expressing his concerns about the financial handling of proceeds stemming from cannabis businesses.

Javier Flores, agreed with Council Member Jack Guerrero, calling for a forensic audit. He went on to speak in favor of increasing public comment time to three minutes. He spoke against the multifamily apartment complex on Elizabeth Street, noting the various residents who have also expressed their concerns regarding this project, specifically the overflow of traffic and the dangerous conditions increase in traffic will have on schools during peak traffic hours. He urged the Vice Mayor and other members of the Council to vote against the project. He concluded his comments by urging the Council needs to start legislation on behalf of its residents, calling for more recreation and senior services.

Nai Huitzilopochtli, spoke against Council Member Guerrero for his affiliations with white supremacists and anti-immigration groups. He went on to urge residents to rally against Council Member Guerrero. He further argued Mr. Guerrero does not care about the residents he represents, arguing he is only using his position as Council Member as a stepping stone for a more prominent political role.

Susie de Santiago, thanked the Council for the backpack giveaway event it coordinated before school started. She also asked Council to reconsider the multi-unit complex project on Elizabeth street, citing exacerbated parking and traffic as points to consider when voting for the item.

William Tejada, spoke against the multifamily complex project on Elizabeth street, citing exacerbated parking as the major point to consider when voting for this item. He explained bringing a high volume of people to the City, via the 48-unit apartment project, will have a negative impact on the City. He went on to urge the City Manager to bring more community services to the City, noting his change in demeanor, not interacting with the residents and their concerns as he did when he first started.

Marcos Covarrubias, spoke in favor of replacing the City Manager, noting the community is not satisfied with the services he has brought. He disagreed with Nai's comments clarifying Mr. Guerrero has never shown any signs of bigotry.

Corina Monguivar, spoke against the multi-unit complex project on Elizabeth Street noting exacerbated traffic will create unsafe conditions to pedestrians. She went on to speak against the City Manager, asking Council to replace him due to his detachment with the community. She urged Council needs to work for its community, and in doing so bring recreation events and services to its residents. She concluded her comments by urging the Council to not waste their youth and intelligence on bad policymaking and negative influences.

Patricia Covarrubias, quoted a phrase from Benito Juarez. She went on to speak against Nai's comments for his defamatory nature, allegedly slandering Council Member Guerrero, whose purpose is to instigate in public forums for popularity. She went on to speak against the 48-unit apartment project on Elizabeth street, noting the city is not prepared for that much volume to enter the City. She went on to argue the approval of the Elizabeth project will serve as a slippery slope to also approve multi-unit projects on Cecilia Street.

Michelle Gessner, reported from the Aging and Senior Commission, noting the recent trip to Catalina Island among other events they have coordinated throughout the year. She concluded her comments by emphasizing respect among the Council, as they were all voted in by members of the community.

Gloria Sandoval, spoke against Naui for instigating in the City and spewing falsehoods against Council Member Guerrero. She went on to speak against the City Manager for allegedly not holding the community's interest when acting as City Manager. She argued the residents want clean safe streets, sports, and the City Manager has not done enough to address those concerns. She concluded her comments by speaking against the 48-unit apartment project, citing exacerbated traffic and traffic causing an unsafe environment for pedestrians.

Trinidad Gillen, asked the Council to listen to the residents that are actively concerned with the community. He went on to speak in favor of Council Member Guerrero and urged the other members of Council to learn from Mr. Guerrero in how to effectively legislate. She went on to speak against the 48-unit apartment complex for traffic issues and exacerbated parking. She further commented that the City no longer feels safe as it feels like there is a murder or death every day. She urged Council to not renew the City Manager's contract due to the lack of progress, citing dirty streets, lack of recreation programs, and detachment from the community.

6. CITY COUNCIL COMMENTS

Council Member Lozoya, expressed she is against the 48-unit apartment complex, arguing the City is ill equipped to absorb such a high volume of cars and people entering the City due to the project.

Council Member Guerrero, reiterated his public comments in Spanish. He announced that the latest status update from the California State Auditor, placed the City of Cudahy as one of the worst cities in California with highest possible evaluation of risk. He quoted the website saying Cudahy has a high potential for waste, fraud, abuse, and mismanagement. He concluded his comments by expressing his concerns about the financial handling of proceeds stemming from cannabis businesses, noting federally regulated banks cannot store funds stemming from cannabis revenue.

Vice Mayor Alcantar, announced she was appointed to the Global Government Service by the county supervisor. She announced City engagements with Hilda Solis's office in regards to future development along Atlantic Avenue, notably a proposed Civic Center. She announced the backpack giveaway that was coordinated by the City, thanking all those who came and supported.

COUNCIL MEMBER GARCIA ARRIVED AT 7:21 P.M.

Mayor Gonzalez, expressed his excitement looking for more ways to bring affordable housing to the City. He also announced his meetings with local schools in regard to developing a public safety commission in the hopes of creating a tight safety net for students, specifically traffic safety. He announced the upcoming movie night event at Cudahy Park, and the volunteer day at Lugo Gym, as well as announced the recent backpack giveaway. He concluded his comments by announcing the meeting he had with the Vice Mayor and the Office of Hilda Solis, engaging in a public private partnership, to develop a fully functional civic center on Atlantic Avenue.

