

Elizabeth Alcantar, Mayor
Jose R. Gonzalez, Vice Mayor
Chris Garcia, Council Member
Jack M. Guerrero, Council Member
Blanca Lozoya, Council Member



REMOTE TELECONFERENCE AND ELECTRONICALLY

This meeting will be conducted telephonically and electronically pursuant to the State of California Executive Order No. 29-20.

Teleconference Phone Number:

+1 (253) 215-8782

Meeting ID: 814-4380-4362

<https://us02web.zoom.us/j/81443804362>

AGENDA

**A REGULAR MEETING
OF THE CUDAHY CITY COUNCIL
and JOINT MEETING of the
CITY OF CUDAHY AS SUCCESSOR AGENCY and HOUSING SUCCESSOR AGENCY
TO THE CUDAHY DEVELOPMENT COMMISSION
Tuesday, May 5, 2020 – 6:30 P.M.**

Written materials distributed to the City Council within 72 hours of the City Council meeting shall be available for public inspection at www.cityofcudahy.com

Rules of Decorum

Under the Government Code, the City Council may regulate disruptive behavior that impedes the City Council Meeting.

Disruptive conduct may include, but is not limited to:

- Screaming or yelling during another audience member's public comments period;
- Profane language directed at individuals in the meeting room;
- Throwing objects at other individuals in the meeting room;
- Verbal altercations with other individuals in the meeting room; and
- Going beyond the allotted three-minute public comment period granted.

When a person's or group's conduct disrupts the meeting, the Mayor or presiding officer will request that the person or group stop the disruptive behavior, and WARN the person or group that they will be asked to leave the meeting room if the behavior continues.

If the person or group refuses to stop the disruptive behavior, the Mayor or presiding officer may order the person or group to leave the meeting room, and may request that those persons be escorted from the meeting room. Any person who, without authority of law, willfully disturbs or breaks up a City Council meeting is guilty of a misdemeanor. (Pen. Code, § 403.)

It should also be noted that any person who WILLFULLY disturbs or breaks up the City Council meeting may be arrested for a misdemeanor offense. (Penal Code, § 403.)

1. CALL TO ORDER

2. ROLL CALL

Council / Agency Member Garcia
Council / Agency Member Guerrero
Council / Agency Member Lozoya
Vice Mayor / Vice Chair Gonzalez
Mayor / Chair Alcantar

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

- A. Presentation by Gilbert Saldate, Homelessness Program Manager, Gateway Cities Council of Governments.
- B. Certificates of Recognition Awarded to Centro Evangelistico Ebenezer, YMCA, and City of Youth for their charitable services providing and distributing meals to Cudahy residents during the COVID-19 Pandemic.

5. PUBLIC COMMENTS

(Each member of the public may provide a public comment telephonically or electronically if he or she wishes to address the City Council. Members of the public are permitted to speak for three (3) minutes concerning items under the City Council's jurisdiction, including items on the agenda and closed session items.)

(Any person who, without authority of law, willfully disturbs or breaks up a City Council meeting is guilty of a misdemeanor. (Pen. Code, § 403).)

6. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS (Each Council Member is limited to three minutes.)

(This is the time for the City Council / Agency to comment on any topics related to "City Business," including announcements, reflections on city / regional events, response to public comments, suggested discussion topics for future council meetings, general concerns about particular city matters, questions to the staff, and directives to the staff (subject to approval / consent of the City Council majority members present, regarding staff directives). Each Council / Agency Member will be allowed to speak for a period not to exceed three (3) minutes. Notwithstanding the foregoing, the City Council Members shall not use this comment period for serial discussions or debate between members on City business matters not properly agendized. The City Attorney shall be responsible for regulating this aspect of the proceeding.)

7. CITY MANAGER REPORT (information only)

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

9. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

(Consideration to waive full text reading of all Resolutions and Ordinances by single motion made at the start of each meeting, subject to the ability of the City Council / Agency to read the full text of selected resolutions and ordinances when the item is addressed by subsequent motion.)

(COUNCIL / AGENCY)

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

10. CONSENT CALENDAR

(Items under the Consent Calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council / Agency Member so requests, in which event the item will be removed from the Consent Calendar and considered separately.)

- A. Consideration to Review and Approve the Draft Minutes of April 16, 2020, for the Special 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 *(page 9)*

Presented by City Clerk's Office

Recommendation: The City Council is requested to review and approve the City Council / Successor Agency Draft Minutes for April 16, 2020.

11. PUBLIC HEARING

- A. Conditional Use Permit No. 38-371 to approve a 50% density bonus permitting three of the nine proposed dwelling units for the development at 7919 Wilcox Avenue in the High Density Residential (HDR) Zone, including associated concessions for the property located at 7919 Wilcox Avenue (APN 6224-003-021) *(page 15)*

Presented by Interim Community Development Manager

Recommendation:

The City Council is requested to:

1. Open the public hearing to receive comments on the proposed Conditional Use Permit request and then close the public hearing; and

2. Approve Resolution No. 20-11, approving Conditional Use Permit No. 38-371 to allow a 50 percent density bonus of the number of "base" units allowed in the underlying zone, and incorporating affordable housing units.

12. BUSINESS SESSION

- A. Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Evictions for Residential and Non-Essential Commercial Tenants *(page 61)*

Presented by City Attorney's Office

Recommendation: The City Council is recommended to adopt an Urgency Ordinance enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and non-essential commercial tenants where failure to pay rent results from income loss resulting from the novel Coronavirus (COVID-19).

- B. Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Utility Cutoffs for Both Residential and Commercial Tenants *(page 79)*

Presented by City Attorney's Office

Recommendation: The City Council is recommended to adopt an Urgency Ordinance enacting a temporary moratorium on utility cutoffs for both residential and commercial tenants due to nonpayment where the failure to pay results from income loss resulting from the novel Coronavirus (COVID-19).

- C. Adoption of a Proposed Resolution No. 20-10 Amending the City of Cudahy Fiscal Year (FY) 2019-2020 City Budget *(page 93)*

Presented by Finance Director

Recommendation: The City Council is requested to:

1. Receive and file the Fiscal Year (FY) 2019-2020 Mid-Year Budget review and related reports; and
2. Adopt Proposed Resolution No. 20-10 approving the requested amendments to the FY 2019-2020 City Budget as follows: increasing certain revenues in the General Fund by \$177,500, increasing certain General Fund expenditures by \$485,950 with the overall result being that the increase in expenditures exceeds revenues by \$308,450. The Gas Tax Special Fund expenditures are increasing by \$24,900 with no offsetting revenue increases.

The revenue increases are Pass through Property Taxes of \$190,000; Motor Vehicle in-Lieu of \$135,000; Building Permits of \$33,000; Planning Fees of \$115,000; Licenses & Permits of \$25,000; and Miscellaneous third party reimbursements of \$32,000. The decreases in revenues are On-Street Parking Fines of \$70,000; Swap meet permits of \$26,000, Fitness Center Memberships of \$6,100; Field Rentals of \$7,400; Licenses & Permits of \$218,000.

The increases in expenditures occurred in the City Manager Department of \$293,200; City Attorney Department of \$150,00; Finance Department of \$58,000; Community Development Department of \$135,200; and Parks and recreation Department of \$14,050. The decreases in expenditures occurred in the City Clerk Department of \$3,100 and Public Safety Department of \$161,400.

- D. Amendment No. 2 to Agreement for Solid Waste and Recyclable Materials Collection Services between the City of Cudahy and Consolidated Disposal Service, LLC. (the "Second Amendment")
(page 109)

Presented by City Manager

Recommendation: The City Council is requested to approve the Second Amendment for execution between the City of Cudahy (City) and Consolidated Disposal Services (Republic Services).

- E. Approval of a contract between the City of Cudahy and Henry Garcia for Interim City Manager services *(page 119)*

Presented by City Attorney's Office

Recommendation: Staff recommends that the City Council appoint Henry Garcia as Interim City Manager starting May 29, 2020 and approve a contract between the City of Cudahy and Henry Garcia for Interim City Manager services.

13. COUNCIL DISCUSSION

- A. Council Member Guerrero

- i. Adopted Ordinance No. 630, which added Chapter 2.56 of Title 2 of the Cudahy municipal code establishing post-government employment restrictions.

RECESS TO CLOSED SESSION

This is the time at which the City Council will meet in closed session to go over items of business on the closed session agenda. Once closed session is completed and the City Council returns from closed session into open session, members of the public may then rejoin the proceedings.

14. CLOSED SESSION

DELIBERATING AS CUDAHY SUCCESSOR AGENCY

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

Property Location:

Site No. 1 Elizabeth Street Residential Property

5256 Elizabeth Street APN: 6224-001-014

5260 Elizabeth Street APN: 6224-001-015

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney

Negotiating parties: Chief Administrative Officer

Under Negotiation: Price and Terms

- B. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:

Site No. 2 Atlantic Avenue/Santa Ana Street Commercial Property

4734 Santa Ana Street APN: 6224-018-008

8110 South Atlantic Avenue APN: 6224-018-071

8100 South Atlantic Avenue APN: 6224-018-068

Santa Ana Street APN: 6224-018-070

4720 Santa Ana Street APN: 6224-018-069

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney

Negotiating parties: Chief Administrative Officer

Under Negotiation: Price and Terms

- C. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:

Site No. 3 Santa Ana Street Residential Property

4610 Santa Ana Street APN: 6224-019-014

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney

Negotiating parties: Chief Administrative Officer

Under Negotiation: Price and Terms

D. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:

Site No. 4 Atlantic Avenue/Cecilia Street Commercial Property

8135 South Atlantic Avenue APN: 6224-022-001

4629 Cecilia Street APN: 6224-022-004

8201 South Atlantic Avenue APN: 6224-022-002

8221 South Atlantic Avenue APN: 6224-022-012

4633 Cecilia Street APN: 6224-022-003

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney

Negotiating parties: Chief Administrative Officer

Under Negotiation: Price and Terms

E. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:

Site No. 5 Atlantic Avenue/Patata Street Commercial Property

4819 Patata Street APN: 6224-034-014

8420 South Atlantic Avenue APN: 6224-034-032 APN: 6224-034-040

Patata Street APN: 6224-034-041

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney

Negotiating parties: Chief Administrative Officer

Under Negotiation: Price and Terms

F. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators

Property Location:

Site No. 6 Atlantic Avenue/Clara Street Commercial Property

4613 Clara Street APN: 6226-022-002

7660 South Atlantic Avenue APN: 6226-022-008

7630 South Atlantic Avenue APN: 6226-022-019 APN: 6226-022-020

7638 South Atlantic Avenue APN: 6226-022-023

7644 South Atlantic Avenue APN: 6226-022-022

No address APN: 6226-022-021 APN: 6226-022-024

Successor Agency Negotiator: Santor Nishizaki, Executive Director, Dave Gondek, Deputy City Attorney, Victor Ponto, City Attorney

Negotiating parties: Chief Administrative Officer

Under Negotiation: Price and Terms

G. 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: Acting City Manager, Santor Nishizaki and City Attorney

Negotiating Parties: Cudahy LF, LLC

Under Negotiation: Price and terms of payment

DELIBERATING AS CITY COUNCIL

- H.** Closed Session Pursuant to Government Code Section 54956.9(d)(4) – Conference with Legal Counsel to Discuss the Initiation of Litigation – One Matter

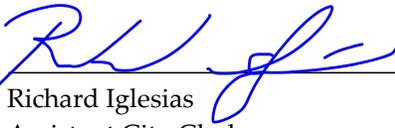
RECONVENE TO OPEN SESSION

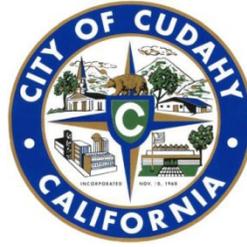
15. CLOSED SESSION ANNOUNCEMENT

16. ADJOURNMENT

I, Richard Iglesias, hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City's Website not less than 72 hours prior to the meeting. A copy of said Agenda is on file in the City Clerk's Office.

Dated this 1st day of May 2020


Richard Iglesias
Assistant City Clerk



Item Number 10A

STAFF REPORT

Date: May 5, 2020

To: Honorable Mayor/Chair and City Council/Agency Members

From: Santor Nishizaki, Acting City Manager/Executive Director
By: Richard Iglesias, Assistant City Clerk

Subject: **Consideration to Review and Approve the Draft Minutes of April 16, 2020, for the Special 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**

RECOMMENDATION

The City Council is requested to review and approve the City Council / Successor Agency Draft Minutes for April 16, 2020.

BACKGROUND / ANALYSIS

Historically

The Municipal Clerk is one of the oldest professions in government, dating back to 1272 A.D., originating in England. The record keeper then was called Remembrancer; an English official whose job was to remind the Lord Treasurer and Barons of Court, of business pending.

Years later in the 1600's when early colonist came to America, the office of the Clerk was one of the first offices to be established. Over the years the City Clerk's office has become the core for local government, and the liaison to the residents of the Community. The Municipal Clerk (City Clerk) is the record keeper of a City's recorded History.

William Bennett Munro a Canadian historian and political scientist, who taught at Harvard University and the California Institute of Technology, stated in one of his first textbooks written: "No other office in municipal service has so many contacts. It serves the Mayor, the City Council, the City Manager (when there is one), and all administrative departments,

without exception. All of them call upon it, almost daily, for some service or information. Its work is not spectacular, but it demands versatility, alertness, accuracy, and no end of patience. The public does not realize how many loose ends of city administration this office pulls together."

Moving forward to the present time, the City Clerk's office today is generally responsible for keeping record of City Council meetings; agreements; recordings of official documents; legal advertisements; municipal elections; commissions and committees current files; claims against the city; and other legal or official documents.

City Clerks in General Law cities are required to keep a record (minutes) of the proceedings of Council meetings (Government Code Sections 36814 and 40801). Minutes are the official record of a meeting which provides a record of the Council's decisions and actions.

CONCLUSION

City Council is requested to approve the attached City Council / Agency Draft Minutes of the proceedings of April 16, 2020, City Council meeting.

FINANCIAL IMPACT

No Financial Impact.

ATTACHMENT

- A. Draft Minutes of April 16, 2020.
- B. Resolution No. 16-38, approving the City Clerk's use of Summary Action Minutes as the Official Record of the City Council proceedings.

MINUTES

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

April 16, 2020 6:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Council / Agency Member Garcia
Council / Agency Member Guerrero
Council / Agency Member Lozoya
Vice Mayor / Vice Chair Gonzalez (arrived at 7:05 pm)
Mayor / Chair Alcantar

ABSENT: None

ALSO PRESENT: Acting City Manager, Santor Nishizaki, City Attorney, Victor Ponto, 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 Garcia.

4. PUBLIC COMMENTS - NONE

5. BUSINESS SESSION - NONE

6. CLOSED SESSION

- A.** Closed Session Pursuant to Government Code Section 54957 – Public Employee Recruitment
Title of Position Under Consideration: City Manager
- B.** Closed Session Pursuant to Government Code Section 54957 – Public Employee Appointment/Employment – Title: Interim City Manager
- 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 Designated Representative: Victor Ponto, City Attorney

7. CLOSED SESSION ANNOUNCEMENT

Deputy City Attorney Victor Ponto reported that for closed session items, Council gave direction as follows: The City will hire Henry Garcia as Interim City Manager subject to City Council approving an agreement between Mr. Garcia and the Council before June 1st. The vote was unanimous in the decision.

8. ADJOURNMENT

The City Council / Agency meeting was adjourned at 9:56 p.m.

Elizabeth Alcantar
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk

RESOLUTION NO. 16-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY APPROVING THE CITY CLERK'S USE OF SUMMARY ACTION MINUTES AS THE OFFICIAL RECORD OF THE MEETINGS OF THE CITY COUNCIL OF THE CITY OF CUDAHY

WHEREAS, pursuant to Section 2.20.010(1) of the Municipal Code of the City of Cudahy, the City clerk is required to perform such duties as are set forth in the Government Code and in the City's Municipal Code and as the City Council from time to time shall direct or authorize; and

WHEREAS, under Government Code Section 40801, the City Clerk is tasked with keeping accurate records of the proceeding of the legislative body; and

WHEREAS, pursuant to Government Code Section 36814, the City Council shall cause the City Clerk to keep a correct record of its proceedings;

WHEREAS, the City Clerk currently prepares and keeps full written minutes of the City Council's meetings and proceedings; and

WHEREAS, instead of summary minutes, the City Council now wishes for the City Clerk to prepare and keep summary action minutes as the official record of its meetings or proceedings; and

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. The City Council hereby approves the use of summary action minutes as the official record of its meetings or proceedings in lieu of full form written minutes.

SECTION 3. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 12th day of December, 2016.



Baru Sanchez
Mayor

ATTEST:



Richard Iglesias
Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, Deputy City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 16-38 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the Deputy City Clerk at a regular meeting of said Council held on the 12th day of December, 2016, and that said Resolution was adopted by the following vote, to-wit:

AYES: Garcia, Markovich, Hernandez, Sanchez

NOES: None

ABSENT: None

ABSTAIN: Guerrero



Richard Iglesias
Deputy City Clerk



Item Number 11A

STAFF REPORT

Date: May 5, 2020

To: Honorable Mayor/Chair and City Council/Agency Members

From: Santor Nishizaki, Acting City Manager/Executive Director
By: Salvador Lopez Jr., Interim Community Development Manager

Subject: **Conditional Use Permit No. 38-371 to approve a 50% density bonus permitting three of the nine proposed dwelling units for the development at 7919 Wilcox Avenue in the High Density Residential (HDR) Zone, including associated concessions for the property located at 7919 Wilcox Avenue (APN 6224-003-021)**

RECOMMENDATION

The City Council is requested to:

1. Open the public hearing to receive comments on the proposed Conditional Use Permit request and then close the public hearing; and
2. Approve Resolution No. 20-11, approving Conditional Use Permit No. 38-371 to allow a 50 percent density bonus of the number of "base" units allowed in the underlying zone, and incorporating affordable housing units.

BACKGROUND

JANUARY 27, 2020 PLANNING COMMISSION MEETING

This project was considered by the Planning Commission at their January 27, 2020 Meeting. The public hearing was opened for public comment after a brief presentation from city staff. After public testimony and Commission discussion, the project was approved 3-1 (1 abstention). This approval included: 1) a Development Review Permit (DRP 41-531) to allow the design, site layout, and the construction of a 9-unit multifamily residential development and 2) a Conditional Use Permit (CUP 38-371) to allow the 50% density bonus.

Pursuant to Section 20.52.340 of the city's zoning code, a conditional use permit shall be approved by both the Planning Commission and the City Council for any density bonus greater

than 35 percent. This project is requesting approval of a 50% density bonus to construct an additional three (3) units more than the six (6) units that are allowed by right, in exchange to reserve one (1) of the units for a very low-income household. Project details and analysis is provided below.

APRIL 21, 2020 CITY COUNCIL MEETING

This request was originally scheduled for City Council consideration at their regularly scheduled April 21, 2020 meeting. After a staff presentation, opening of the public hearing, and council discussion, the City Council continued the request to their May 5, 2020 meeting in order to give the applicant an opportunity to attend the meeting and be available for questions.

BACKGROUND/PROJECT DESCRIPTION:

The subject property is located on an approximately 16,200 square foot lot located at 7919 Wilcox Avenue in the City of Cudahy in the High Density Residential (HDR) Zone. The site is currently developed with a five-bedroom, three-bathroom single-family home of 2,246 square feet, according to the Los Angeles County Assessor's Office. The existing structure is proposed for demolition to accommodate the proposed new multi-family residential construction. The immediate area is developed with a mix of multi-family and single-family residential land uses.

The applicant, Alberto Cisneros, proposes to construct a new 9-unit apartment complex. According to the plans submitted to the city's Planning Division the development will consist of two three-story structures and one two-story structure, which together would include a total of nine dwelling units. Each of these would be three-bedroom units of 1,252 square feet. Six of the units proposed are "base units" allowed based on the project's zoning and the size of the subject property. The remaining three are "density" units based on a 50% density bonus. There are 22 parking spaces proposed for the site; two per unit in first-floor garages and an additional four guest spaces. The site will be accessed from a common 141-foot long, 26-foot wide driveway along the center of the property. This driveway will connect to Wilcox Avenue providing access to both residents and emergency vehicles. This has been reviewed and approved by the Los Angeles County Fire Department.

The project architecture is modern contemporary. Treatments incorporate a blend of contemporary and traditional architectural forms and details which include a flat façade, hip style roof, plaster walls, and articulated facades such as inset windows and doors, offset/projected wall features and recessed entryways. Proposed building colors incorporate an earth-tone palette with a dark grey smooth stucco finish, brown trims, and decorative veneers.

The buildings would be set back from the eastern side of the property by seven to nine feet, the rear setback by ten feet, the western setback by seven to nine feet, and the front setback by 15 feet. A six-foot tall concrete-masonry-unit (CMU) wall would be constructed along the entire perimeter of the property. A preliminary landscape plan has been submitted showing

landscape areas on the buildings' perimeter and in interior open space areas and within the front yard setback. A more detailed plan will be submitted with the formal plan check submittal. Project lighting would consist of security lighting and wall lights on the building perimeters, using LED fixtures. All lighting would be designed to avoid light spillage to neighboring properties.

The table below provides floor area detailed information for the proposed units:

Number of units	Number of Bedrooms	Habitable Area
9	27	11,268 sq. ft.

The applicant has requested a 35% reduction regarding the provision of both private and common open space as one of the density bonus concessions. The HDR zone requires 280 SF per unit of common open space and 200 SF per unit of private open space. A 35% reduction for common open space leaves 182 SF per unit, multiplied by nine units, totaling 1,638 SF of common open space. A 35% reduction for private open space leaves 130 SF per unit, multiplied by nine units, totaling 1,170 SF of private open space. Applicant requests for concessions associated with the density bonus are discussed in detail below.

A minimum number of on-site parking spaces is required for each residential unit, based on the number of bedrooms, inclusive of guest parking spaces. The table below identifies the number of spaces required by the zoning code based on the bedroom count. The project is slightly below the number of required guest spaces per unit, which is another concession requested associated with the density bonus and further discussed below.

Type of unit	# of spaces required	# of spaces provided
3-bedroom	2 spaces	2 spaces

A total of 22 accessible parking spaces are provided throughout the site.

ANALYSIS & DISCUSSION:

General Plan and Zoning. The General Plan designates the site and surrounding area as "High Density Residential" as noted above, the property's zoning is High Density Residential (HDR). Table 1 below shows the project site and surrounding area's zoning and land uses.

The HDR Zone incorporates higher-density, multi-story, multi-family residential areas at a minimum density of 1,100 square feet per 3-bedroom unit, or approximately a maximum of 40 dwelling units per acre and requires 280 square feet of common open space per unit, and 200 square feet of private open space per unit. However, because the subject site is less than 25,000 square feet it is subject to CMC § 20.16.040. This section sets the maximum density at 15 dwelling units per acre. This calculation would allow six units on the subject site, and the applicant is proposing an additional three units using a 50% density bonus.

The HDR Zone restricts building height to four stories or 55 feet, whichever is less (CMC § 20.16.030). In addition, a Development Agreement is required for all new development in the HDR zone (CMC § 20.16.050).

**Table 1
Zoning and Land Use**

	ZONING	LAND USE
PROJECT SITE	HDR	Single Family Residential
NORTH	HDR	Single and Multifamily Residential
EAST	HDR	Single and Multifamily Residential
SOUTH	HDR	Single and Multifamily Residential
WEST	HDR	Single and Multifamily Residential

The proposed project meets General Plan and Zoning standards for use (multiple-family residential), building height, and front and side setbacks. The project plans show that, although the common and private open space areas do not either meet or exceed zoning standards, the applicant has included these shortcomings on their list of concessions under the density bonus CUP. The applicant is also requesting a concession related to a slightly lower than allowable number of guest parking spaces. Table 2 below compares the project’s characteristics with development standards.

Table 2
Development Standards: Required vs. Proposed Project

	General Plan	Zoning	Density	Height	Setbacks	Min Floor Area (3 BR)	Parking	Private Open Space per unit	Common Open Space
Required	HDR	HDR	1,089 SF 40 du/acre maximum; 20 du/acre minimum	4 stories	Front: 15 ft Side: 5-9 ft.(for three stories) Rear: 10 ft.	1,100 SF	2 spaces/unit 0.5 guest space/unit	200 SF/Unit = 1,800 SF	280 SF/Unit = 2,520 SF
Proposed	HDR	HDR	9 units	3 stories	Front: 15 ft. Side: 7-9 ft. Rear: 10 ft.	1,252 SF	2 spaces/unit , 0.44 guest spaces/unit	1,170 SF	1,638 SF
Consistent	YES	YES	NO	YES	YES	YES	NO	NO	NO

Table 2 shows that the proposed development complies strictly with all applicable development standards for development of new multifamily developments in the HDR zone with the exception of requested concessions associated with the project’s density bonus of 50% and discussed below.

DENSITY BONUS

In order to accomplish the proposed nine-unit project, the applicant is requesting a density bonus of 50% more than the maximum density allowable in the HDR zone. The Cudahy Municipal Code sets the maximum (or “base”) density for the site at six units without additional discretionary approvals.

California density bonus law (Government Code § 65915(p)) and CMC § 20.52.364 require the City to grant a density bonus up to 35% greater than the base density in return for the applicant’s guarantee that the added units would be restricted to very low, low, or moderate-income levels. The City may grant greater densities provided that certain findings are made along with a conditional use permit but is not obligated to do so.

For this site in the HDR zone, the 50% density bonus is three units more than the six units that would be allowed by-right, i.e. a nine-unit project. For the City to grant a conditional use permit for a density bonus greater than the maximum 35%, State Law requires that the project set

aside *no less than* the percentage and types of units required to earn a density bonus of 35 percent or more under the state density bonus law. In this case the applicant is proposing to provide 11% Very Low-Income Units, equivalent to one unit (rounded up from .66).

Again, the applicant proposes to designate one (1) unit for very low-income tenants. This allocation meets the minimum number of required affordable units under both State law and the CMC (see Findings discussion, below).

Requested Concessions. As part of the Density Bonus process, an applicant may also request specific concessions, i.e. relaxation of zoning code requirements and/or site development standards, including but not limited to setback and square footage reductions, vehicle parking spaces, communal open space area, or landscaping requirements. The applicant requests the following concessions:

1. Private Open Space

The Applicant is requesting a concession to approve a reduction in the private open space requirement by 35%, providing a total of no less than 130 square feet of private open space per residential unit. This concession represents a reduction from the 200 square feet of private open space that would be required per unit for this Project without the density bonus and affordable unit set-asides. Section 20.52.363 of the Zoning Code allows an applicant to request up to a 20 percent reduction. Staff supports this concession as the patio and terrace areas provide ample space for private enjoyment and the development provides additional common areas throughout.

2. Common Open Space

The Applicant is requesting a concession to approve a reduction in the common open space requirement by 35%, providing a total of no less than 182 square feet of common open space per residential unit. This concession represents a reduction from the 280 square feet of common open space that would be required per unit for this Project without the density bonus and affordable unit set-asides. Section 20.52.363 of the Zoning Code allows an applicant to request up to a 20 percent reduction. Staff supports this concession as the common open space provided throughout still provides ample open space for residents living primarily in studio/efficiency units.

3. Guest Parking

The applicant is requesting a concession to approve the site plan with fewer guest parking spaces than required by the code. The CMC requires 0.5 guest parking spaces per unit; the applicant is proposing 0.44 per unit. Staff supports this concession as the applicant has made a good faith effort to provide as many guest spaces as possible on the site and does not have to provide any under the State density bonus laws.

Density Bonus Procedural Requirements. CMC § 20.52.361 states that the density bonus and concessions requested shall be considered in conjunction with any housing development application for the Project. CMC § 20.52.360 requires that a density bonus must be approved

by a decision-making body, either the Planning Commission or the City Council, depending on the entitlements requested. The requirement for a minimum number of affordable units is discussed above. The applicant has designated one (1) unit as affordable for the project development, and a specific condition addressing deed-restriction and income level has been included as a condition of approval.

CMC § 20.52.367 also requires that in approving the density bonus and any related concessions, the City and Applicant shall enter into a Density Bonus Housing Agreement. This has been required as a condition of approval.

Should the Planning Commission elect to deny one or more of the requested concessions, one of the following three findings must be made (Government Code § 65915 (d)(1)), based upon substantial evidence:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in § 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c); and
2. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of § 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; and
3. The concession or incentive would be contrary to State or Federal law.

Staff certifies that none of these findings apply to the proposed request, as shown below by the project's compatibility with many General Plan policies and goals; therefore, staff recommends that the requested concessions be approved, based on the requirements of the Zoning Code.

City of Cudahy General Plan Land Use and Housing Element Provisions. The following provisions relate to the project's consistency with the City's policies for affordable housing:

- **Land Use Element Policy 2.8.** The City of Cudahy will provide adequate housing for various family sizes and income levels by allowing for different densities of development.

Analysis: The project's proposed increased density beyond existing conditions would provide additional multi-family housing for the City. This is consistent with Policy 2.8, which allows for "different densities of development" as the project would replace single-family residential with relatively affordable and denser multi-family development.

- **Housing Element Goal 2.** The City of Cudahy will promote affordable housing and shelter for all economic segments of the community.
 - **Housing Element Policy 2.1.** The City of Cudahy will promote all State, regional and local practices and plans that support housing availability for all economic segments of the population.

Analysis: The project would provide additional housing in the City, increasing supply and providing a more affordable option to residents than the current use of single-family.

- **Housing Element Policy 2.5.** The City of Cudahy will encourage variety in the supply of housing at costs affordable to the various income levels of the population.

Analysis: The project would supply new three-bedroom units that exceed the minimum habitable floor area.

Compatibility with surrounding uses. The proposed multiple-family residential project is generally compatible and consistent with surrounding uses. Single and multiple-family residential uses lie on all sides of the project site, in both one and two-story structures. The building height does not exceed the HDR zone’s 55-foot or four-story maximum height. The placement of the structure on the site, facing a central driveway and a front yard setback of 15 feet, reduces the project’s visual bulk. The subject site is elongated and oriented north-south perpendicular to its access roads. This will also serve to limit any aesthetic concerns about the proposed development. The proposed rear setback of 10 feet does not intrude on residential uses.

The Los Angeles County Fire Department’s Land Development Division reviewed the proposed plan for access requirements and has tentatively approved the proposed access (26-foot wide driveway) to the subject property and the proposed units, with conditions of approval.

REQUIRED FINDINGS:

CONDITIONAL USE PERMIT – 50% RESIDENTIAL DENSITY BONUS

Basis for Approval or Denial of a Conditional Use Permit for a 50% Density Bonus:

- **20.52.340(A).** The project is consistent with the affordable housing provisions of the General Plan.

Support for Finding: The project’s proposed increased density, governed by the terms of the Conditional Use Permit, would provide at least one affordable unit. This is consistent with the General Plan Land Use Element Policy 2.8, which allows for “different densities of development” when a project would supply housing for various income levels. The

project is requesting a density bonus as permitted by State and local law and must set aside at least one unit as affordable. This is consistent with the General Plan Housing Element Policy 2.1 regarding supporting housing availability for all economic segments. The project would supply new residential units that exceed the minimum habitable floor area. At least one unit would be characterized as "affordable" to residents with very low incomes, consistent with General Plan Housing Element Policy 2.5. Finally, the project would construct new housing on a parcel in an existing multiple-family neighborhood. It will rehabilitate the property, consistent with General Plan Housing Element Policy 3.5.

- **20.52.340(B).** The project sets aside no less than the percentage and type of units required to earn a density bonus of 35 percent or more under the state density bonus law.

Support for Finding: The applicant is required to set aside one unit as affordable, pursuant to California Government Code § 65915 and to Cudahy Municipal Code § 20.52.300 et seq. The present proposal includes one unit for very low-income levels, consistent with the minimum number of required units for a 35% or more density bonus.

- **20.52.340(C).** The applicant has adequately demonstrated that the project will not generate unmitigated significant noise, traffic, parking, or other impacts detrimental to surrounding properties or the general welfare.

Support for Finding: The environmental-impact issues cited above are addressed in the EIR that was adopted as part of the General Plan 2040, which show that the project does not present significant environmental impacts that cannot be mitigated by either existing regulations or specific mitigation measures that have been incorporated into the project's Conditions of Approval.

Additional Findings for Approval:

- **There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety.**

Support for Finding: Planning staff and the Los Angeles County Fire Department reviewed the site plan. With application of the conditions of approval, the proposed site plan complies with the City's Zoning Code and Fire Department requirements related to vehicle access, fire protection, sanitation, water, and public utilities and services.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

Based upon the information received and Staff's assessment, the proposed Project is categorically exempt from California Environmental Quality Act ("CEQA") pursuant to Section 15332 (Class 3, In-Fill Development Projects). Approval of the project satisfies the requirements under this exemption. The project is consistent with the General Plan in that it

facilitates and encourages diversity in housing types. The applicant proposes seven apartment units, which adds additional housing options in the City. The project is further consistent with the Housing Element of the General Plan in that it contributes units towards the required Regional Housing Needs Assessment (RHNA) requirement. Finally, the proposed project is consistent with the General Plan of the City as it meets a) high-density residential development; b) is located in the City on a site of less than five acres; c) the site has no value as a habitat for endangered species, as it is in an urbanized area and was previously developed with a single family home; d) there are no anticipated impacts to traffic, noise, or air quality as the land use at the site is not substantially changing, and e) is adequately served by utilities and public services. The Categorical Exemption findings are supported by the following studies (attached): air quality/greenhouse gas emissions (Attachment 5) and traffic (Attachment 6). The air quality/greenhouse gas emissions study concludes that no impacts to the environment would occur as a result of the proposed project because neither the construction nor operations phases of the project would exceed SCAQMD thresholds. This is detailed in the attached report and is based on CalEEMod results. In addition, GHG emissions are expected to decrease at the project site by 15.5%, which exceeds CARB's four to eight-percent goals. The findings regarding potential traffic impacts are supported by the attached traffic study which concludes that no impacts would occur upon project implementation due to the projected daily trip generation of 56 daily trips (3 AM peak trips, 4 PM peak trips) falling below both adopted County and Metro thresholds. In addition, no significant impacts regarding Aesthetics thresholds as identified by CEQA would occur. The project site is in an urbanized area, is not located within or near a scenic highway, contains no significant rocks or outcroppings, and would not impede any scenic views into or out of the project site as the proposed development is only three stories in height and no scenic views exist from or into the project site. The site is a residential property surrounded by other residential properties, as well as commercial properties, of similar size in an urbanized area.

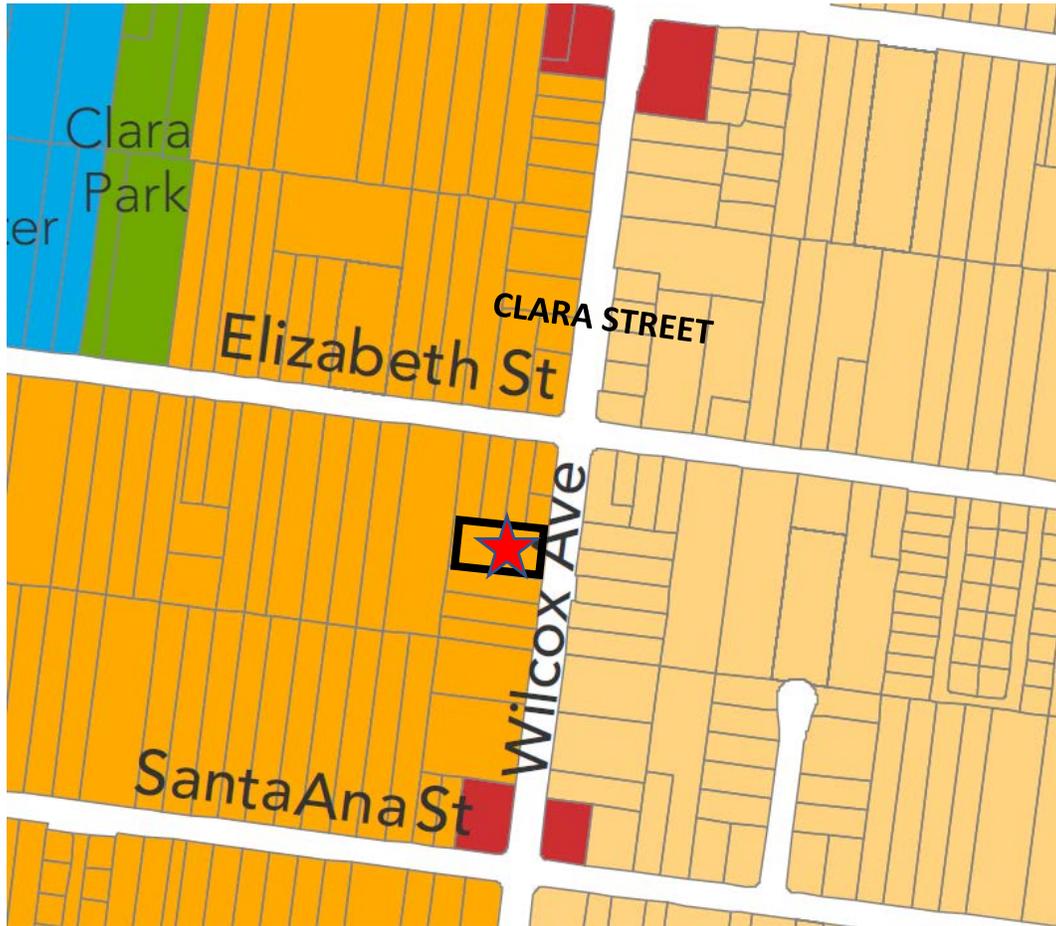
ATTACHMENTS:

- A. Location Map
- B. Proposed Development Plans
- C. Resolution No. 20-11
- D. Air Quality/Greenhouse Gas Emissions Analysis
- E. Traffic Analysis

ATTACHMENT A

LOCATION MAP

LOCATION MAP



7919 Wilcox Street

ATTACHMENT B

PROPOSED DEVELOPMENT PLANS



**7919 WILCOX AVE
CUDDAHY CA, 90201**





Owner Name:

BHARPUR S. DHANOA
 7919 WILCOX AVE.
 CUDAHY CA. 90201
 PH: 562-688-1062

Project Title:

**PROPOSED 9 UNIT
 APTS.**

Address Project:

**7919 WILCOX AVE.
 CUDAHY CA. 90201**

Revisions:

Number	Description	Date

Designed: Alberto Cisneros

Drawn: Manuel Vázquez

Checked:

Approved:

"SCOPE OF WORK"
 PROPOSED: 9 UNITS
 W/ 2 CAR GARAGE
 LIVING ROOM
 KITCHEN
 3 BEDROOM
 3 BATHS
 PARKING REQUIRED 2 CAR / UNIT=18 SPACES
 PROPOSED
 18 PARKING SPACES
 4 GUEST PARKING
 1 TRASH ENCLOSURE

SHEET INDEX

- A-1- PLOT PLAN.
- A-2- FLOOR PLANS BLDG 1.
- A-3- FLOOR PLAN AND ELEVATION BLDG 1
- A-4- ELEVATIONS BUILDING 1
- A-5- FLOOR PLANS BLDG 2.
- A-6- FLOOR PLAN AND ELEVATION BLDG 2
- A-7- ELEVATIONS BUILDING 2
- A-8- FLOOR PLANS BLDG 3
- A-9- ELEVATIONS BLDG 3

Scale:

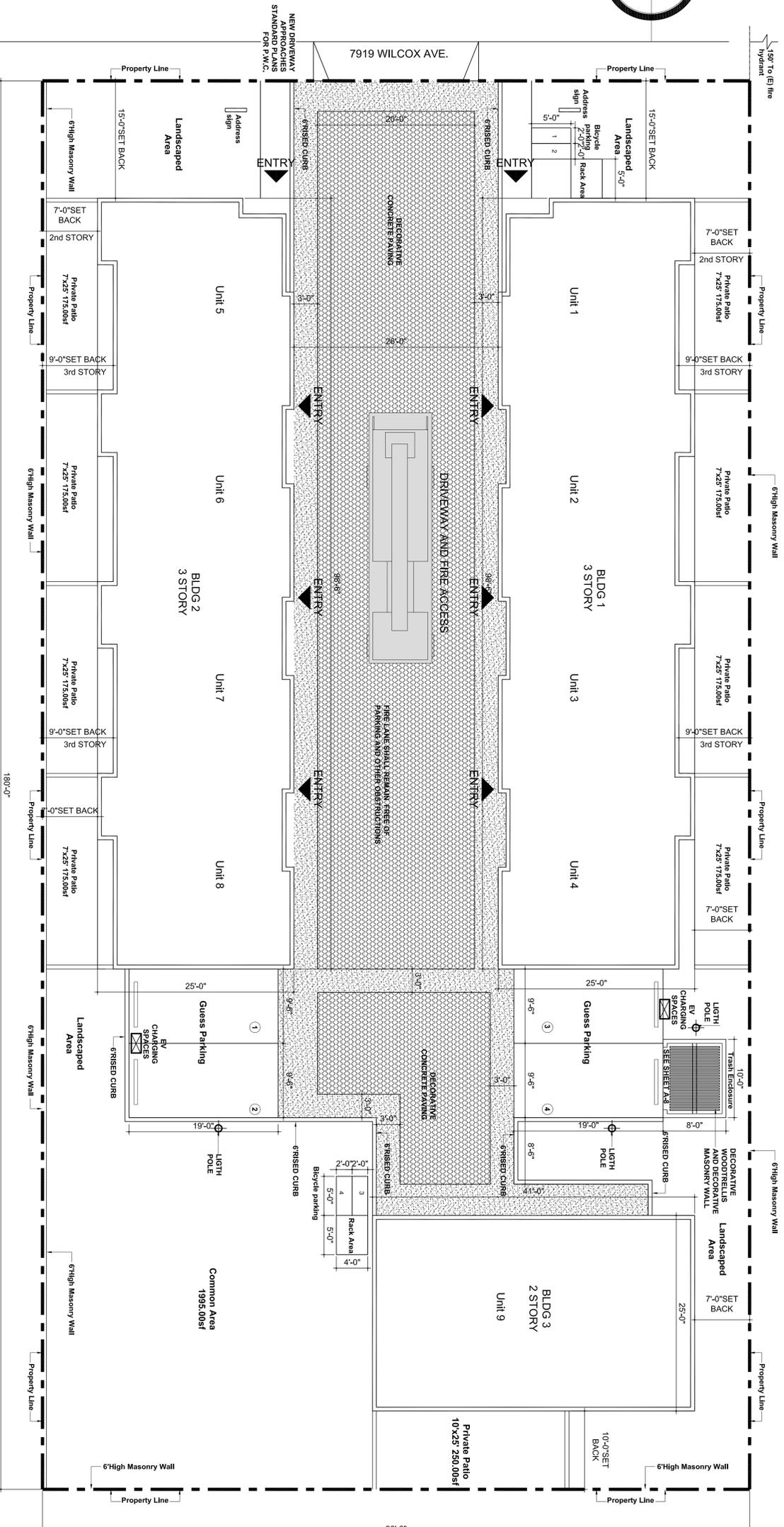
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Sheet Title:

**(N) PLOT PLAN &
 VICINITY MAP.**

Sheet Number:

A-1



PLOT PLAN

SCALE 1/8" - 1'-0"

GENERAL NOTES

NOTES:
 ROOF- MOUNTED VENTS SHALL BE PAINTED TO MATCH ROOFING MATERIAL.
 VERIFY DRAINAGE 2% AWAY FROM ADDITION.
 VERIFY THAT THE CONSTRUCTION WILL NOT BUILT OVER ON EXISTING SEWER.
 ALL WORKS SHALL COMPLY WITH THE FOLLOWING CODES INCLUDING LOCAL AMENDMENTS:
 2016 I.A. RESIDENTIAL CODE
 2016 I.A. MECHANICAL CODE
 2016 I.A. PLUMBING CODE
 2016 I.A. ELECTRIC CODE
 2016 I.A. ENERGY CODE
 2016 I.A. GREEN BUILDING

* UTILITIES SHALL BE UNDERGROUND

* BUILDING ADDRESS SHALL BE PROVIDED ON THE BUILDING IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET
 ALL UTILITY EQUIPMENT SHALL BE PLACED UNDERGROUND TO INCLUDE AND NOT LIMITED TO TELEPHONE CABLE AND ELECTRICAL LINES.