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

10. CONSENT CALENDAR

- A. Consideration to Review and Approve the Draft Minutes of August 6, 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 August 6, 2019.

Motion: It was moved by Vice Mayor Alcantar and seconded by Council Member Lozoya to review and approve the City Council / Successor Agency Draft Minutes for August 6, 2019. The motion carried (5-0-0) by the following roll call vote.

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

COUNCIL MEMBER GARCIA MADE THE MOTION TO MOVE ITEM 12D BEFORE PUBLIC HEARING ITEM 11A. MAYOR GONZALEZ SECONDED THE MOTION AND WAS PROCEEDED BY THE FOLLOWING ROLL CALL VOTE (3-2-0)

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

11. PUBLIC HEARING

- A. Public Hearing to Consider the Appeal of Applicant Elizabeth OZ, LLC of the Cudahy Planning Commission's decision to deny Development Review Permit No. 41-516, Conditional Use Permit No. 38-366, Conditional Use Permit No. 38-367 and Tentative Tract Map No. 80.68 (449) to allow the construction of a 48-unit multifamily residential development located at 4302-4312 Elizabeth Street (APN's 6442-007-002 & 6224-006-016)

The City Council is requested to:

1. Adopt the Public Hearing;
2. Receive a presentation from staff
3. Pose questions to staff;
4. Receive comment from interested members of the public;
5. Pose closing questions to staff; and
6. Close the Public Hearing and commence deliberations

If the City Council desires, it may:

1. Uphold the Planning Commission's decision based on the record on appeal and the testimony of City staff, the applicant and interested members of the public; or
2. Overturn the Planning Commission's decision based on the record on appeal and the testimony of City staff, the applicant, and interested members of the public, and adopt Resolution No. 19-27
 - a. Approving Development Review Permit No. 41-516 to allow the design, site layout, and the construction of a 48-unit multifamily residential development;
 - b. Approving Conditional Use Permit No. 38-366 to allow a 35 percent density bonus of the number of "base" units allowed in the underlying zone, and incorporating affordable housing units;
 - c. Approving Conditional Use Permit No. 38-367 to allow tandem parking spaces, and
 - d. Approving Tentative Tract Map 80.68 (449) to combine two lots into one for the purpose of constructing the proposed 48-unit multifamily residential development in the Medium Density Residential (HER) Zone for the project located at 4302-4312 Elizabeth Street.

MAYOR GONZALEZ OPENED THE FLOOR FOR PUBLIC COMMENT AT 9:20 P.M.

Miranda Munguia, pointed out the particular project is a 48-units however a low percentage is allocated to low income. She noted the units dedicated to low income housing do not offset the six units that were previously there. She further argued the substantial increase in parked cars due to this project will have a detrimental effect on pedestrian safety. It is more apparent considering Teresa Hughes is across the street from the project. A third point was stated focusing the lack of parking in the project, arguing it is providing insufficient parking for the 48 units it is proposing. She cited ADA incompliance due to few units being located on the lower floor of the project. She argued displacing former inhabitants in that area is gentrification and allowing them the opportunity to reapply does not solve the issue.

Pamela Munguia, spoke against the development project arguing the City cannot absorb such large residential densities, as well as the lack of parking in the City. She further argued that local schools will suffer due to the large intake of students stemming from the various families living in the multi-unit complex, furthering the City's already high density.

Marcos Oliva, argued that the City's aggressive development policy is undermining residents' quality of life. He elaborated the project did not go through CEQA or other studies before construction started. He noted building houses and improving homeownership in the City is more prudent than developing high density environments that will contribute to the City's already high density.

Javier Flores, reminded Council the project is heavily opposed by City residents. He went on to speak against the City Manager for his lack of progress in the City. He further argued the developers are not prioritizing the interest of residents, and therefore should not be approved.

Susie de Santiago, expressed she is not opposed to new development. However, she is not comfortable with the developer's request for a 35% density bonus. She further argued the Council can negotiate to dedicate more units to affordable housing.

Covina Monguivar, spoke against the development referencing the detrimental parking state in the City being exacerbated by the development as well as sympathizing with residents who were displaced as a result of the development.

MAYOR GONZALEZ CLOSED THE FLOOR FOR PUBLIC COMMENT AT 9:48 P.M.