PROJECT DATA

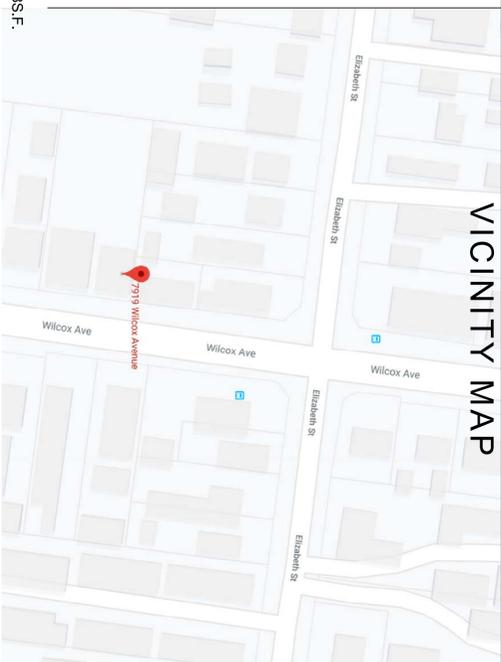
PROJECT ADDRESS:

7919 WILCOX AVE.
 CUDAHY CA. 90201
PROPERTY OWNER:
 BHARPUR S. DHANOA
 7919 WILCOX AVE.
 CUDAHY CA. 90201
 PH: 562-688-1062

LEGAL DESCRIPTION:

APN: 6381-014-010
 LOT SIZE = 90' X 180'
 AREA: 16,200 sf.
 AREA PER UNIT -1650.25 sf.
 GARAGE: 483sf.
 LIVING AREA:
 1ST FLOOR: 61,00sf
 2ND FLOOR: 536,25sf
 3RD FLOOR: 570,00sf
 TOTAL: 1650.25 sf
 3 STORY BLDG.
 ZONING: HDR.

VICINITY MAP



SHEET INDEX

- A-1- PLOT PLAN.
- A-2- FLOOR PLANS BLDG 1.
- A-3- FLOOR PLAN AND ELEVATION BLDG 1
- A-4- ELEVATIONS BUILDING 1
- A-5- FLOOR PLANS BLDG 2.
- A-6- FLOOR PLAN AND ELEVATION BLDG 2
- A-7- ELEVATIONS BUILDING 2
- A-8- FLOOR PLANS BLDG 3
- A-9- ELEVATIONS BLDG 3

Scale:

1/8" - 1'-0"

Sheet Title:

**(N) PLOT PLAN &
 VICINITY MAP.**

Sheet Number:

A-1



Owner Name:
BHARPUR S. DHANOA

7919 WILCOX AVE.
CUDAHY CA. 90201
PH: 562-688-1062

Project Title:
PROPOSED 9 UNIT
APTS.

Address Project:
7919 WILCOX AVE.
CUDAHY CA. 90201

Revisions:

Number	Description	Date

Designed: Alberto Cisneros
Drawn: Manuel Vázquez
Checked:
Approved:

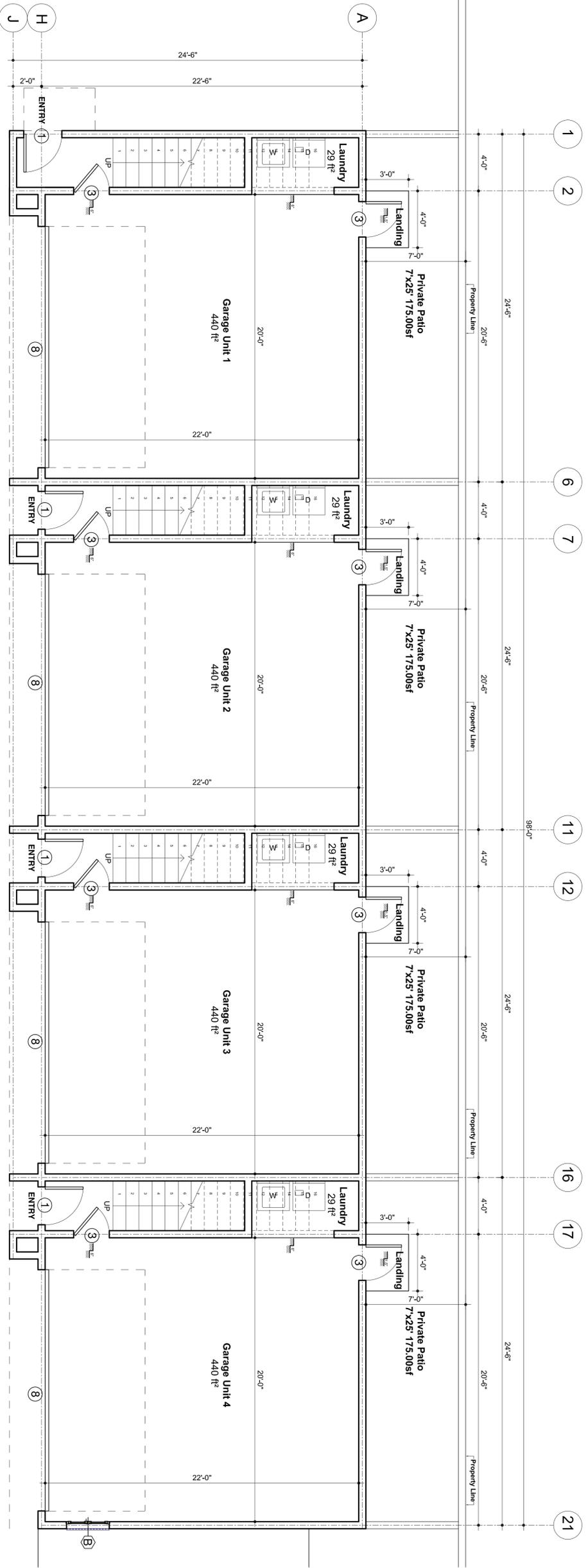
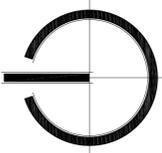
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OCTOBER-2019

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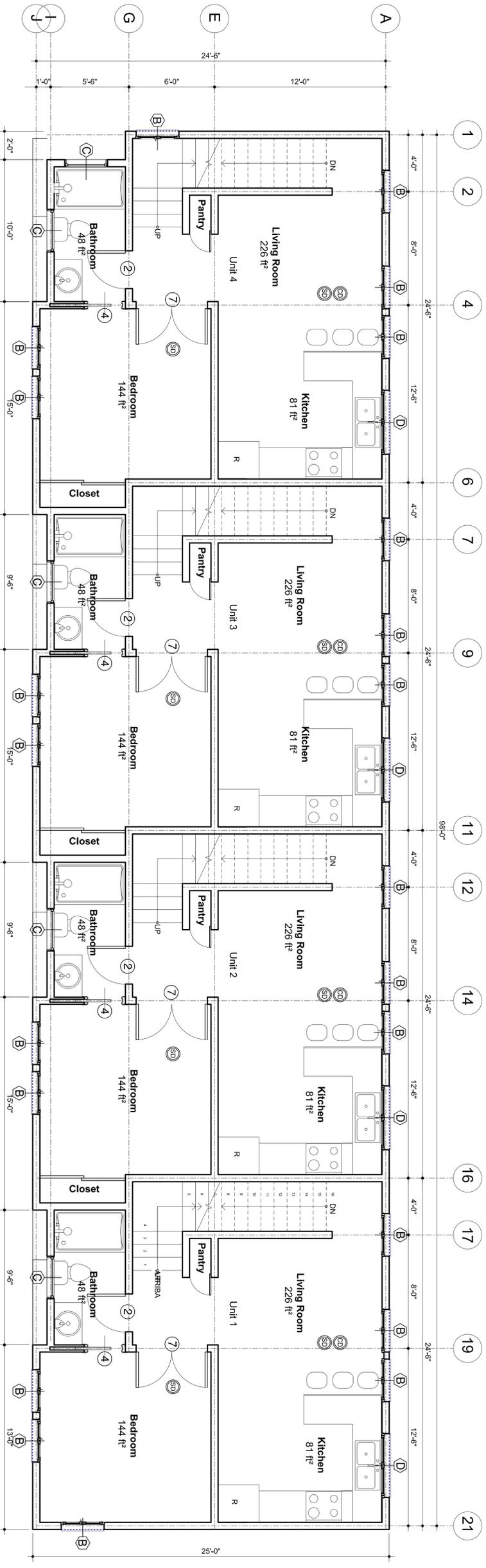
Sheet Title:
FIRST AND SECOND STORY
FLOOR PLAN UNITS 1,2,3,4

Sheet Number:



First story floor plan units 1 to 4
Scale 1:1/4
Garage area: 440 sq ft
Entry/stair area: 92 sq ft.

DRIVEWAY AND FIRE ACCESS



Second story floor plan units 1 to 4
Scale 1:1/4
Living area/unit: 536.25 sq ft.
stair: 53.75 sq ft.

A-2

Owner Name:

BHARPUR S. DHANOA
7919 WILCOX AVE.
CUDAHY CA. 90201
PH: 562-688-1062

Project Title:

PROPOSED 9 UNIT
APTS.

Address Project:

7919 WILCOX AVE.
CUDAHY CA. 90201

Revisions:

Number	Description	Date

Designed: Alberto Cisneros

Drawn: Manuel Vázquez

Checked:

Approved:

Date: OCTOBER - 2019

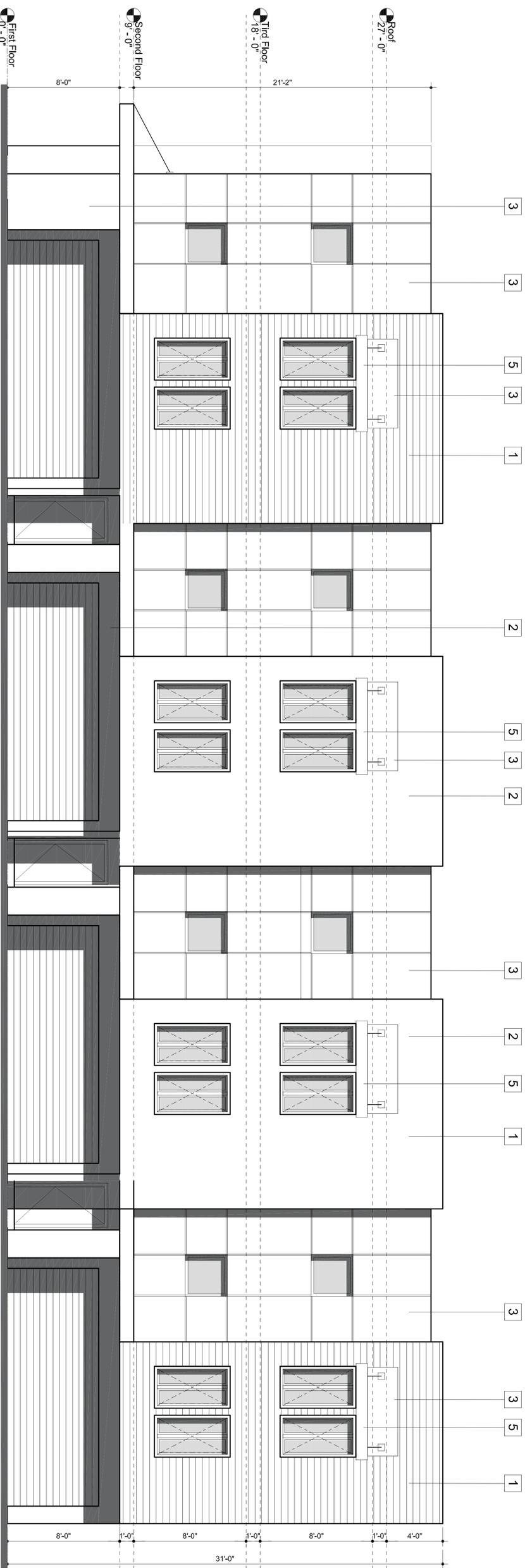
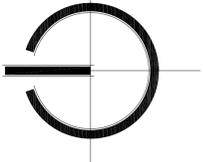
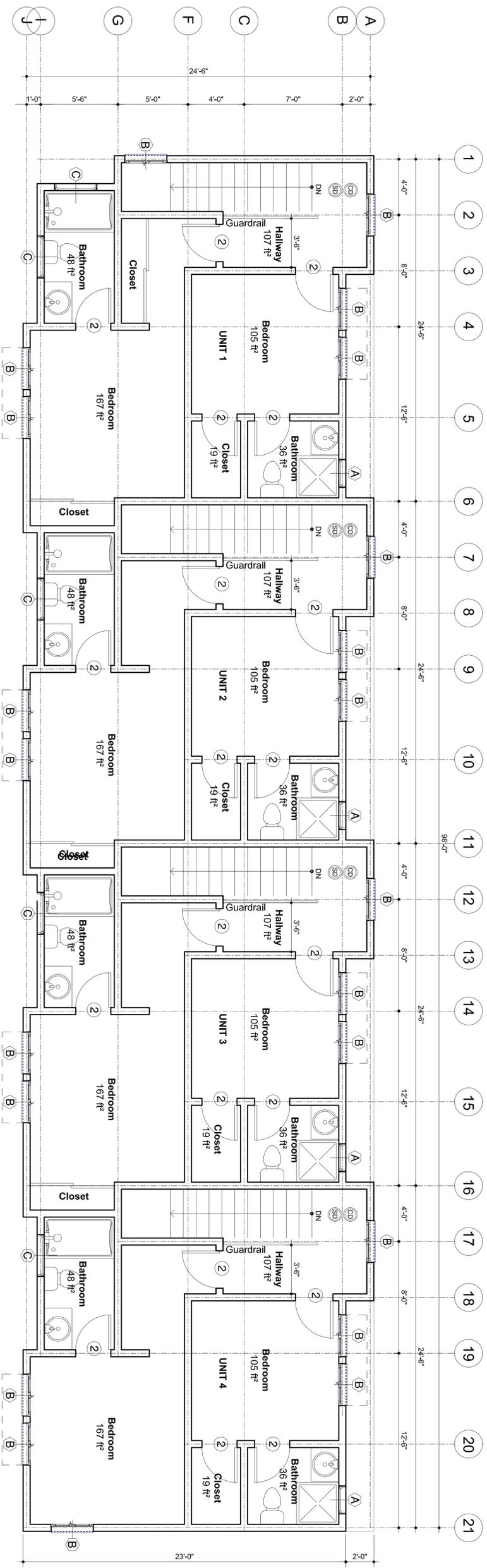
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Sheet Title:
THIRD STORY FLOOR PLAN
UNITS 1,2,3,4 AND NORTH
ELEVATION

Sheet Number:

A-3



- 1 HARKIE PLANK (GEBARNULU) 1/2 IN COLOR, KONTRAST LAURE
- 2 LA HABRA, 3/4 INCO W/LAYERS OF GRADE, TO BLACK PAPER FINISH SAND FINISH
- 3 LA HABRA, 3/4 INCO W/LAYERS OF GRADE, TO BLACK PAPER FINISH SAND FINISH
- 4 SINGLE HING WINDOW WHITE
- 5 1 1/2" STEEL BM W/0" TENSOR



Owner Name:

BHARPUR S. DHANOA
 7919 WILCOX AVE.
 CUDAHY CA. 90201
 PH: 562-688-1062

Project Title:

PROPOSED 9 UNIT
 APTS.

Address Project:

7919 WILCOX AVE.
 CUDAHY CA. 90201

Revisions:

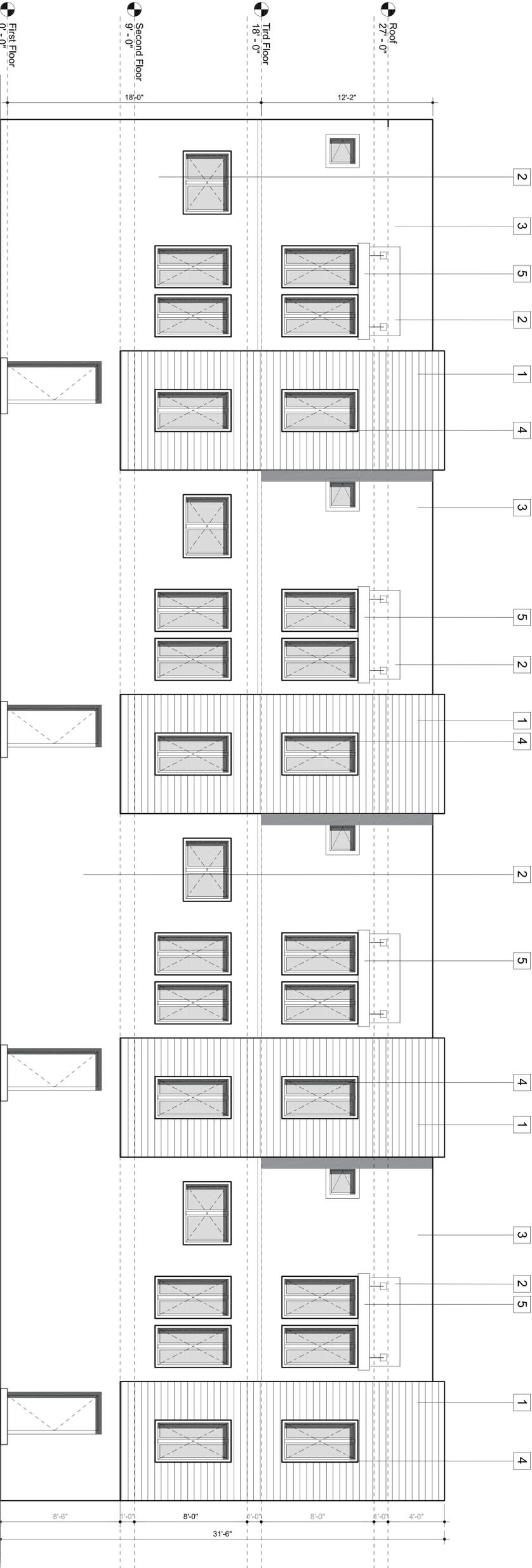
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Designed: Alberto Cisneros

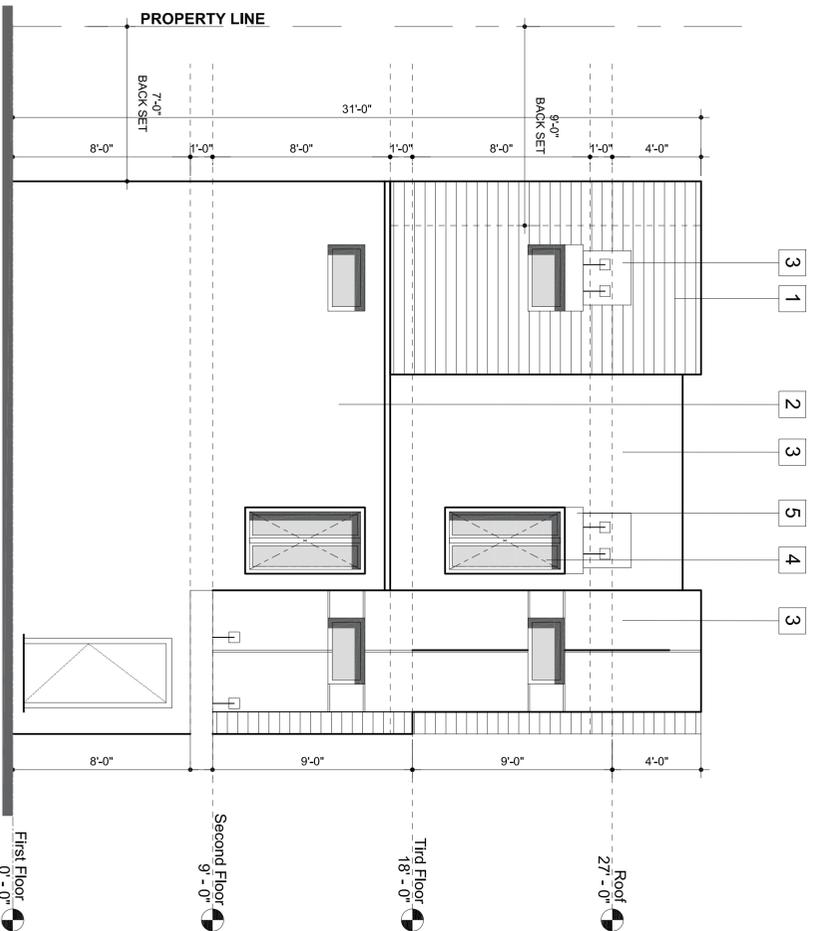
Drawn: Manuel Vázquez

Checked:

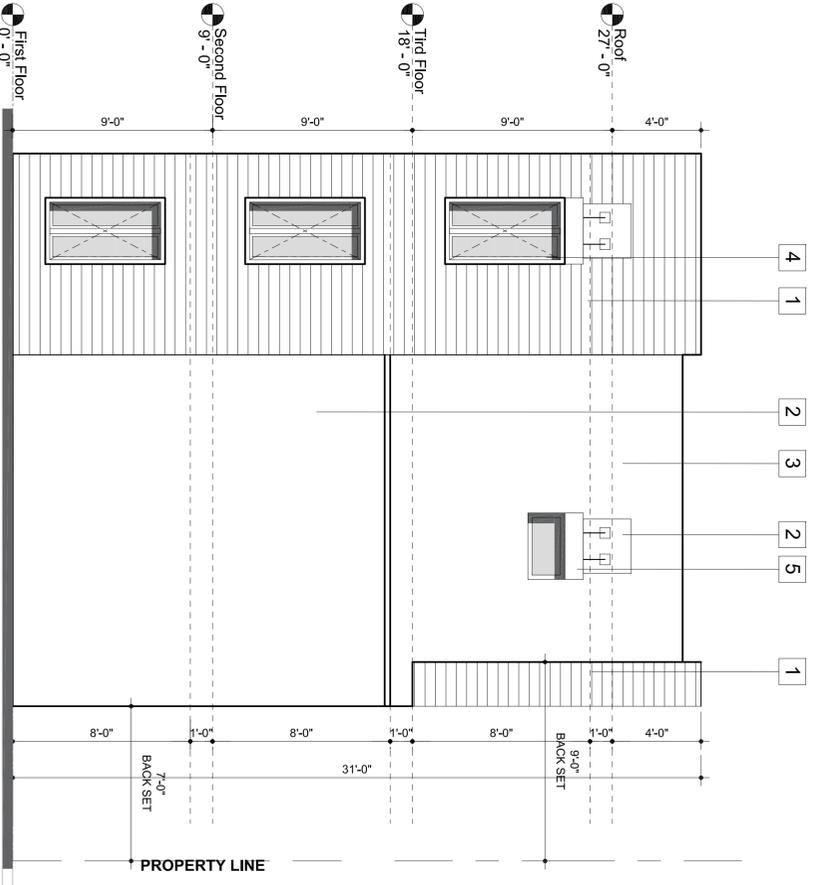
Approved:



Building 1 South elevation Units 1 to 4
 Scale 1:1/4



Building 1 East elevation Units 1 to 4
 Scale 1:1/4



Building 1 West elevation Units 1 to 4
 Scale 1:1/4

- 1 HARDIE PLANK (GEORMIU)
- 2 LA HABRA, TETRACON VIB LAYERS FINISH SAND FINISH OF GRADE TO BLACK PAPER
- 3 LA HABRA, TETRACON VIB LAYERS FINISH SAND FINISH OF GRADE TO BLACK PAPER
- 4 SINGLE HUNG WINDOW WHITE
- 5 1 1/2" STEEL RM W/0" TENSOR

Sheet Title:

SOUTH EAST ANDE WEST
 ELEVATION BUILDING 1

Sheet Number:

A-4

Date: OCTOBER - 2019

Submital:

Scale: 1/4" = 1'-0"

Owner Name:
BHARPUR S. DHANOA

7919 WILCOX AVE.
CUDAHY CA. 90201
P.H: 562-668-1062

Project Title:
PROPOSED 9 UNIT
APTS.

Address Project:
7919 WILCOX AVE.
CUDAHY CA. 90201

Revisions:

Number	Description	Date

Designed: Alberto Cisneros
Drawn: Manuel Vazquez
Checked:
Approved:

Date:
OCTOBER - 2019

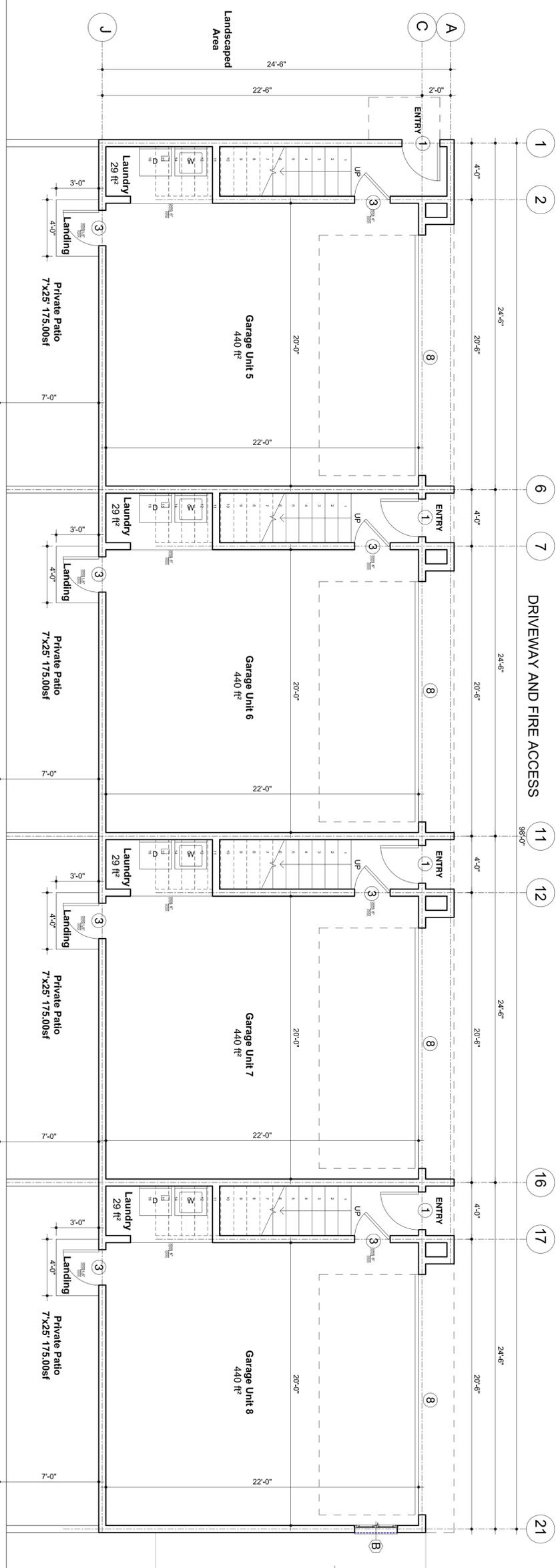
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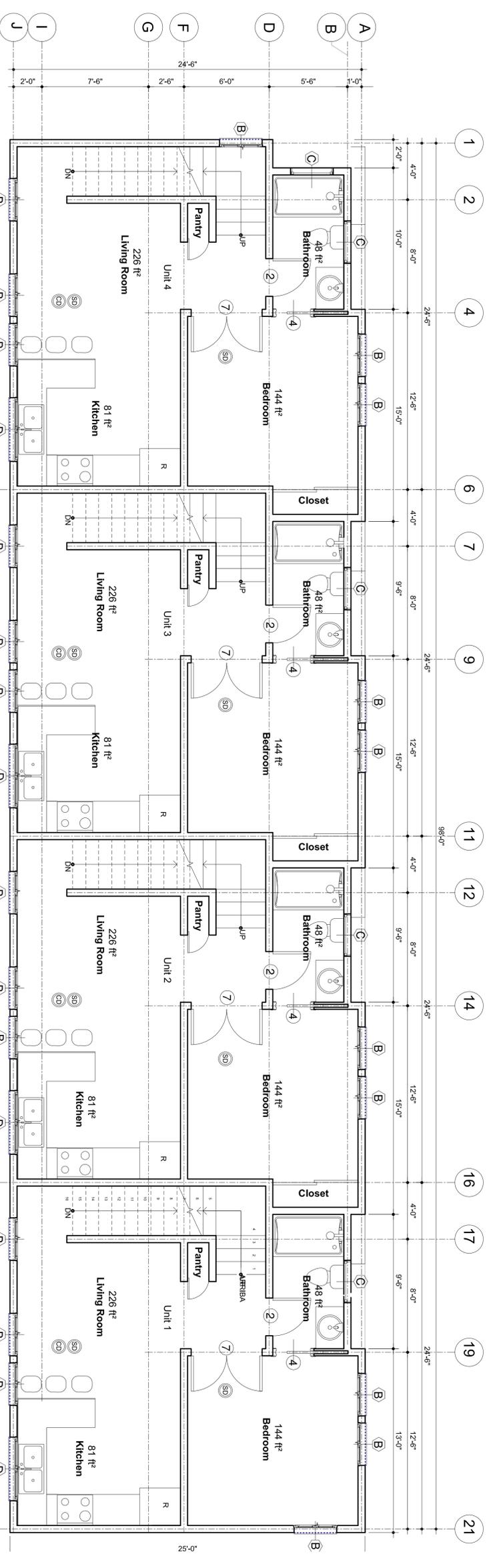
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FRST AND SECOND STORY
FLOOR UNITS 5,6,7,8

Sheet Number:

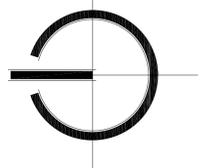
A-5



First story floor plan units 5 to 8
Scale 1:1/4
Garage area: 440 sq ft
Entry /stair area: 92 sq ft.



Second story floor plan units 5 to 8
Scale 1:1/4
Living area/unit 590.25 sq ft.





Owner Name:

BHARPUR S. DHANOA
7919 WILCOX AVE.
CUDAHY CA. 90201
PH: 562-688-1062

Project Title:

PROPOSED 9 UNIT
APTS.

Address Project:

7919 WILCOX AVE.
CUDAHY CA. 90201

Revisions:

Number	Description	Date

Designed: Alberto Cisneros

Drawn: Manuel Vázquez

Checked:

Approved:

Date: OCTOBER - 2019

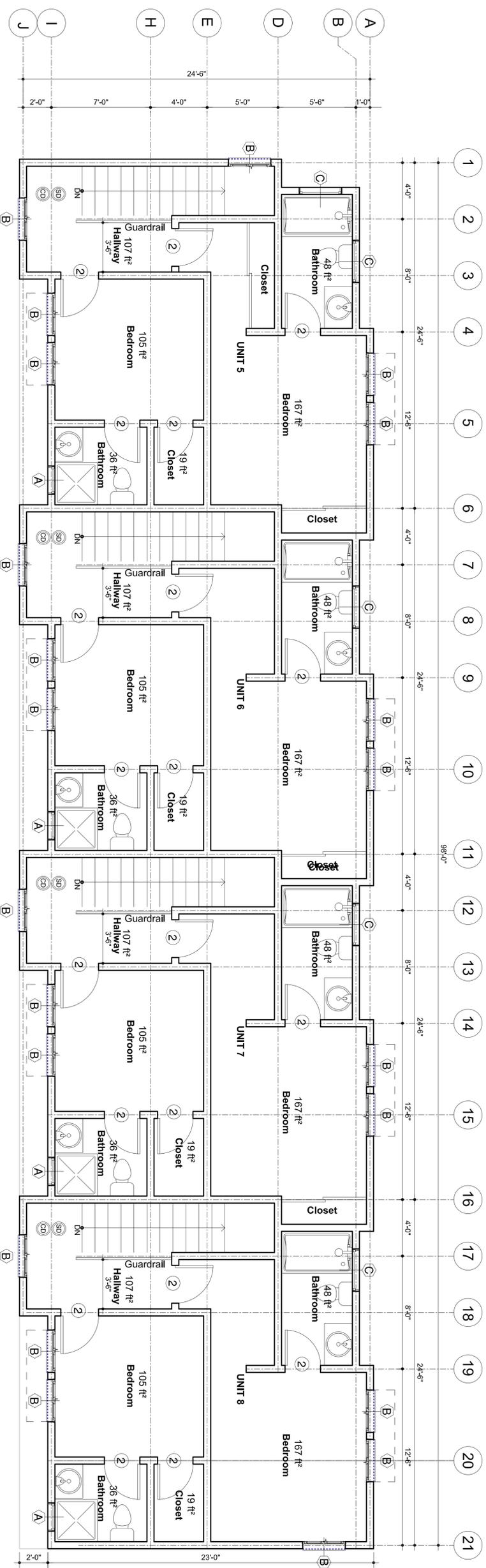
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Sheet Title:
THIRD STORY FLOOR PLAN
AND SOUTH ELEVATION
UNITS 5,6,7,8

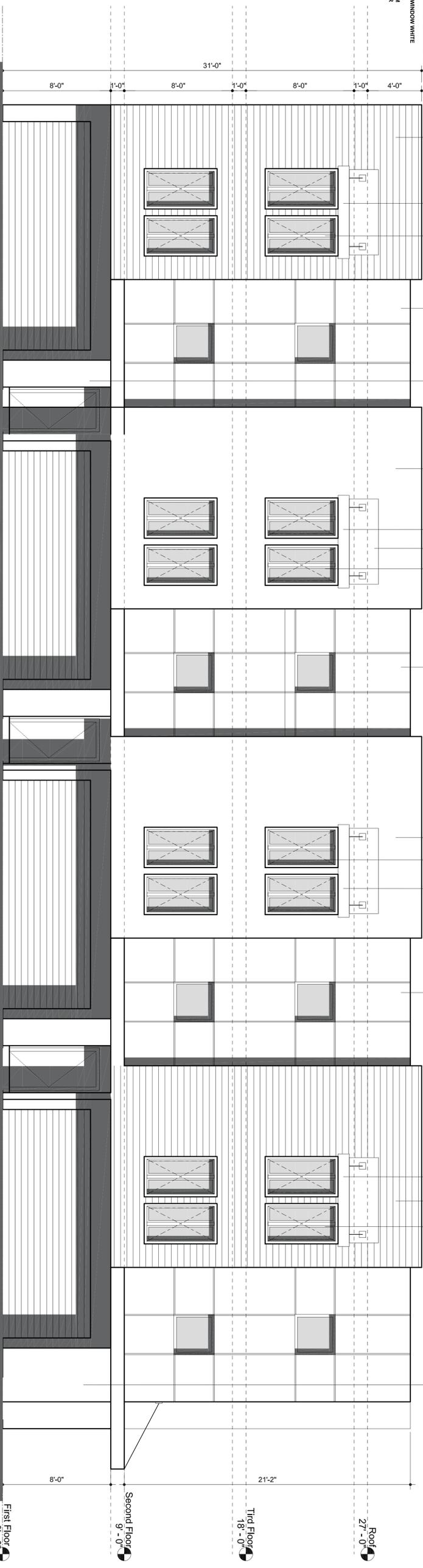
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A-6

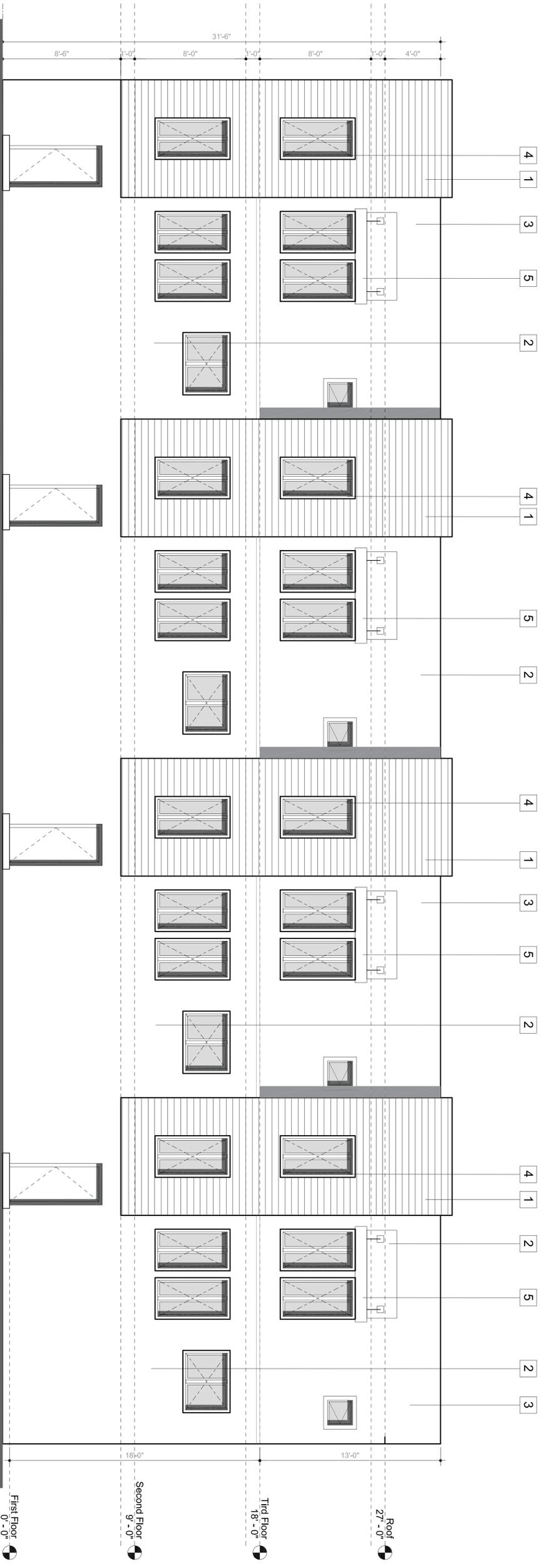


Third story floor plan units 5 to 8
Scale 1:1/4
Living area/unit = 570 sq ft.

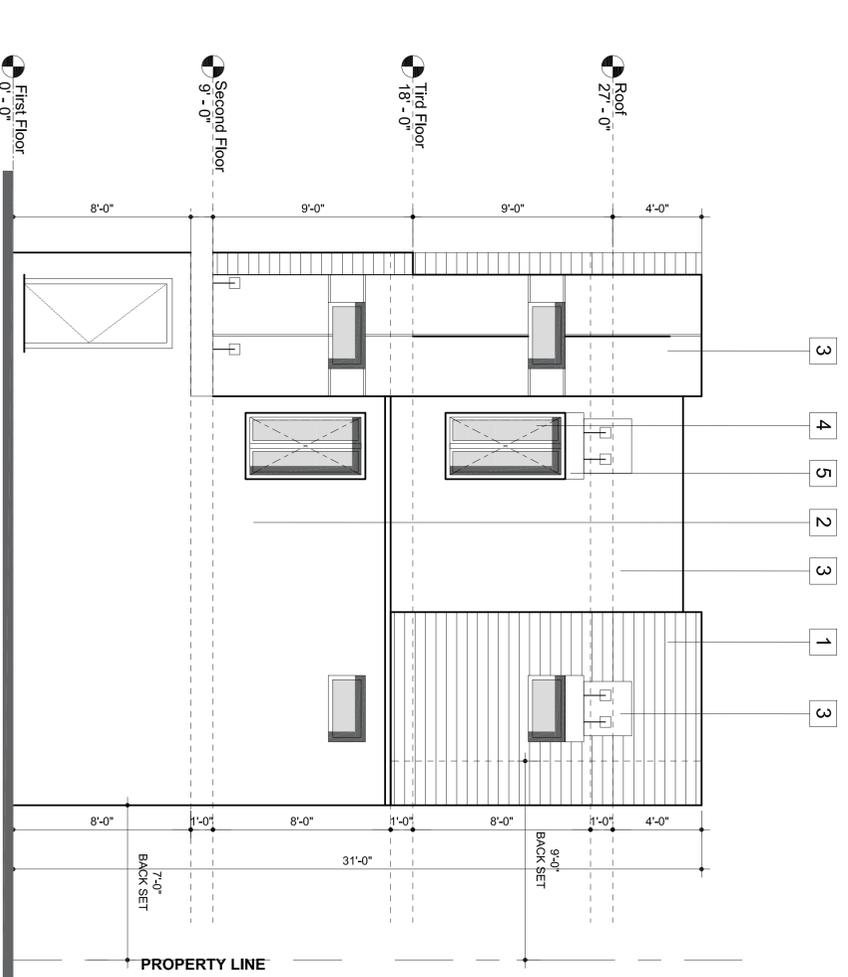
- 1 HARONIE PLANK (CEBAREMILLI)
- 2 7.25 IN COLOR: MONTERREY RAUPE
- 3 OF CERAMIC TILES COLORED W/SLABERS
- 4 FINISH: SAND FINISH
- 5 LA HABRA TSTICO W/SLABERS
- 6 FINISH: SAND FINISH
- 7 SINGLE HUNG WINDOW WHITE
- 8 1.47" STERIL BR
- 9 W/6" FINISOR



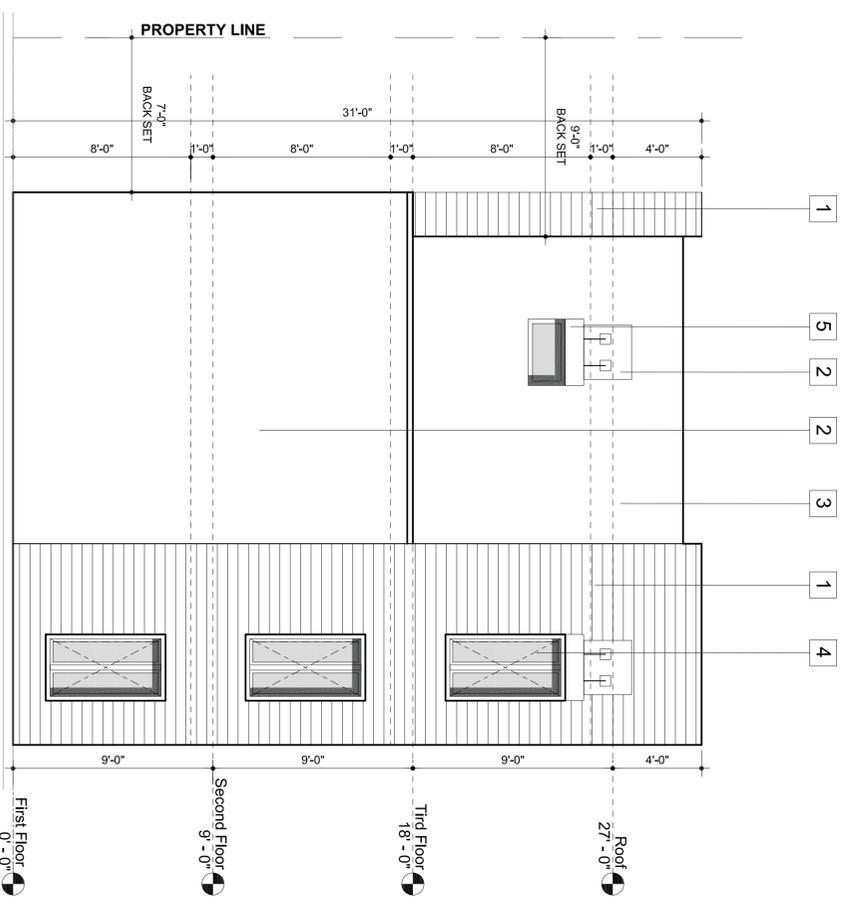
Building 2 South elevation Units 5 to 8
Scale 1:1/4



Building 2 North elevation Units 5 to 8
Scale 1:1/4



Building 2 East elevation Units 1 to 4
Scale 1:1/4



Building 2 West elevation Units 1 to 4
Scale 1:1/4

- 1 HARLE PLANK (GEDAMINI), 7.25 IN COLOR: MONTERREY TAUPÉ
- 2 LA HABRA, STUCCO V2 LAYERS
COLOR: SAND FINISH
PAINT: BERR MOOCHA LATTE PPU544
FINISH: SAND FINISH
- 3 LA HABRA, STUCCO V2 LAYERS
COLOR: SAND FINISH
PAINT: BERR MOONLIT BEACH RD-W5
FINISH: SAND FINISH
- 4 SINGLE HUNG WINDOW WHITE
- 5 1/4" STEEL BR
W/41 15553N

Revisions:

Number	Description	Date

Designed: Alberto Cisneros
 Drawn: Manuel Vázquez
 Checked:
 Approved:

Owner Name:
 BHARPUR S. DHANOA
 7919 WILCOX AVE.
 CUDAHY CA. 90201
 PH: 562-588-1062

Project Title:
 PROPOSED 9 UNIT
 APTS.

Address Project:
 7919 WILCOX AVE.
 CUDAHY CA. 90201

Date:
 OCTOBER - 2019

Submittal:

Scale:
 1/4" = 1'-0"

Sheet Title:
 NORTH, EAST AND WEST
 ELEVATION BUILDING 2

Sheet Number:

A-7

Owner Name:
BHARPUR S. DHANOA

7919 WILCOX AVE.
CUDAHY CA. 90201
PH: 562-688-1062

Project Title:
**PROPOSED 9 UNIT
APTS.**

Address Project:

7919 WILCOX AVE.
CUDAHY CA. 90201

Revisions:

Number	Description	Date

Designed: Alberto Cisneros
Drawn: Manuel Vazquez
Checked:
Approved:

Date:
OCTOBER - 2019

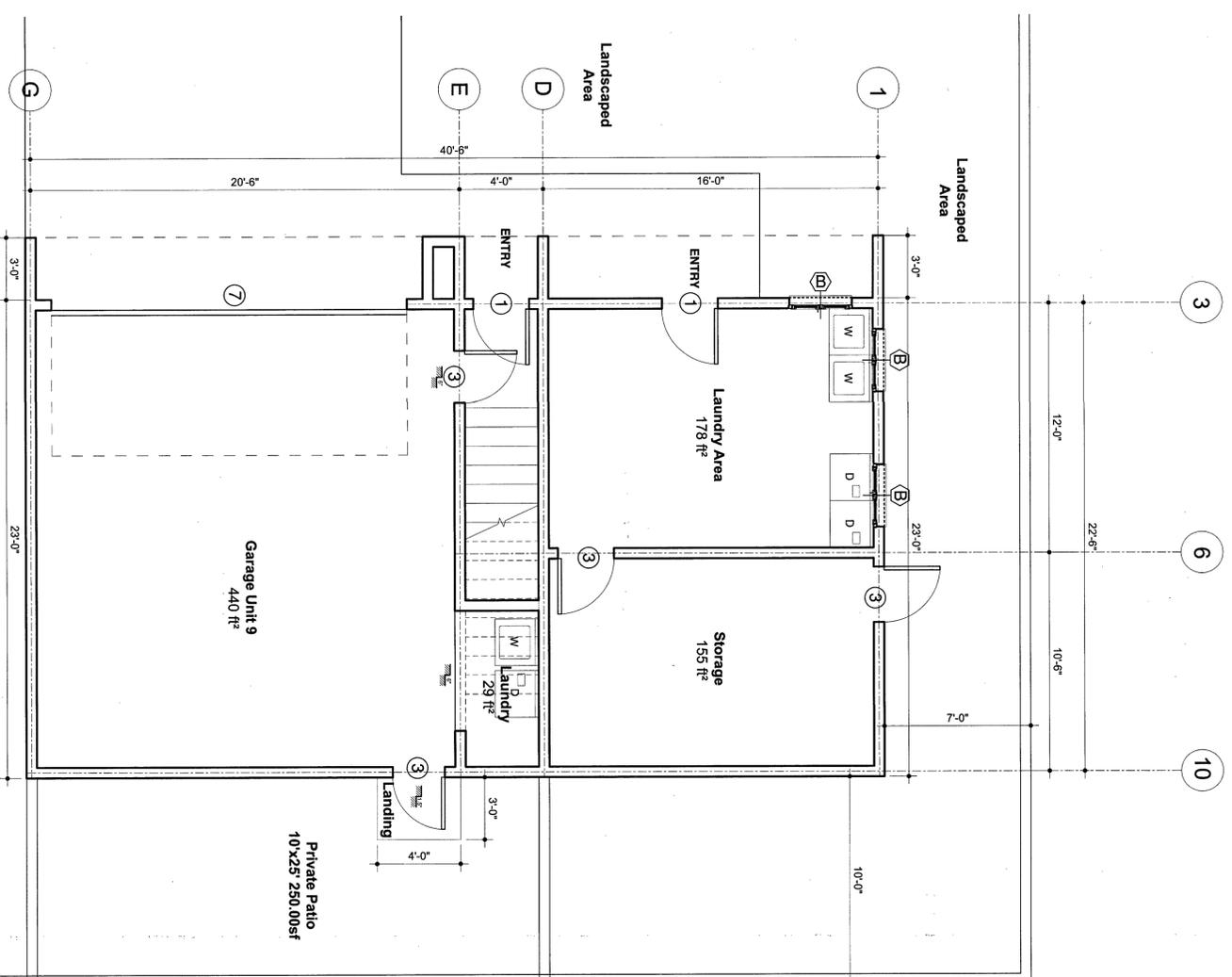
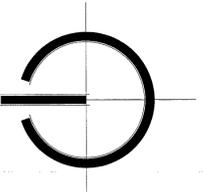
Submital:

Scale:
1/4" = 1'-0"

Sheet Title:
FIRST AND SECOND STORY
FLOOR PLAN UNIT 9
BUILDING 3

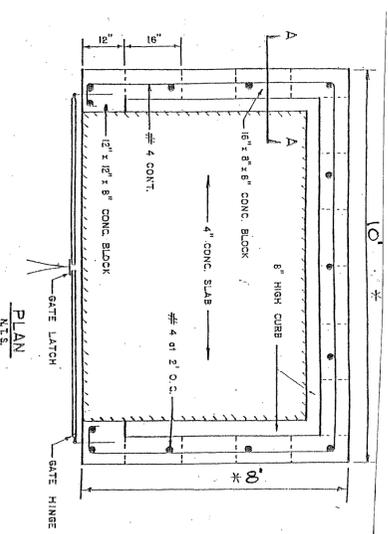
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A-8

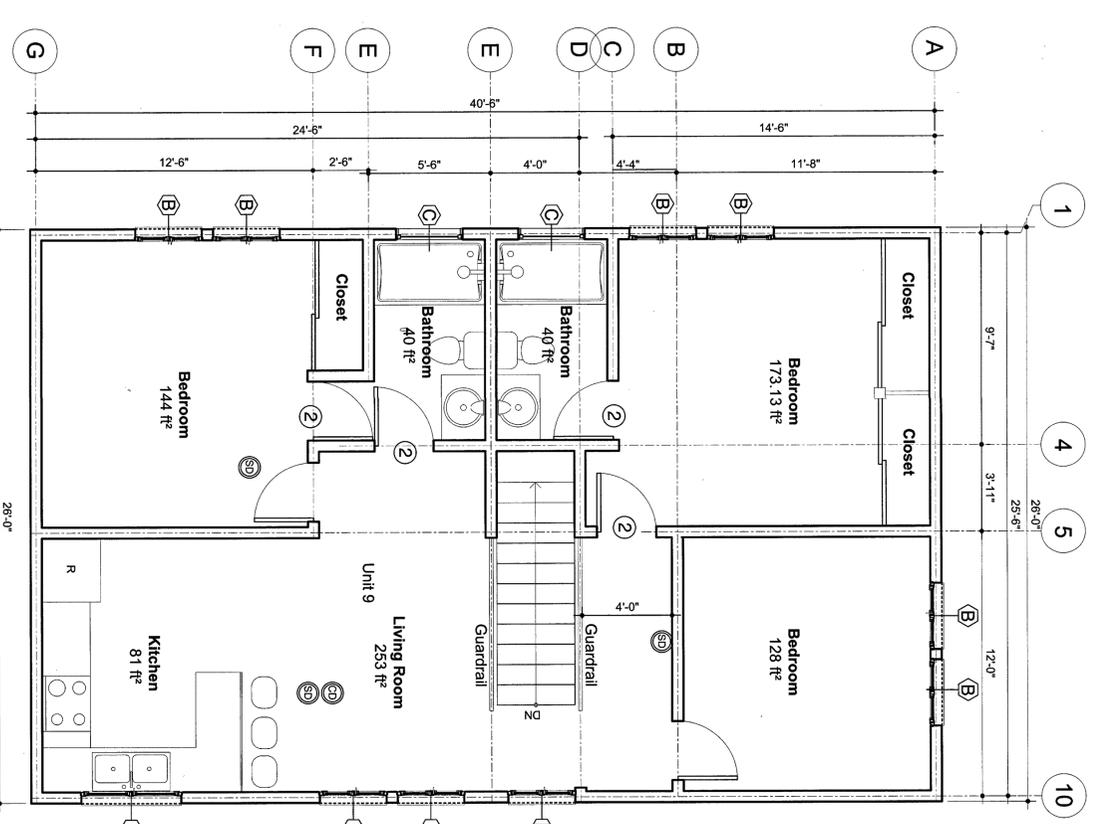


First story floor plan unit 9
Scale 1:1/4
Area Laundry / Storage= 368 sf.
Stairs 60 sf.
Laundry 34 sf.
Garage area 483 sf.

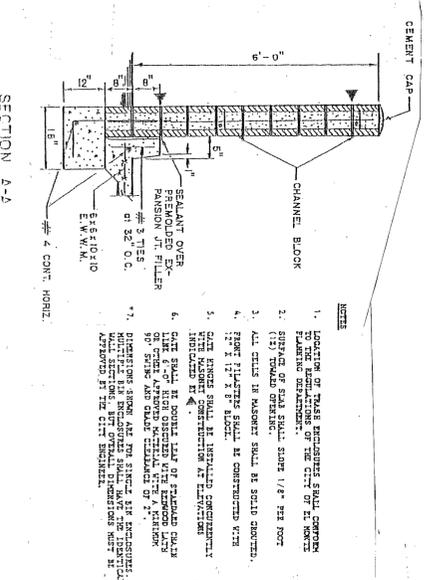
TRASH ENCLOSURE



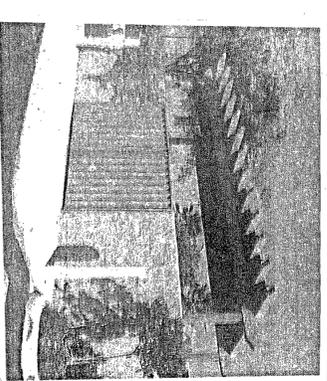
PLAN
N.T.S.



Second story floor plan unit 9
Scale 1:1/4
Area 1066 sf.
+ Laundry 34 sf.
Total living area unit 9
A=1100 sf.



SECTION A-A
N.T.S.



Owner Name:

BHARPUR S. DHANOA
7919 WILCOX AVE.
CUDAHY CA. 90201
P.H: 562-688-1062

Project Title:

PROPOSED 9 UNIT
APTS.

Address Project:

7919 WILCOX AVE.
CUDAHY CA. 90201

Revisions:

Number	Description	Date

Designed: Alberto Cisneros

Drawn: Manuel Vazquez

Checked:

Approved:

Date:

OCTOBER - 2019

Submittal:

Scale:

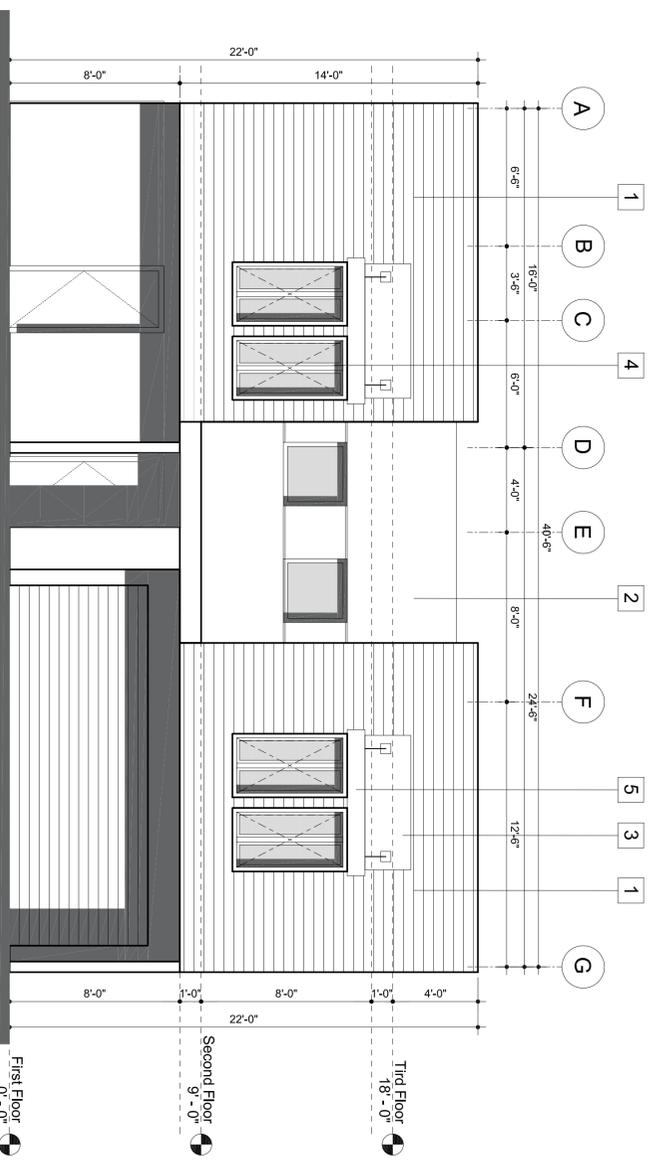
1/4" - 1'-0"

Sheet Title:

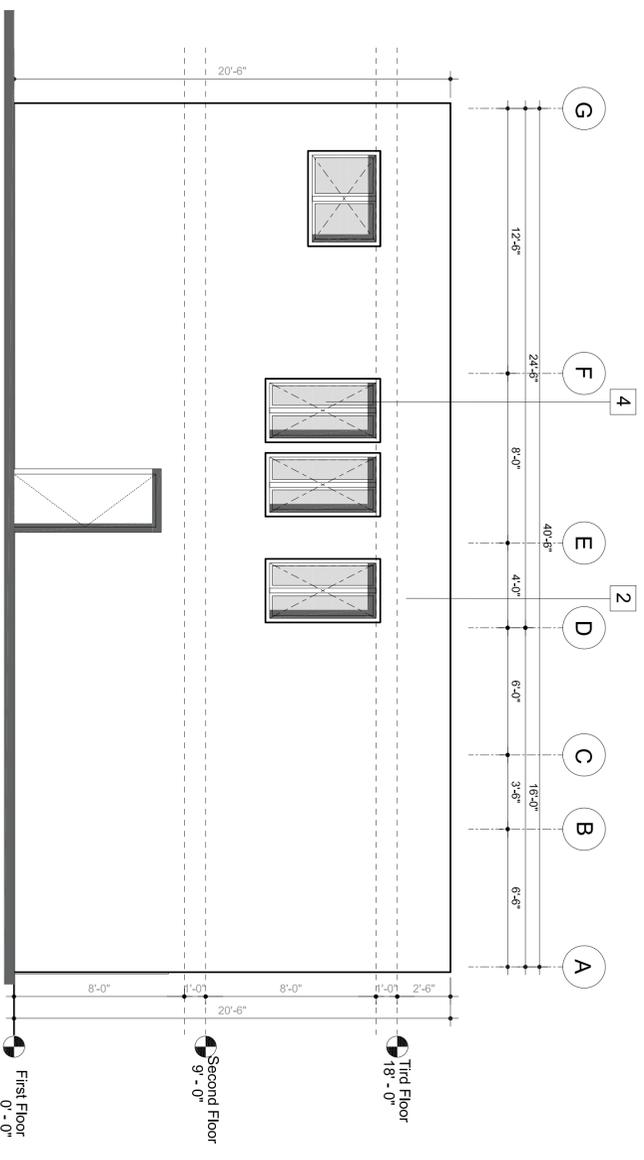
ELEVATIONS BUILDING 3

Sheet Number:

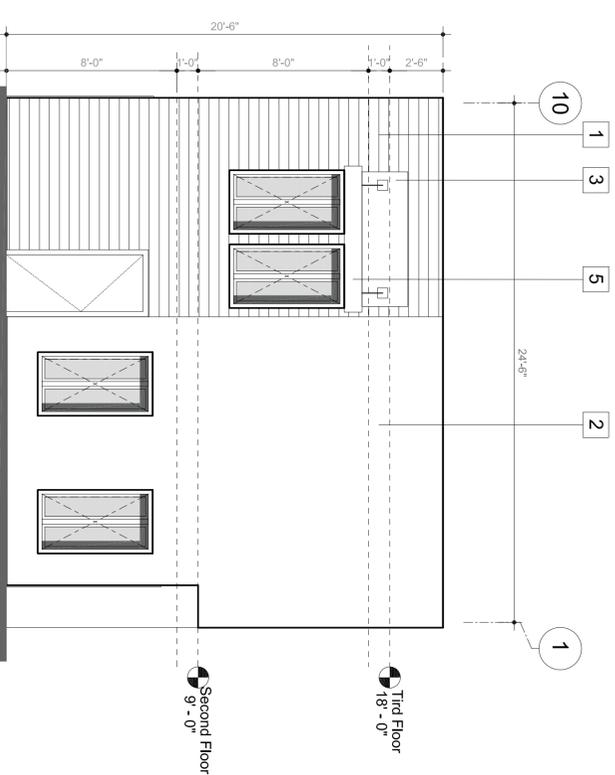
A-9



Building 3 East elevation Unit 9
Scale 1:1/4

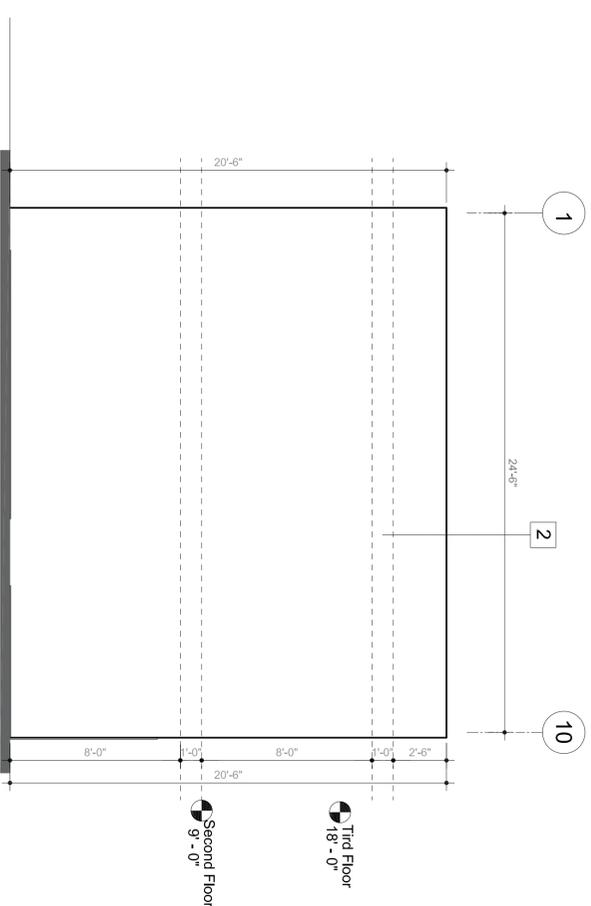


Building 3 West elevation Unit 9
Scale 1:1/4



Building 3 South elevation Unit 9
Scale 1:1/4

- 1 HARBE PLANK (GERABILLI)
- 2 LA HARBE 7.25 IN COLOR: MONTEREY TAUPÉ
- 3 LA HARBE 7.25 IN COLOR: MONTEREY TAUPÉ
- 4 LA HARBE 7.25 IN COLOR: MONTEREY TAUPÉ
- 5 LA HARBE 7.25 IN COLOR: MONTEREY TAUPÉ



Building 3 North elevation Unit 9
Scale 1:1/4

ATTACHMENT C

RESOLUTION NO. 20-11

RESOLUTION NO. 20-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY APPROVING CONDITIONAL USE PERMIT NO. 38-371 TO ALLOW A 50% DENSITY BONUS IN CONJUNCTION WITH THE CONSTRUCTION OF A 9-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 7919 WILCOX AVENUE. APPLICANT: ALBERTO CISNEROS.

WHEREAS: The applicant, Alberto Cisneros, requests approval of a Conditional Use Permit to allow a 50 percent density bonus of the number of “base” units allowed in the underlying zone to construct an additional three (3) units more than the six (6) units that are allowed by right, in exchange to reserve one (1) of the units for a very low-income household; and

WHEREAS: The Planning Commission at their January 27, 2020 Meeting approved a Development Review Permit (DRP 41-531) to allow the design, site layout, and the construction of a 9-unit multifamily residential development and a Conditional Use Permit (CUP 38-371) to allow a 50% density bonus of the number of “base” units allowed in the underlying zone, and incorporating an affordable housing unit; and

WHEREAS: Pursuant to Section 20.52.340 of the city’s zoning code, a conditional use permit shall be approved by both the Planning Commission and the City Council for any density bonus greater than 35 percent; and

WHEREAS: The subject property is located at 7919 Wilcox Avenue in an area that is designated by the Cudahy General Plan and by the Cudahy Zoning Map as High Density Residential; and

WHEREAS: The subject property is approximately 16,200 square feet in area, and the HDR zone sets forth the maximum residential density of 2,904 square feet per acre. The base density of the parcel is 6 units, calculated by dividing the parcel area by the zone-assigned density and rounding up to the next whole number ($16,200/2,904 = 5.58$), and the applicant is proposing an additional 3 units using a 50% density bonus; and

WHEREAS: This matter was duly posted and set for a public hearing with the City Council for April 21, 2020 at 6:30pm consistent with the City of Cudahy’s Zoning Ordinance procedures for Conditional Use Permits.

NOW THEREFORE, the City Council of the City of Cudahy hereby resolves:

SECTION 1. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq), and the City’s Local CEQA Guidelines. In accordance with the provisions of the California Environmental Quality Act (CEQA), an environmental analysis has been completed for this case. As a result of that analysis, it has been determined that this case will not have a significant impact upon the environment and no further environmental documentation will be required, pursuant to Article 19, Section 15332, Class 32, Infill Development Projects, of the California Environmental Quality Act.

SECTION 2. After considering the proposal on the basis for approval or denial of the Conditional Use Permit 38.371 stated in Section 20 of the Cudahy Municipal Code, the City Council finds as follows:

- A. The project's proposed increased density, governed by the terms of the Conditional Use Permit, would provide at least one affordable unit. This is consistent with the General Plan Land Use Element Policy 2.8, which allows for "different densities of development" when a project would supply housing for various income levels. The project is requesting a density bonus as permitted by State and local law and must set aside at least one unit as affordable. This is consistent with the General Plan Housing Element Policy 2.1 regarding supporting housing availability for all economic segments. The project would supply new residential units that exceed the minimum habitable floor area. At least one unit would be characterized as "affordable" to residents with very low incomes, consistent with General Plan Housing Element Policy 2.5. Finally, the project would construct new housing on a parcel in an existing multiple-family neighborhood. It will rehabilitate the property, consistent with General Plan Housing Element Policy 3.5.
- B. The project sets aside no less than the percentage and type of units required to earn a density bonus of 35 percent or more under the state density bonus law. The applicant is required to set aside one unit as affordable, pursuant to California Government Code § 65915 and to Cudahy Municipal Code § 20.52.300 et seq. The present proposal includes one unit for very low-income levels, consistent with the minimum number of required units for a 35% density bonus or more.
- C. The applicant has adequately demonstrated that the project will not generate unmitigated significant noise, traffic, parking, or other impacts detrimental to surrounding properties or the general welfare. The environmental-impact issues cited above are addressed in the EIR that was adopted as part of the General Plan 2040, which show that the project does not present significant environmental impacts that cannot be mitigated by either existing regulations or specific mitigation measures that have been incorporated into the project's Conditions of Approval. Additionally, the project will be subject to measures required by the Los Angeles Unified School District designed to help reduce or eliminate such impacts and are included in the project's conditions of approval.

SECTION 3. Based upon the findings contained in this Resolution and on all other written and oral evidence in the record, the City Council hereby approves Conditional Use Permit 38-371, subject to the conditions of approval set forth below:

1. The applicant, its successors in interest, and assignees, shall indemnify, protect, defend (with legal counsel reasonably acceptable to the City), and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees, and agents from and against all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, and disbursements (collectively, "Claims") arising out of or in any way relating to this project, any discretionary approval granted by the City related to the development of the project, or the environmental review conducted under the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, ("CEQA") for the project. If the City Attorney is required to enforce any conditions of approval, the applicant shall pay for all costs of enforcement, including attorney's fees.

2. The Applicant shall execute and record with the County Recorder a density bonus housing agreement with the City to ensure the continued affordability of all set-aside affordable units, to the satisfaction of the City Manager and City Attorney. For all set-aside units, the agreement shall specify the household income classification, number, location, size, and construction scheduling and shall require set-aside units in a project and phases of a project to be constructed concurrently with the construction of non-set aside units. The agreement shall run with the land, bind the owner, successors and assigns, and shall include such other provisions as necessary to establish compliance with the requirements of Chapter 20.52.360 of the City's Zoning Code.
3. Subcontractors hired to improve the physical structures of the building shall obtain a contractor's business license from the City Business License Department and submit proof of workers' compensation insurance to the City Building Department, before the issuance of any permits.
4. All conditions shall be binding upon the applicants, their successors and assigns, shall run with the land, shall limit and control the issuance and validity of certificate of occupancy, and shall restrict and limit the construction, location, and use and maintenance of all land and structures within the development.
5. The site shall be kept in a neat manner at all times and any landscaping shall be continuously maintained in a healthy and thriving condition.
6. Any changes in building textures, materials, and colors on the exterior walls are subject to planning approval. A developer is required to submit samples of all exterior materials for approval prior to the issuance of building permits.
7. Construction shall conform to the site plan on file with the Community Development Department and as approved by the Planning Commission.
8. The Developer shall pay into a fund for parkland fees, to be determined at the time of submitting plans into Building and Safety Plan Check, pursuant to the Quimby Act. (Government Code Section §66477).
9. The Developer shall verify in writing that there is sufficient water service for the additional dwelling units proposed. Also, the developer agrees to install any equipment, lines or other necessary improvement to ensure that there will be sufficient water service for the proposed additions.
10. A complete set of plans including the sewer, drainage, grading, and erosion control plans, which accurately depict the location of the proposed structures, driveways, and all other elements of the development, shall be submitted as part of the plan check submittal.
11. The applicant shall comply with all conditions set forth by the Los Angeles County Fire Department for this application in its letter of correspondence and on file with the City Planning Department.
12. Anti-graffiti substances shall be used on both sides of the perimeter walls of the subject property.

13. Applicant shall remove graffiti within 24 hours of application. In the event graffiti is not removed within 24 hours, the applicant grants access and indemnifies the City to enter the property to abate graffiti according to CMC Sections 15.20.150 and 15.20.
14. No motor vehicles (commercial or otherwise) shall be parked on the property except in marked parking spaces.
15. Utility equipment including and not limited to electricity, cable, or telephone equipment must be placed underground. Each unit shall have separate sewer and water lines.
16. Pursuant to the National Pollutant Discharge Elimination System (NPDES) Permit requirements, and City of Cudahy Municipal Code Section 11-2: Storm Water and Urban Runoff Pollution Control all construction projects of less than 1 acre are required to meet a minimum of water quality protection (i.e., Owner's Certification of Compliance with Minimum Requirements Form and/or Wet Weather Control Plan).
17. As part of the plan check submittal, written verification from the local water authority that there is sufficient water service for the additional dwelling units, as well as fire suppression being provided without interruption to residences.
18. A Lighting Plan shall be submitted with construction drawings to Building & Safety for plan check.
19. Landscaping and irrigation plans, which provide for adequate landscaping shall be submitted to the Community Development Department for approval as part of plan check submittal. All types of plants selected, and required watering systems for such landscaping, shall, to the extent possible, conserve water and shall be consistent with any water conservation ordinance enacted by the City.
20. All roof-mounted equipment shall be adequately and decoratively screened and shall not be visible from the street.
21. The locations of air-conditioning condensers shall be shown on the site plan and shall not be visible from the street.
22. A raised curb shall be provided along the borders of the area proposed for parking spaces and open space areas.
23. All vents shall be painted to match the color of the house stucco or wood trim.
24. All building materials and plants selected shall be comparable to the proposed development.
25. The developer shall obtain necessary permits to repair or improve any curb, gutter or sidewalk damaged due to the construction process.
26. The electrical transformer shall be adequately and decoratively screened from view. Dense landscaping shall be used as screening materials. The applicant shall provide the details with the set of building plans to illustrate this requirement.

27. The applicant shall include all general notes on the plans submitted for plan check as required. The floor plans and elevation drawings shall reflect the same information. The developer is required to check said plans for accuracy and make sure plans are drawn to scale and corrections are made as necessary prior to the issuance of permits.
28. The developer shall not deviate from any of the approved plans without prior approval from the Director of Community Development or the Planning Commission.
29. The developer shall submit a complete listing of all subcontractors used for the project. Each subcontractor shall obtain a contractor's business license from the City's Business License Department and submit proof of workers' compensation insurance to the City of Cudahy Building Department, before the issuance of any permits.
30. Contractors hired for the project must guarantee that safe and convenient school pedestrian routes are maintained. This would pertain to the arrival and dismissal times of each school day. Traffic controls (signs) shall be installed as needed to ensure safe routes to school. Construction vehicle trips scheduling shall be sequenced to minimize conflicts with pedestrians, school buses and cars.
31. The applicant shall comply with all conditions set forth by the Los Angeles Unified School District for this application in its letter of correspondence and on file with the City Planning Department.
32. Increased noise levels will be mitigated by the limitation of construction activities to not earlier than 7:00 A.M. and not later than 6:00 P.M. To reduce temporary construction noise contractors hired for the project shall implement BMPs such as providing advance notification of construction to surrounding land uses, ensuring that equipment is properly muffled, placement of noise sources away from residences, implementing noise attenuation measures, and generally conduct construction in compliance with City of Cudahy Municipal Code Article 23: Environmental Performance Standards.
33. An Affidavit shall be recorded with the Los Angeles County Recorder's Office stating that the lot shall be maintained as a single contiguous lot and certified copy shall be filed with the City Clerk of the City of Cudahy.
34. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the use of said property as set forth by this approval, together with all conditions, which are a part of, said approval.
35. Issuance of Building Permits shall be conditioned upon submission of Covenants, Conditions and Restrictions (CC&Rs) for review and approval by the City Attorney to ensure that: (i) A homeowners association with legal power to maintain the common areas is established, and (ii) the City is made part of the CC&Rs for the purpose of performing common area maintenance if the homeowners association fails to do so and to recoup the City's cost of doing so via an assessment imposed on the unit owners, and (iii) copies of the signed CC&Rs shall be recorded in the Los Angeles County Recorder's Office, and a copy given to the City of Cudahy and to each homeowner of the development. A fee must be paid for city attorney review, which shall be equal to 110 percent of costs reasonably borne for document review.

36. All City Fees, i.e., plan check, building permit fees, school fees, Quimby fees, CC&R review, etc., shall be paid by the applicant prior to the submittal of the plans to the Building and Safety Department”.
37. The applicant shall sign and notarize an Affidavit of Acceptance of Conditions, which acknowledges all of the conditions imposed herein and the applicant's acceptance of this Permit subject to those conditions.
38. The rights granted under DRP No. 41-531 and CUP No. 38-371 may be modified or revoked by the Planning Commission should it be determined that the proposed uses or conditions under which the project is being operated or maintained is detrimental to the public health, welfare or materially harmful to property or improvements in the vicinity, if the property is operated or maintained to constitute a public nuisance or is a contributor to blight, or if the uses on the property are changed from the uses expressly approved herein.
39. The rights granted under DRP No. 41-531 and CUP No. 38-371 shall expire within one (1) year of the date of approval by the Planning Commission unless proper building permits have been obtained or the applicant(s) applies for and is granted an extension of time. No extension of time will be considered unless the application for an extension is filed at least 30 days prior to the expiration. An extension will not be granted if conditions have changed in that the requisite findings for approval can no longer be made.
40. Prior to any occupancy permit being granted, or commencement of the approved use, these conditions shall be completed to the satisfaction of the City.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 5th day of May 2020.

Elizabeth Alcantar
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, Assistant City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 20-11 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 5th day of May 2020, and that said Resolution was adopted by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Iglesias
Assistant City Clerk

DRAFT

ATTACHMENT D

AIR QUALITY/ GREENHOUSE GAS EMISSIONS ANALYSIS

Memorandum

TO: Salvador Lopez, Director of Planning

FROM: Christine Kudija, JD, AICP, MLA
Principal Planner

DATE: January 16, 2020

SUBJECT: **7919 Wilcox Ave, Cudahy: Multiple-family Residential**
Air Quality/GHG Memorandum

1.0 INTRODUCTION

This Memorandum summarizes the results of the pollutant and greenhouse-gas emissions prepared for the proposed project. As shown below, neither construction emissions nor operational emissions exceed the South Coast Air Quality Management District's thresholds for regional or local emissions. Additionally, because the project increases housing density on an existing infill site, and is within ½ mile of a "major transit stop" on Wilcox Avenue, the project is considered compliant with respect to greenhouse gas emissions (GHGs) in local and regional climate-action programs.

The applicant proposes to construct nine new apartments in three 3-story buildings on a 0.37-acre site at 7919 Wilcox Avenue, Cudahy. The total proposed building area is 15,230 square feet, including garages, and the habitable floor area is 11,270.25 square feet. A 2,246-square foot single-family residence would be demolished to accommodate site development.

2.0 REGULATORY SETTING

2.1. Air Quality. The project is located within the South Coast Air Basin. The South Coast Air Quality Management District (SCAQMD) has jurisdiction and regulatory authority within the Air Basin. The SCAQMD is responsible for the region's Air Quality Management Plan (AQMP), which sets forth regulations and various control measures to reduce air pollution and bring the region into attainment (compliance) with federal and state clean air standards. The 2016 AQMP includes control measures for both stationary and mobile sources of air pollutants; the control measures are further codified into Rules or set forth as policies for jurisdictions within the Air Basin. Rules set specific limits for emissions from various stationary sources, including specific types of equipment, industrial processes, paints, solvents, and consumer products. Limits on airborne "fugitive" dust from construction and particulates from diesel engines are also set forth and enforceable.

To measure ongoing AQMP progress, the SCAQMD monitors air quality at 38 locations throughout the Air Basin, and has enforcement authority over a four-county area (Los Angeles, Orange, Riverside and San Bernardino Counties; see the SCAQMD website, <http://www.aqmd.gov/>, for comprehensive information regarding the AQMP and the SCAQMD's overall responsibilities). The South Coast Air Basin remains in non-attainment under both national and California standards for three criteria pollutants, including ozone, particulate

matter and fine particulate matter (PM10 and PM2.5, respectively). Figure AQ-1 below shows the region's overall attainment status.

Figure AQ - 1

National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) Attainment Status for South Coast Air Basin

CRITERIA POLLUTANT	STANDARD	AVERAGING TIME	DESIGNATION ^{a)}	ATTAINMENT DATE ^{b)}
1-Hour Ozone	NAAQS	1979 1-Hour (0.12 ppm)	Nonattainment (Extreme)	2/6/2023 Originally 11/15/2010 (not attained) ^{d)}
	CAAQS	1-Hour (0.09 ppm)	Nonattainment	N/A
8-Hour Ozone^{d)}	NAAQS	1997 8-Hour (0.08 ppm)	Nonattainment (Extreme)	6/15/2024
	NAAQS	2008 8-Hour (0.075 ppm)	Nonattainment (Extreme)	7/20/2032
	NAAQS	2015 8-Hour (0.070 ppm)	Nonattainment (Extreme)	8/3/2038
	CAAQS	8-Hour (0.070 ppm)	Nonattainment	Beyond 2032
CO	NAAQS	1-Hour (35 ppm) 8-Hour (9 ppm)	Attainment (Maintenance)	6/11/2007 (attained)
	CAAQS	1-Hour (20 ppm) 8-Hour (9 ppm)	Attainment	6/11/2007 (attained)
NO₂^{e)}	NAAQS	1-Hour (0.10 ppm)	Unclassifiable/Attainment	N/A (attained)
	NAAQS	Annual (0.053 ppm)	Attainment (Maintenance)	9/22/1998 (attained)
	CAAQS	1-Hour (0.18 ppm) Annual (0.030 ppm)	Attainment	---
SO₂^{f)}	NAAQS	1-Hour (75 ppb)	Designations Pending (expect Uncl./Attainment)	N/A (attained)
	NAAQS	24-Hour (0.14 ppm) Annual (0.03 ppm)	Unclassifiable/Attainment	3/19/1979 (attained)
PM10	NAAQS	1987 24-hour (150 µg/m ³)	Attainment (Maintenance) ^{g)}	7/26/2013 (attained)
	CAAQS	24-hour (50 µg/m ³) Annual (20 µg/m ³)	Nonattainment	N/A
PM2.5^{h)}	NAAQS	2006 24-Hour (35 µg/m ³)	Nonattainment (Serious)	12/31/2019
	NAAQS	1997 Annual (15.0 µg/m ³)	Attainment	8/24/2016
	NAAQS	2012 Annual (12.0 µg/m ³)	Nonattainment (Serious)	12/31/2025
	CAAQS	Annual (12.0 µg/m ³)	Nonattainment	N/A

Figure AQ - 1, Continued

National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) Attainment Status for South Coast Air Basin

CRITERIA POLLUTANT	STANDARD	AVERAGING TIME	DESIGNATION ^{a)}	ATTAINMENT DATE ^{b)}
Lead	NAAQS	3-Months Rolling (0.15 µg/m ³)	Nonattainment (Partial) ^{d)}	12/31/2015
Hydrogen Sulfide (H ₂ S)	CAAQS	1-Hour (0.03 ppm/42 µg/m ³)	Attainment	---
Sulfates	CAAQS	24-Hour (25 µg/m ³)	Attainment	---
Vinyl Chloride	CAAQS	24-Hour (0.01 ppm/26 µg/m ³)	Attainment	---

- a) U.S. EPA often only declares Nonattainment areas; everywhere else is listed as Unclassifiable/Attainment or Unclassifiable
- b) A design value below the NAAQS for data through the full year or smog season prior to the attainment date is typically required for attainment demonstration
- c) 1-hour O₃ standard (0.12 ppm) was revoked, effective June 15, 2005; however, the Basin has not attained this standard based on 2008-2010 data and is still subject to anti-backsliding requirements
- d) 1997 8-hour O₃ standard (0.08 ppm) was reduced (0.075 ppm), effective May 27, 2008; the revoked 1997 O₃ standard is still subject to anti-backsliding requirements
- e) New NO₂ 1-hour standard, effective August 2, 2010; attainment designations January 20, 2012; annual NO₂ standard retained
- f) The 1971 annual and 24-hour SO₂ standards were revoked, effective August 23, 2010; however, these 1971 standards will remain in effect until one year after U.S. EPA promulgates area designations for the 2010 SO₂ 1-hour standard. Area designations are still pending, with Basin expected to be designated Unclassifiable /Attainment.
- g) Annual PM₁₀ standard was revoked, effective December 18, 2006; 24-hour PM₁₀ NAAQS deadline was 12/31/2006; SCAQMD request for attainment redesignation and PM₁₀ maintenance plan was approved by U.S. EPA on June 26, 2013, effective July 26, 2013.
- h) Attainment deadline for the 2006 24-Hour PM_{2.5} NAAQS (designation effective December 14, 2009) is December 31, 2019 (end of the 10th calendar year after effective date of designations for Serious nonattainment areas). Annual PM_{2.5} standard was revised on January 15, 2013, effective March 18, 2013, from 15 to 12 µg/m³. Designations effective April 15, 2015, so Serious area attainment deadline is December 31, 2025.
- i) Partial Nonattainment designation – Los Angeles County portion of Basin only for near-source monitors. Expect redesignation to attainment based on current monitoring data.

Source: South Coast Air Quality Management District, available at <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/naqs-caqs-feb2016.pdf?sfvrsn=14> (accessed January 10, 2020).

2.2 Greenhouse Gas Emissions. “Greenhouse gases” (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as “global warming.” These greenhouse gases contribute to an increase in the temperature of the earth by allowing incoming short wavelength visible sunlight to penetrate the atmosphere, while restricting outgoing terrestrial long wavelength heat radiation from exiting the atmosphere. The principal greenhouse gases (GHGs) include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Collectively GHGs are measured as carbon dioxide equivalents (CO₂e).

Fossil-fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of global GHG emissions. Industrial and commercial sources are the second-largest contributors of GHG emissions, constituting about one-fourth of total emissions. According to climate scientists, California and the rest of the developed world must cut emissions by 80 percent from today’s levels to stabilize the amount of CO₂ in the atmosphere and prevent the most severe effects of global climate change.

California has passed several bills and former Governor Jerry Brown signed seven executive orders (EOs) regarding greenhouse gases. GHG Statutes and EOs include Assembly Bill (AB) 32, Senate Bill (SB) 1368, EO S-03-05, EO S-20-06, EO S-01-07, EO S-13-08, EO B-16-12, EO B-18-12, and EO B-30-15. Of these, AB 32, the California Global Warming Solutions Act of 2006, mandates that California’s GHG emissions be reduced to 1990 levels by 2020, and tasks the California Air Resources Board (CARB) with regulating GHG emissions as well as coordinating with other state agencies to implement AB 32’s reduction goals.

EO S-3-05 provides a more long-range goal and requires an 80 percent reduction of GHGs from 1990 levels by 2050. On a per-capita basis, that means reducing annual emissions of 14 MTs of CO₂ equivalent for every person in California down to approximately 10 MTs per person by 2020. Issued in 2015, EO-B-30-15 sets an increasingly-aggressive GHG-emissions target for 2030, 40 percent below 1990 levels. EO-B-30-15 was codified by SB 32 in 2016, which also provided the CARB with additional direction for refining the Climate Change Scoping Plan. That EO set forth five “pillars” for accomplishing GHG reduction, including (1) reducing today’s petroleum use in cars and trucks by up to 50 percent; (2) increasing from one-third to 50 percent our electricity derived from renewable sources; (3) doubling the energy efficiency savings achieved at existing buildings and making heating fuels cleaner; (4) reducing the release of methane, black carbon, and other short-lived climate pollutants; (5) managing farm and rangelands, forests and wetlands so they can store carbon; and (6) periodically updating the state’s climate adaptation strategy, Safeguarding California.

The CARB’s 2017 Climate Change Scoping Plan, in part implements EO B-30-15, and sets forth a “reference scenario” as a baseline for measuring how much GHG emissions can be reduced in several economic sectors. This scenario illustrates the level of GHG emissions generated statewide through 2030 with existing policies and programs, but without any further action to reduce GHGs. This level is estimated to be approximately 400 million metric tons (MMTs) of CO₂e from all sources in 2030. The CARB’s statewide 2030 target level of emissions is approximately 260 MMTs. **The Scoping Plan estimates that the change from 1990 levels in the residential and commercial sectors must be from 44 MMTCO₂e to 38-40 MMTCO₂e by 2030, a four to eight percent reduction.**

Senate Bill 375 was enacted to link land use and transportation in a manner that would reduce vehicle miles traveled (VMT), thereby reducing GHG emissions. Under SB 375, the California Air

Resources Board (CARB) is responsible for establishing GHG emission-reduction targets, and regional Metropolitan Planning Organizations (MPOs) are responsible for preparing and adopting “Sustainable Communities Strategies” that achieve CARB’s targets.

The Gateway Cities Council of Governments (GCCOG) is the local MPO that includes the City of Cudahy, and has recently prepared a regional CAP framework for member cities as part of a sustainable community strategy. The framework contains a comprehensive toolkit for cities’ use to develop their own CAPs and set emissions targets. To date, the City of Cudahy has not set emissions targets or numeric thresholds. However, the CAP framework itself shows various strategies that can help reduce GHG emissions: promoting “green” building; improving efficiency of existing buildings; increasing the use of local clean energy generation; and others.

As part of the statewide effort to increase local clean energy generation, the California Building Code (Title 24) requires all new single-family and low-rise (≤ 3 stories) multiple family residential construction to add a minimum capacity of photovoltaic power generation, effective January 2020. The California Energy Commission’s *2019 Residential Compliance Manual* sets that capacity according to the following formula:¹

$$kW_{PV} \text{ required} = (CFA \times A)/1000 + (NDwell \times B)$$

Where:

- kW_{PV} = kWdc size of the PV system
- CFA = Conditioned Floor Area
- NDwell = Number of dwelling units
- A = Adjustment factor from the CEC Residential Compliance Manual Table 7-1, (A= 0.613 for CEC Climate Zone 9)
- B = Dwelling adjustment factor from Residential Compliance Manual Table 7-1, (B=1.36 for CEC Climate Zone 9)

Note that compliance with GHG-reduction strategies may not reduce an individual project’s impacts below significant levels *unless* an emissions target or threshold, based on substantial evidence, has been adopted by a local agency. In the absence of a target or threshold, quantified GHG emissions may be determined to be significant and unavoidable. Alternatively, if a project demonstrates consistency with either a local CAP or with the CARB Scoping Plan (such as the percent-reduction goals described above), a finding of “less than significant” may be appropriate.

¹ See California Energy Commission, Residential Compliance Manual, p. 7-1 (January 2019), available at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency-0> (accessed January 10, 2020).

4.0 METHODOLOGY

The California Emissions Estimator Model® (CalEEMod) v. 2016.3.2 (Excel-based computer model) was used to estimate the project’s emissions. This computer modeling tool is designed to provide a uniform platform for government agencies, land-use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects. The model quantifies direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Further, the model identifies mitigation measures to reduce criteria pollutant and GHG emissions along with calculating the benefits achieved from measures chosen by the user. The model incorporates average emissions for specific land uses such as that proposed by the project (apartments) at a buildout density of 12.82 du/acre. For modeling purposes, construction was assumed to begin in August 2020, and the project assumed to be operational by the end of 2021. The model requires that particular dates are entered in order to estimate construction phases; if not specifically known, the model inserts default periods for each phase of construction. Figure AQ-2 below shows the SCAQMD’s regional emissions thresholds for various air pollutants. Note that the SCAQMD sets forth greenhouse gas thresholds only for stationary sources.

Additionally, for projects that propose to develop less than five acres of land, the SCAQMD sets localized thresholds for several pollutants that contribute to human cancers. These thresholds substitute for requirements to conduct detailed Health Risk Assessments for small development projects.

Construction and operational greenhouse gas emissions were estimated using model default values for construction equipment (without mitigation strategies such as lower-emission non-road engines). Mitigation strategies required by the California Building Code were incorporated into the model’s “mitigation” data entry fields to estimate CO₂e emissions during project “operation,” e.g. when new residences are constructed and occupied. These strategies including a minimum level of photovoltaic (solar) electricity-generating capacity and low-flow plumbing fixtures. Moreover, all new residential construction must comply with the California Green Building Standards Code (developed to meet AB 32 GHG-emission goals).

Table GHG-1 shows the estimated GHG emissions for the project, as unmitigated and mitigated by building code requirements. Percent reductions with mitigation are shown for operational emissions. The “unmitigated” emissions would result from a “business-as-usual” strategy of, for example, building a vehicle-dependent, stand-alone multifamily development. In contrast, the “mitigated” emissions show reductions that would be achieved by code compliance.

Figure AQ - 2

SCAQMD Air Quality Significance Thresholds

Mass Daily Thresholds ^a		
Pollutant	Construction ^b	Operation ^c
NOx	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM10	150 lbs/day	150 lbs/day
PM2.5	55 lbs/day	55 lbs/day
SOx	150 lbs/day	150 lbs/day
CO	550 lbs/day	550 lbs/day
Lead	3 lbs/day	3 lbs/day
Toxic Air Contaminants (TACs), Odor, and GHG Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk \geq 10 in 1 million Cancer Burden > 0.5 excess cancer cases (in areas \geq 1 in 1 million) Chronic & Acute Hazard Index \geq 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402	
GHG	10,000 MT/yr CO ₂ eq for industrial facilities	
Ambient Air Quality Standards for Criteria Pollutants ^d		
NO ₂ 1-hour average annual arithmetic mean	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)	
PM10 24-hour average annual average	10.4 $\mu\text{g}/\text{m}^3$ (construction) ^e & 2.5 $\mu\text{g}/\text{m}^3$ (operation) 1.0 $\mu\text{g}/\text{m}^3$	
PM2.5 24-hour average	10.4 $\mu\text{g}/\text{m}^3$ (construction) ^e & 2.5 $\mu\text{g}/\text{m}^3$ (operation)	
SO ₂ 1-hour average 24-hour average	0.25 ppm (state) & 0.075 ppm (federal – 99 th percentile) 0.04 ppm (state)	
Sulfate 24-hour average	25 $\mu\text{g}/\text{m}^3$ (state)	
CO 1-hour average 8-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) and 35 ppm (federal) 9.0 ppm (state/federal)	
Lead 30-day Average Rolling 3-month average	1.5 $\mu\text{g}/\text{m}^3$ (state) 0.15 $\mu\text{g}/\text{m}^3$ (federal)	

^a Source: SCAQMD CEQA Handbook (SCAQMD, 1993)

^b Construction thresholds apply to both the South Coast Air Basin and Coachella Valley (Salton Sea and Mojave Desert Air Basins).

^c For Coachella Valley, the mass daily thresholds for operation are the same as the construction thresholds.

^d Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated.

^e Ambient air quality threshold based on SCAQMD Rule 403.

KEY: lbs/day = pounds per day ppm = parts per million $\mu\text{g}/\text{m}^3$ = microgram per cubic meter \geq = greater than or equal to
 MT/yr CO₂eq = metric tons per year of CO₂ equivalents $>$ = greater than

Source: South Coast Air Quality Management District, *Air Quality Significance Thresholds*, available at <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf> (accessed January 10, 2020).

Tables AQ-1 and AQ-2 below summarize maximum daily construction and operational emissions for the proposed project, contrasted with SCAQMD thresholds. See Appendix A for full CalEEMod results (annual, winter and summer emissions profiles). Table GHG-1 summarizes greenhouse gas emissions.

Table Abbreviations:

- ROG: Reactive Organic Gases/Volatile Organic Compounds
- NOx: Oxides of Nitrogen
- CO: Carbon Monoxide
- SO2: Sulfur Dioxide
- PM10: Particulate Matter, 10 microns or less
- PM2.5: Fine Particulate Matter, 2.5 microns or less
- Area: Emissions resulting from architectural coatings and 10-year reapplication rates, hearths and woodstoves (none in these projects), consumer products and landscape equipment
- Energy: Emissions resulting from energy generation at power plants attributable to a project
- Mobile: Emissions resulting from projected vehicle trips attributable to a project

**Table AQ - 1
Construction Emissions**

Unmitigated Maximum Daily Construction Emissions						
	ROG (VOC)	NOX	CO	SO2	Total PM10	Total PM2.5
Year	lbs/day					
2020 Winter	0.9439	8.9776	8.1984	0.0156	1.3781	0.8899
2021 Winter	7.6692	6.7717	7.7016	0.0131	0.5561	0.3833
2020 Summer	0.9388	8.9758	8.2233	0.0157	1.3780	0.8899
2021 Summer	7.6688	6.7669	7.7657	0.0133	0.5561	0.3833
Maximum	7.6692	8.9776	8.2233	0.0157	1.3781	0.8899
Threshold	75	100	550	150	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO	NO
Localized Threshold (LST)	N/A	46	231	N/A	4	3
Exceeds Threshold?		NO	NO		NO	NO

**Table AQ - 2
Operational Emissions**

Unmitigated Maximum Daily Operational Emissions						
	ROG (VOC)	NOX	CO	SO2	Total PM10	Total PM2.5
Winter	lbs/day					
Category						
Area	0.1506	8.5900e-003	0.7441	4.0000e-005	4.1000e-003	4.1000e-003
Energy	4.3400e-003	0.0371	0.0158	2.4000e-004	3.0000e-003	3.0000e-003
Mobile	0.1041	0.5190	1.2640	4.4200e-003	0.3755	0.1029
Total	0.2590	0.5647	2.0239	4.7000e-003	0.3826	0.1100
Threshold	55	55	550	150	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO	NO
Summer	lbs/day					
Category						
Area	0.1506	8.5900e-003	0.7441	4.0000e-005	4.1000e-003	4.1000e-003
Energy	4.3400e-003	0.0371	0.0158	2.4000e-004	3.0000e-003	3.0000e-003
Mobile	0.1189	0.5795	1.6148	5.7900e-003	0.4725	0.1294
Total	0.2738	0.6253	2.3748	6.0700e-003	0.4796	0.1365
Threshold	55	55	550	150	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO	NO

**Table GHG-1
Annual GHG Emissions Summary (CO₂e)**

	Phase	Metric Tons (MT) CO₂e/YR		
		Without Mitigation^a	Mitigated^b	Percent Reduction
Totals	Construction - 2020	60.0121	60.0120	0.00
	2021	1.7817	1.7817	0.00
	Operation	113.0837	95.5839	15.48

“Without Mitigation” for CalEEMod purposes means that estimated future project building construction and operational data were entered without adjusting for equipment engine emissions or operational features required in the California Building Code (Title 24). This is essentially the “business as usual” scenario.

“Mitigation” for CalEEMod purposes can mean inherent design features of a project, such as increasing a project’s “walkability,” thus reducing vehicle trips. Since the proposed project increases residential density in an area close to transit, shops, restaurants and services, increasing walkability is already a component of the project, not a necessary mitigation measure. Also included as “mitigation” were other features of future construction that are required by the California Building code, such as minimum levels of solar-energy generation on each residential building, water-conserving plumbing and irrigation systems, and adherence to green building standards.

5.0 Conclusions

As shown by Tables AQ-1 and AQ-2, and further detailed in the CalEEMod results in Appendix A, neither the construction nor the operational phases of the proposed project exceed SCAQMD thresholds. Additionally, Table GHG-1 shows that the project's operational emissions are estimated to result in GHG-emissions reduction from business-as-usual by 15.5%, exceeding CARB's four to eight-percent goals noted above. Accordingly, the project's air quality and greenhouse gas impacts may be considered less-than-significant.

ATTACHMENT E

TRAFFIC ANALYSIS

Memorandum

TO: Sal Lopez, Director of Planning
FROM: Joanne Itagaki, Project Manager *JID*
DATE: January 6, 2020
SUBJECT: City of Cudahy, 7919 Wilcox Avenue, Trip Generation Analysis

It is my understanding that a 9-unit multifamily residential development (apartment complex) is proposed to be built at 7919 Wilcox Avenue where 1 single-family detached home will be demolished. Concerns have been expressed that there is a need for a Traffic Impact Analysis (TIA) to fully determine the traffic impacts of the proposed development.

Cudahy, like many cities in Los Angeles County, looks to guidelines provided by Metro's Congestion Management Program (CMP), Appendix D in determining when a TIA should be conducted. The CMP indicates that a proposed project adding 50 or more peak hour trips (both directions) in either the AM or PM peak period should conduct a TIA.

The County of Los Angeles, Public Works also provides guidelines regarding TIA. The County threshold is a proposed project that adds 500 or more trips per day.

Table 1 provides the trip generation analysis of the proposed 9-unit apartment complex. This table also accounts for the demolition of the 1 existing single-family home by removing/subtracting those trips. As identified in **Table 1**, the net trips from the project site include: 56 daily trips (28 in/28 out); 3 AM peak trips (1 in/3 out); and, 4 PM peak trips (3 in/1 out)*. The net trips fall below the thresholds of Metro and the County. Therefore, a traffic impact analysis would not be required of the proposed project based on these thresholds.

Should you have any questions, please contact me.

* - Trip totals are rounded to whole numbers. Therefore, totals may not appear to be mathematically correct.

Attachments

- Table 1 – Trip Generation Analysis

City of Cudahy
Table 1
7919 Wilcox Avenue
Trip Generation Analysis

10th Edition ITE Land Use Codes

Code 220 - Multifamily Housing (Low Rise)

This Code used for the 9 apartment units as this was the only multifamily use Code used in the City's 2017 General Plan Traffic Impact Analysis.

Code 210 - Single-Family Detached Housing

This Code used for the existing single-family home to be removed/demolished.

		Daily				
(Rates per # of Dwelling Units)	Dwelling Units	Rate	In/Out %	In Trips	Out Trips	Total Trips
Proposed 9 apartment units	9	7.32	50/50	33	33	66
Existing 1 unit single-family home to be removed.	1	9.44	50/50	-5	-5	-9
Net Daily Trips				28	28	56

		AM Peak of Street				
(Rates per # of Dwelling Units)	Dwelling Units	Rate	In/Out %	In Trips	Out Trips	Total Trips
Proposed 9 apartment units	9	0.46	23/77	1	3	4
Existing 1 unit single-family home to be removed.	1	0.74	25/75	0	-1	-1
Net AM Peak Trips				1	3	3

		PM Peak of Street				
(Rates per # of Dwelling Units)	Dwelling Units	Rate	In/Out %	In Trips	Out Trips	Total Trips
Proposed 9 apartment units	9	0.56	63/37	3	2	5
Existing 1 unit single-family home to be removed.	1	0.99	63/37	-1	0	-1
Net AM Peak Trips				3	1	4

Note: Trip totals are rounded to whole numbers. Therefore, totals may not appear to be mathematically correct.



Item Number 12A

STAFF REPORT

Date: May 5, 2020
To: Honorable Mayor/Chair and City Council/Successor Agency Members
From: Santor Nishizaki, Acting City Manager
By: City Attorney's Office
Subject: **Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Evictions for Residential and Non-Essential Commercial Tenants**

RECOMMENDATION

The City Council is recommended to adopt an Urgency Ordinance (Attachment A) enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and non-essential commercial tenants where failure to pay rent results from income loss resulting from the novel Coronavirus (COVID-19).

BACKGROUND/JUSTIFICATION OF RECOMMENDED ACTION:

Since Coronavirus was first reported in China in December 2019, it has quickly spread throughout the world to over 120 countries. As of April 30, 2020, over 3,310,000 cases of the virus have been reported worldwide with over 234,000 deaths. After the United States, the countries with the greatest number of cases are Spain, Italy, and the United Kingdom. Coronavirus can take up to 14 days to show symptoms, is highly contagious (even before showing symptoms), and has no known vaccine. Extraordinary measures have been taken to contain the virus, including quarantining multiple provinces of China and the entire country of Italy. On March 11, 2020, the World Health Organization ("WHO") declared the virus outbreak a pandemic.

The first confirmed case of Coronavirus in the United States was made on January 21, 2020. Since then, there has been increased concern of the virus spreading across the Country. As of April 30, 2020, there have been a total of 1,095,304 confirmed cases of the virus with 63,871

deaths.

On March 4, 2020, shortly after the State's first death was reported, Governor Gavin Newsom declared a State of Emergency for the entire state. On March 13, 2020, President Trump declared a National State of Emergency in response to the continued spread of the disease. On March 16, 2020 the County of Los Angeles issued an order prohibiting group events and gatherings, requiring social distancing measures, ordered the closure of all gyms and bars, and requiring all restaurants to provide take out or delivery services only. On March 28, 2020, Governor Newsom issued Executive Order N-37-20 which prevents evictions for a period of 60 days of "a tenant from a residence or dwelling unit for nonpayment of rent" who satisfies requirements set forth in said order, a copy of which is attached as Exhibit A.

The potential for the virus to rapidly spread has caused government officials and private businesses to respond at near unprecedented levels, resulting in closure of schools, non-essential businesses, cancellation of all sporting events, all with the hopes to contain the virus. The actions taken to contain the virus have resulted in the unemployment of many residents of the City. Increasing unemployment rates results in residents being unable to pay their rent, which would lead to an increase in eviction and homeless rates within the City. The City wishes to protect its residents from additional undue hardship during this difficult time.

FISCAL IMPACT

There is currently no fiscal impact on the City's budget.

RECOMMENDATION

Accordingly, it is recommended that the City Council approve the attached Resolution.

ATTACHMENTS

- A. Urgency Ordinance No. 710
- B. Exhibit "A"

URGENCY ORDINANCE NO. 710

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO THE NONPAYMENT OF RENT FOR RESIDENTIAL AND NON-ESSENTIAL COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspends “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions ... including, but not limited to, any such provision of Civil Code Sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise; and

WHEREAS, on March 16, 2020, the County of Los Angeles Department of Public Health ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Public Health issued a Mandatory Safer at Home Order, ordering the closure of all non-essential businesses until April 19, 2020. On April 10, 2020 this order was extended until May 15, 2020; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 (“Executive Order N-37-20”) which prevents evictions for a period of 60 days of “a tenant from a residence or dwelling unit for nonpayment of rent” who satisfies requirements set forth in said order; and

WHEREAS, as of April 30, 2020, the Los Angeles Department of Public Health has identified 23,182 cases of COVID-19 in Los Angeles County, resulting in 1,111 deaths; and

WHEREAS, the COVID-19 pandemic has resulted in the closure of many businesses, which has led to hourly cutbacks and resulted in employee terminations; and

WHEREAS, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residential and commercial rental market in the City of Cudahy (the “City”) during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of the City’s residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens’ welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress, and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment, may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title. This Urgency Ordinance shall be known as the “COVID-19 Eviction Moratorium Ordinance.”

SECTION 3. Urgency Findings. The purpose of this Urgency Ordinance is to promote housing stability during the COVID-19 pandemic and prevent avoidable homelessness. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the COVID-19 pandemic has the potential of destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City, whose employment and income have been affected by the COVID-19 pandemic, to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to, such as anxiety, stress, and potential homelessness for the affected

City residents and their communities, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

SECTION 4. Definitions

- A. "Affected Tenant" means a Tenant who satisfies one or more of the criteria in paragraph A of Section 8, of this Urgency Ordinance below.
- B. "Health Department" means the County of Los Angeles Department of Public Health.
- C. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit, Mobilehome or Mobilehome lot, and the agent, representative, or successor of any of the foregoing.
- D. "Mobilehome" means a structure transportable in one or more sections, designed and equipped to contain no more than one dwelling unit, to be used with or without a foundation system.
- E. "Mobilehome Park" means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.
- F. "Mobilehome Owner" means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.
- G. "Mobilehome Resident" means a person who rents a mobilehome from a Mobilehome Owner.
- H. "Notice of Termination" shall mean the notice informing a Tenant Household or Mobilehome Resident of the termination of its tenancy in accordance with California Civil Code Section 1946.1 and California Code of Civil Procedure Section 1161, as amended.
- I. "Rental Unit" means: (i) a Mobilehome, building, structure or the part of a structure that is used as a home, residence, or sleeping structure by one person who maintains a household or by two or more persons who maintain a common household; (ii) a rented lot within a Mobilehome Park where a Mobilehome Owner's Mobilehome coach is located; or (iii) a building, structure or part of a structure that is used for a legally permitted and duly licensed business or other non-residential service or activity (e.g., commercial, industrial, professional office, entertainment, recreational and/or retail uses etc.)
- J. "Tenant" means a residential or commercial tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupy a Rental Unit. The term "Tenant" is inclusive

of the defined terms “Tenant Household”, “Mobilehome Resident” and “Mobilehome Owner.”

- K. “Tenant Household” means one or more Tenant(s) who occupy any individual Rental Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

SECTION 5. Application. This Urgency Ordinance applies to Affected Tenants in any Rental Unit and Landlords of Affected Tenants.

SECTION 6. Moratorium on Eviction and Termination of Tenancies for Affected Tenants.

- A. For the period commencing on the effective date of this Urgency Ordinance and ending (30) calendar days following the expiration date of Executive Order N-37-20 or any extension thereto, a Landlord may not terminate the tenancy of a Tenant who qualifies as an Affected Tenant for non-payment of rent. During the term of the moratorium established under this Urgency Ordinance, a Landlord shall not serve a notice pursuant to California Code of Civil Procedure Sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict an Affected Tenant for nonpayment of rent.
- B. The moratorium established under this Urgency Ordinance is intended to have greater scope and longer duration than the moratorium established under Executive Order N-37-20.

SECTION 7. Just Cause Termination.

- A. The provisions of Section 8 of this Urgency Ordinance notwithstanding, a Landlord, subject to compliance with the requirements of this Urgency Ordinance may terminate the tenancy of a Tenant who otherwise qualifies as an Affected Tenant if a Landlord can show any of the following circumstances apply thereby rendering the termination a “Just Cause Termination”:
1. Nuisance Behavior. The Affected Tenant, after written notice to cease, continues to be so disorderly or to cause such a nuisance as to destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit. Such nuisance or disorderly conduct includes violations of state and federal criminal law that destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit, and may be further defined in the regulations adopted by the City, including but not limited to regulations established by ordinance or resolution.
 2. Refusing Access to the Unit. The Affected Tenant, after written notice to cease and a reasonable time to cure, continues to refuse the Landlord reasonable access to the Rental Unit, so long as the Landlord is not abusing the right of access under California Civil Code Section 1954, as amended.
 3. Unapproved Holdover Subtenant. The Affected Tenant holding over at the

end of the term of the oral or written rental agreement is a subtenant who was not approved by the Landlord.

4. Ellis Act Removal. The Landlord seeks in good faith to recover possession of the Rental Unit to remove the building in which the Rental Unit is located permanently from the residential or commercial rental market under the Ellis Act and, having complied in full with the Ellis Act and any related ordinance of the City, including the provision of relocation assistance as may be required by applicable state law.
5. Owner Move-In. With respect to residential tenancies, the Landlord seeks in good faith, honest intent, and without ulterior motive to recover possession for: a) the Landlord's own use and occupancy as the Landlord's principal residence for a period of at least thirty-six (36) consecutive months commencing within three (3) months of vacancy; or (b) the principal residence of the Landlord's spouse, domestic partner, parent(s), child or children, brother(s), or sister(s) (each an "authorized family member") for a period of at least thirty-six (36) consecutive months and commencing within three (3) months of vacancy, so long as the Rental Unit for the Landlord's authorized family member is located in the same building as the Landlord's principal residence and no other Rental Unit in the building is vacant. It shall be a rebuttable presumption that the Landlord has acted in bad faith if the Landlord or the Landlord's qualified relative, for whom the Tenant was evicted, does not move into the Rental Unit within three (3) months from the date of the Tenant's surrender of possession of the premises or occupy said unit as his/her principal residence for a period of at least thirty-six (36) consecutive months. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.
6. Order to Vacate. The Landlord seeks in good faith to recover possession of the Rental Unit in order to comply with a court or governmental agency's order to vacate, order to comply, order to abate, or any other City enforcement action or order that necessitates the vacating of the building in which the Rental Unit is located as a result of a violation of the Cudahy Municipal Code or any other provision of law, and provides a notice of the right to reoccupy. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.
7. Vacation of Unpermitted Rental Unit. The Landlord seeks in good faith to recover possession of an unpermitted Rental Unit in order to end the unpermitted use. The Landlord shall have provided relocation assistance as may be required by the Cudahy Municipal Code or applicable state law.
8. Criminal Activity.
 - a. The Tenant Household, after receiving a written notice to cure (which notice shall include the return provisions listed in subsection d, below) by removing the Violating Tenant (as defined below) from the household, and, where necessary, amending the lease to remove the Violating Tenant's name, fails to do so within a reasonable time, by one of the

following methods as further described in the regulations:

- i. Filing a restraining order or providing evidence to the Landlord of similar steps being taken to remove the Violating Tenant from the household.
 - ii. Removing the Violating Tenant from the household and providing written notice to the Landlord that the Violating Tenant has been removed.
- b. For purposes of this subsection 8, a "Violating Tenant" shall mean an adult Tenant that is indicted by a grand jury or held to answer pursuant to Penal Code Section 872, as amended, for a serious felony as defined by Penal Code Section 1192.7(c), as amended, or a violent felony as defined by Penal Code Section 667.5(c), as amended, which occurred during the tenancy and within 1,000 feet of the premises on which the Rental Unit is located.
 - c. The past criminal history of a Tenant shall not be a factor in determining whether the Tenant is a Violating Tenant.
 - d. If a Violating Tenant, as defined above, is acquitted from the charges or the charges are dismissed or reduced, he or she may return to the Rental Unit as a Tenant, so long as: 1) the Tenant Household still resides in the Rental Unit; and 2) the Tenant Household consents to the Violating Tenant's return.

B. Relocation Assistance and Deposits.

1. Nothing in this ordinance shall operate to relieve a Landlord to pay relocation assistance to Affected Tenants where required by applicable state law.
2. Refund of Security Deposit. A Landlord shall refund to the Tenant Household any security deposit paid by the Tenant Household, provided however, that the Landlord may withhold any properly itemized deductions from the security deposit pursuant to California Civil Code Section 1950.5, as amended.

SECTION 8. Affirmative Defense to Eviction; Penalties and Remedies.

- A. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Urgency Ordinance. Non-compliance with any applicable component of this Urgency Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure Section 1161, as amended. To assert this defense and to establish Affected Tenant status, a Tenant shall have first notified the Landlord in writing before rent is due, or within a reasonable period of time afterwards not to exceed thirty (30) calendar days, that the Tenant needs to delay all or some payment of rent attributable to an inability to pay the

full amount due to reasons related to the novel coronavirus (COVID-19) pandemic, including but not limited to the following:

1. The Tenant was unable to work because the Affected Tenant was sick with COVID-19 and hospitalized or otherwise required to stay at home and self-quarantine by written order of the Health Department, or the Affected Tenant was caring for a household or family member who was/is sick with COVID-19; or
 2. The Tenant experienced a lay-off, work furlough, reduction in work hours or income reduction resulting from the COVID-19 pandemic and/or related emergency responses of governmental entities, including orders and/or declarations of the Governor of the State of California and the Health Department; or
 3. The Tenant needed to miss work to care for a minor child whose school was closed in response to the COVID-19 pandemic and the Tenant was either ineligible to receive paid leave; unable to make use of accrued but unused paid vacation time or exhausted all such leave or vacation time before the minor's school was re-opened; or
 4. For commercial Tenants, the Tenant: (i) is commercial business entity or the principal owner or co-owner of a commercial business entity whose name appears on the lease for the Rental Unit occupied by the business entity; (ii) is not a corporation, limited liability company or limited partnership whose business headquarters are located outside of the City or who are otherwise incorporated outside of the State of California; and (iii) is a "Non-Essential Business" within the meaning of the Safer at Home Order for the Control of COVID-19 and was required to cease all commercial operations while said order was in effect. For purposes of this Urgency Ordinance the term "Safer at Home Order for the Control of COVID-19" means that certain order of the same name that was first issued by the Health Department on March 19, 2020 and later revised on March 21, 2020 and all subsequent revisions to the same as may later be issued by the Health Department.
- B. Along with the notification referenced under paragraph A of this section, above, the Affected Tenant must also include true and correct copies of verifiable documentation that reasonably corroborate any or all of the permitted reasons for the non-payment of rent under paragraph A of this section, above. The following documentation shall create a rebuttable presumption that the Affected Tenant has satisfied one or more of the permitted reasons for non-payment of rent set forth under paragraph A of this section, above, but are not necessarily the exclusive form of documentation corroborating such reasons:
1. A written notice or like documentation from the Affected Tenant's employer citing COVID-19 as a reason for reduced work hours, work furlough, or termination; or
 2. Employer paycheck stubs, payroll checks, bank statements, or medical bills or signed letters or statements from the Affected Tenant's employer or

supervisor explaining the Affected Tenant's changed financial circumstances; or

3. Notification from a school declaring a school closure related to COVID-19; or
4. For an Affected Tenant that is a commercial business, a copy of any governmental order identifying the Affected Tenant as a Non-Essential Business as defined by Health Department order; any notice from a governmental entity ordering the commercial business to close and/or cease operations and/or any governmental license or permit identifying the business' headquarters as being located within the City.

C. Obligation of Affected Tenant to pay unpaid rent. Nothing in this Urgency Ordinance shall relieve an Affected Tenant of liability for any unpaid rent following the expiration of the moratorium established under this Urgency Ordinance. The foregoing notwithstanding and except as otherwise agreed to in writing by the Affected Tenant and the Landlord, the Affected Tenant shall be given a period of one hundred and twenty (120) calendar days to pay all unpaid back-rent. During the 120-day period, the protections against eviction found in this Urgency Ordinance shall apply for such Affected Tenants and provided the Affected Tenant pays all rent due by this deadline.

D. Civil Remedies

1. Any Landlord that fail(s) to comply with this Urgency Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.
2. Whoever is found to have violated this Urgency Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.
3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Urgency Ordinance.
4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

SECTION 9. Repayment by Affected Tenant Following Expiration of Moratorium. Nothing in this Urgency Ordinance shall relieve a Residential Tenant of liability for any unpaid rent following the expiration of the moratorium established under this Urgency Ordinance. The foregoing notwithstanding and except as otherwise agreed to in writing by the Affected Tenant and the Landlord, the Affected Tenant shall be given a period of one hundred and twenty (120) calendar days to pay all rent sums that became due but were not paid by the Affected Tenant during the moratorium period established under the Urgency Ordinance or any extension thereto. During this 120-day period for

the repayment of unpaid back-rent, an Affected Tenant shall continue to be afforded the protections set forth under the Urgency Ordinance specific to the payment of rent sums that became due during the moratorium period, but which were unpaid. A Landlord shall not assess and the Affected Tenant shall not be liable for the payment of any late fees or penalties for the delay in payment of rent sums that became due but which were unpaid by the Affected Tenant during the period of the moratorium established under the Urgency Ordinance or any extension thereto.

SECTION 10. Environmental. This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

SECTION 11. Inconsistent Provisions. Any provision of the Cudahy Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 12. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 13. Construction. The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the Cudahy Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 14. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at the regular meeting of this ____ day of _____, 2020.

Elizabeth Alcantar
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF CUDAHY) SS:

I, Richard Iglesias, Assistant City Clerk of the City of Cudahy, hereby certify that the foregoing Urgency Ordinance No. 710 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the ___ day of _____, 2020 and that said Urgency Ordinance was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Richard Iglesias
Assistant City Clerk

EXHIBIT A

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-37-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while



this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
 - 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.



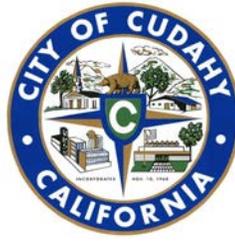
GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



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Item Number 12B

STAFF REPORT

Date: May 5, 2020
To: Honorable Mayor/Chair and City Council/Successor Agency Members
From: Santor Nishizaki, Acting City Manager
By: City Attorney's Office
Subject: **Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Utility Cutoffs for Both Residential and Commercial Tenants**

RECOMMENDATION

The City Council is recommended to adopt an Urgency Ordinance (Attachment A) enacting a temporary moratorium on utility cutoffs for both residential and commercial tenants due to nonpayment where the failure to pay results from income loss resulting from the novel Coronavirus (COVID-19).

BACKGROUND/JUSTIFICATION OF RECOMMENDED ACTION:

Since Coronavirus was first reported in China in December 2019, it has quickly spread throughout the world to over 120 countries. As of April 30, 2020, over 3,310,000 cases of the virus have been reported worldwide with over 234,000 deaths. After the United States, the countries with the greatest number of cases are Spain, Italy, and the United Kingdom. Coronavirus can take up to 14 days to show symptoms, is highly contagious (even before showing symptoms), and has no known vaccine. Extraordinary measures have been taken to contain the virus, including quarantining multiple provinces of China and the entire country of Italy. On March 11, 2020, the World Health Organization ("WHO") declared the virus outbreak a pandemic.

The first confirmed case of Coronavirus in the United States was made on January 21, 2020. Since then, there has been increased concern of the virus spreading across the Country. As of April 30, 2020, there have been a total of 1,095,304 confirmed cases of the virus with 63,871 deaths.

On March 4, 2020, shortly after the State's first death was reported, Governor Gavin Newsom declared a State of Emergency for the entire state. On March 13, 2020, President Trump declared a National State of Emergency in response to the continued spread of the disease. On March 16, 2020, Governor Newsom issued Executive Order N-28-20 requesting the California Public Utilities Commission (CPUC) monitor measures undertaken by public and private utility providers to implement customer service protection for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, a copy of which is attached as Exhibit A. On March 17, 2020 in response to Governor Newsom's Executive Order N-28-20, the CPUC issued a press release stating "energy, water, sewer, and communications companies under CPUC jurisdiction should half customer disconnections for non-payment as a result of the State of Emergency called by Gov. Gavin Newsom due to COVID-19, a copy of which is attached as Exhibit B.

The potential for the virus to rapidly spread has caused government officials and private businesses to respond at near unprecedented levels, resulting in the closure of schools, non-essential businesses, cancellation of all sporting events, all with the hopes to contain the virus. The actions taken to contain the virus have resulted in the unemployment of many residents of the City. Increasing unemployment rates results in residents being unable to pay their utility bills, thereby resulting in the cutoff of essential utilities. The City wishes to protect its residents from additional undue hardship during this difficult time.

FISCAL IMPACT

There is currently no fiscal impact on the City's budget.

RECOMMENDATION

Accordingly, it is recommended that the City Council approve the attached Resolution.

ATTACHMENTS

- A. Urgency Ordinance No. 711
- B. Exhibit "A"
- C. Exhibit "B"

URGENCY ORDINANCE NO. 711

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA ENACTING A TEMPORARY MORATORIUM ON UTILITY CUTOFFS FOR BOTH RESIDENTIAL AND COMMERCIAL TENANTS DUE TO NONPAYMENT WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which requested the California Public Utilities Commission to “monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19”; and

WHEREAS, on March 16, 2020, the County of Los Angeles Department of Public Health ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 17, 2020, in response to Executive Order N-28-20, the California Public Utilities Commission (CPUC) issued a press release stating “energy, water, sewer, and communications companies under CPUC jurisdiction should half customer disconnections for non-payment as a result of the State of Emergency called by Gov. Gavin Newsom due to COVID-19”; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Public Health issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020. On April 10, 2020 this order was extended until May 15, 2020; and

WHEREAS, as of April 30, 2020, the Los Angeles Department of Public Health has

identified 23,182 cases of COVID-19 in Los Angeles County, resulting in 1,111 deaths; and

WHEREAS, the COVID-19 pandemic has resulted in the closure of many businesses, which has led to hourly cutbacks and resulted in employee terminations; and

WHEREAS, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residents in the City of Cudahy (the "City") during the COVID-19 pandemic outbreak, and to serve the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes with all working utilities; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title. This Urgency Ordinance shall be known as the "COVID-19 Utility Cutoff Moratorium Ordinance."

SECTION 3. Urgency Findings. The purpose of this Urgency Ordinance is to promote stability during the COVID-19 pandemic. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the COVID-19 pandemic has the potential for destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City, whose employment and income have been affected by the COVID-19 pandemic, to be temporarily exempt from shutoff of utilities for non-payment and to reduce the risk that these events will lead to, such as anxiety and stress for the affected City residents and their communities, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on cutoff of utilities for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

SECTION 4. This Urgency Ordinance applies to Tract 180 Mutual Water Company, Tract 349 Mutual Water Company, and Central Basin Municipal Water District.

SECTION 5. Environmental. This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

SECTION 6. Inconsistent Provisions. Any provision of the Cudahy Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 8. Construction. The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the Cudahy Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 9. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Urgency Ordinance and the moratorium established hereunder shall remain in effect for a period of ninety (90) calendar days from the date of approval unless earlier terminated or extended by the City Council.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at the regular meeting of this ____ day of _____, 2020.

Elizabeth Alcantar
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF CUDAHY) SS:

I, Richard Iglesias, Assistant City Clerk of the City of Cudahy, hereby certify that the foregoing Urgency Ordinance No. 711 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the ___ day of _____, 2020 and that said Urgency Ordinance was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Richard Iglesias
Assistant City Clerk

EXHIBIT A

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
 - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
 - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT B



FOR IMMEDIATE RELEASE

PRESS RELEASE

Media Contact: Terrie Prosper, 415.703.1366, news@cpuc.ca.gov

CPUC ENSURES ESSENTIAL UTILITY SERVICES FOR CONSUMERS TO ASSIST IN COVID-19 MITIGATION

SAN FRANCISCO, March 17, 2020 – The California Public Utilities Commission’s (CPUC) Executive Director today determined that energy, water, sewer, and communications companies under CPUC jurisdiction should halt customer disconnections for non-payment as a result of the State of Emergency called by Gov. Gavin Newsom due to COVID-19.

“In these unsettling and unprecedented times, many people are concerned about the health and safety of themselves and their loved ones. They should not also have to worry about their essential utility services being shut off for non-payment because they are unable to report to work due to illness, quarantine, or social distancing,” said CPUC President Marybel Batjer. “The actions we are taking today will ensure that utility services remain available for California’s most vulnerable populations.”

The CPUC previously adopted utility customer protection measures that apply in cases where the declared emergency relates to the disruption or degradation of utility services in the case of manmade or natural disasters. Today’s action, which was provided to the utilities via letter, extends those protections to mitigate some of the disruptions to Californians’ daily lives related to COVID-19. The CPUC’s action is to ensure that utility services will remain reliable and assist in California’s COVID-19 response by allowing more people to safely self-quarantine or telework.

The customer protections described in the letter apply retroactively from March 4, 2020, when Gov. Newsom declared the State of Emergency in California.

Certain utilities and service providers have already announced voluntary moratoriums on service disconnections for non-payment, and today’s action ensures that they continue the moratoriums and



that any energy, water, sewer, and communications company under the CPUC's jurisdiction follows suit.

Further, on March 16, 2020, Gov. Newsom issued an Executive Order requesting that the CPUC monitor the measures undertaken by public and private utility providers to implement customer service protections in response to COVID-19. The CPUC expects utilities and service providers to report to the CPUC on all customer protection measures they implement in response to COVID-19 as soon as they are implemented so that the CPUC may publicly report on the measures at www.cpuc.ca.gov/covid.

The CPUC's Executive Director's letter to the utilities, which the CPUC's Commissioners will have an opportunity to ratify in the near future, is available at www.cpuc.ca.gov/covid.

The CPUC regulates services and utilities, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services. For more information on the CPUC, please visit www.cpuc.ca.gov.

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Item Number 12C

STAFF REPORT

Date: May 5, 2020
To: Honorable Mayor / Chair and City Council / Agency Members
From: Santor Nishizaki, Acting City Manager/Executive Director
By: Steven Dobrenen, Finance Director
Subject: **Adoption of a Proposed Resolution No. 20-10 Amending the City of Cudahy Fiscal Year (FY) 2019-2020 City Budget**

RECOMMENDATION

The City Council is requested to:

1. Receive and file the Fiscal Year (FY) 2019-2020 Mid-Year Budget review and related reports; and
2. Adopt Proposed Resolution No. 20-10 approving the requested amendments to the FY 2019-2020 City Budget as follows: increasing certain revenues in the General Fund by \$177,500, increasing certain General Fund expenditures by \$485,950 with the overall result being that the increase in expenditures exceeds revenues by \$308,450. The Gas Tax Special Fund expenditures are increasing by \$24,900 with no offsetting revenue increases.

The revenue increases are Pass through Property Taxes of \$190,000; Motor Vehicle in-Lieu of \$135,000; Building Permits of \$33,000; Planning Fees of \$115,000; Licenses & Permits of \$25,000; and Miscellaneous third party reimbursements of \$32,000. The decreases in revenues are On-Street Parking Fines of \$70,000; Swap meet permits of \$26,000, Fitness Center Memberships of \$6,100; Field Rentals of \$7,400; Licenses & Permits of \$218,000.

The increases in expenditures occurred in the City Manager Department of \$293,200; City Attorney Department of \$150,00; Finance Department of \$58,000; Community Development Department of \$135,200; and Parks and recreation Department of \$14,050. The decreases in expenditures occurred in the City Clerk Department of \$3,100 and Public Safety Department of \$161,400.

BACKGROUND

1. On June 18, 2019, the City Council passed Resolution 19-18 adopting the Fiscal Year 2019-2020 City Budget.
2. On August 6, 2019, the City Council passed Resolution 19-26 amending the City of Cudahy FY 2019-2020 City Budget increase General Fund appropriations by \$65,500.

ANALYSIS

The primary purpose of the FY 2019-2020 Mid-Year Budget review process is to provide the City Council with an opportunity to review and adjust the original revenue projections and budgeted appropriations based on six months of activity. The proposed budget adjustments are a result of changes in revenues projections based on revenues received between July 1, 2019 and December 31, 2019, as well as adjustments in expenditures due to better information that was not previously available at the time the City Budget was adopted. It is through staff's significant diligence to ensure responsible spending that allows for operating expenditures not to increase. Although some of our revenue estimates have not done as well as anticipated, namely development agreements, parking citations, parking permits, and swap meet permits revenues have met budget or are on track to exceed budgeted estimates, these are: Motor Vehicle In-Lieu; Sales Tax; building permits; and planning services. The City continues to monitor revenues monthly and to strictly control expenditures. Details of revenues and expenditures are provided below in seven sections.

1. FY 2019-2020 GENERAL FUND REVENUES

Staff completed a revenue analysis for the FY 2019-2020 General Fund revenues. Although some revenues are in line with our budget projections, there are other revenue estimates that require adjustments. The table below summarizes the City's significant General Fund revenues and provides an overview of the recommended changes based on Mid-Year Budget review by City staff.

Revenue Source	2019-2020 Budget	2019-2020 Revised Projection	Increase (Decrease)	Percent Change
Taxes	\$ 3,182,320	\$ 3,497,320	\$ 190,000	6%
Franchise Fees	\$ 300,000	\$ 300,000	\$ -	0%
Intergovernmental Revenues	\$ 3,033,886	\$ 3,168,886	\$ 135,000	4%
Fines & Forfeitures	\$ 145,000	\$ 75,000	\$ (70,000)	-48%
Building & Safety	\$ 235,000	\$ 268,000	\$ 33,000	14%
Use of Money / Property	\$ 154,500	\$ 154,500	\$ -	0%
Charges for Services - Planning/Engineering	\$ 71,000	\$ 186,000	\$ 115,000	162%
Charges for Services - Miscellaneous	\$ 128,500	\$ 89,000	\$ (39,500)	-31%
Licenses & Permits	\$ 1,882,250	\$ 1,669,250	\$ (193,000)	-10%
Other	\$ 172,500	\$ 179,000	\$ 7,000	4%
	<u>\$ 9,304,456</u>	<u>\$ 9,606,956</u>	<u>\$ 177,500</u>	2%

The total General Fund revenue adjustment is an increase of \$530,000 and a decrease of \$352,500 for a net increase of \$177,500 in overall budgeted revenue. The following are the details of these revenue changes.

- A. **Taxes:** In October of 2018, Successor Agency Bond issues 1999, 2003A, 2003C, 2011A, and 2011B were refunded/defeased. The savings in debt service resulted in additional property tax revenues being passed through to the City in the amount of \$190,000. Based upon the preceding item, a budget increase of \$190,000 is recommended at this time.
- B. **Intergovernmental Revenues:** Motor Vehicle In-Lieu fee (VLF) was established in 1935 as a uniform statewide tax, the VLF is a tax on the ownership of a registered vehicle in place of taxing vehicles as personal property. By law, all revenues from the VLF fund city and county services, but the state legislature controls the tax rate and the allocation among local government. In the 2004 budget agreement, the Legislature permanently reduced the VLF tax rate and eliminated State General Fund backfill to cities and counties. Instead, cities and counties now receive additional transfers of property tax revenues as VLF. The budgeted VLF for FY 2018-19 is \$2,616,000. Based on the first allocation received in January 2020, a budget increase of \$135,000 is recommended at this time.
- C. **Fines & Forfeitures:** Court Fines are revenues collected from citations written from both the Los Angeles County Sheriffs and authorized City staff. The timing for the payment of those