Motion: It was moved by Vice Mayor Alcantar, and seconded by Mayor Gonzalez to Consider the Appeal of Applicant Elizabeth OZ, LLC of the Cudahy Planning Commission's decision to deny Development Review Permit No. 41-516, Conditional Use Permit No. 38-366, Conditional Use Permit No. 38-367 and Tentative Tract Map No. 80.68 (449) to allow the construction of a 48-unit multifamily residential development located at 4302-4312 Elizabeth Street (APN's 6224- 007-002 & 6224-006-016) with the following language read as follows:

I. first right of return to the formerly evicted tenants

II. "The City desires to impose the following condition on the Elizabeth St. development project. Applicants who qualify for a local preference shall have preference for admission to rental one of the 6 low income units set aside by the Project. Definition of a local preference shall be defined as follows:

- a. A local preference shall be given to an applicant who seeks to rent a dwelling at the project and who resides in the City of Cudahy (ZIP Code 90201). An applicant will be determined to live within the City of Cudahy if the applicant has lived in the City of Cudahy for three consecutive months or longer prior to the date of the application for an available dwelling unit. The applicant must produce evidence of residency in the City of Cudahy. This evidence can be a copy of a rental agreement, rent receipt, utility bill, driver's license, or other documentation that indicates residency in the City for at least such a 90-day period; or
- b. Applicants who are working or who have been notified that they are hired to work at a place of business in the City are also entitled to claim a local preference."

The motion carried (3-2-0) by the following roll call vote.

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

12. BUSINESS SESSION

A. Creation of an Economic Development Ad Hoc Committee and Appoint Two Council Members to Serve on this Committee

Presented by the City Manager

The City Council is requested to form an Economic Development Ad Hoc Committee and appoint two Council Members to serve on this committee.

Motion: It was motioned by Mayor Gonzalez and Seconded by Council Member Garcia to form an Economic Development Ad Hoc Committee and appoint two Council Member Garcia and Mayor Gonzalez to serve on this committee with no opposition.

B. Creation of a Contracts Review Ad Hoc Committee and appoint two Council Members to serve on this committee

Presented by the Assistant City Clerk

The City Council is requested to create a Contracts Review Ad Hoc Committee and select two Council Members to serve on this committee.

Motion: Mayor Gonzalez and Vice Mayor Alcantar were selected to serve on the Contracts Review Ad Hoc Committee with no opposition

C. Discuss and Consider Placing a Resolution on the Council Agenda, Requesting a Forensic Audit from the California State Controller

Presented by the Finance Director

The City Council is requested to discuss, and consider placing a Resolution on the Council agenda, requesting a forensic audit from the California State Controller, by majority vote.

Motion: It was motioned by Mayor Gonzalez and Seconded by Vice Mayor Alcantar to table the item and have city staff bring a report including cost, impact to staff, and any known information that city staff has as far as missing items as well as a narrative explaining how the City got on the list along with a recommendation from staff to form an ad hoc committee. The motion carried (4-1-0) by the following roll call vote.

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

D. Consideration to Appoint Board Members to City Commissions

Presented by the Assistant City Clerk

The City Council is requested to

1. Consider appointing Board Members to the following City Commissions: Parks and Recreation Commission; Public Safety Commission; Aging and Senior Citizens Commission;
2. Review all Board Member appointments on the Planning Commission; and
3. Provide staff with direction regarding any changes to the City's Commission Board Member appointments.

Motion: It was motioned by Council Member Garcia and Seconded by Vice Mayor Alcantar to appoint Susie de Santiago, Leslie Padilla, Tevina Quintana, Edin Enamorado, and David Rodriguez to the Parks and Recreation Commission. The motion carried (3-2-0) by the following roll call vote.

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

Motion: It was motioned by Council Member Garcia and Seconded by Council Member Lozoya to appoint Michelle Gessner, Frank Gurule, Cecilo Cruz, Maria Jimenez, and Patricia Covarrubias to the Aging and Senior Citizen Commission. The motion carried (5-0-0) by the following roll call vote.

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

Motion: It was motioned by Council Member Garcia and Seconded by Vice Mayor Alcantar to appoint Emmanuel Cruz, Diana Vera, Gustavo Mendez, Enrique Cardonne, and Arturo Rosales to the Public Safety Commission. The motion carried (5-0-0) by the following roll call vote.

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

Motion: It was motioned by Mayor Gonzalez Seconded by Vice Mayor Hernandez to appoint Leslie Padilla, Gustavo Mendez, Gilbert Cuevas, Stephany Beltran, and Richard Corvera-Hernandez to the Planning Commission. The motion carried (3-2-0) by the following roll call vote.

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

Motion: It was motioned by Council Member Garcia by Vice Mayor Gonzalez to reconsider the previous motion. The motion carried (3-2-0) by the following roll call vote.

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

Motion: It was motioned by Council Member Lozoya and Seconded by Council Member Guerrero to appoint Leslie Padilla, Gustavo Mendez, Gilbert Cuevas, Patricia Covarrubias, and Richard Corvera-Hernandez to the Planning Commission. The motion carried (4-1-0) by the following roll call vote.

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

13. COUNCIL DISCUSSION

Council Member Guerrero

- i. Discussion regarding increasing public speaking time to three minutes

Mayor Gonzalez

- i. Discuss which two Council Members will serve on the City commissions Ad-Hoc Committee

14. CLOSED SESSION

Closed Session Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation

Title of Employee: City Manager

ITEM WAS NOT DISCUSSED

16. ADJOURNMENT

The City Council / Agency meeting was adjourned at 9:22 p.m.

Jose R. Gonzalez
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk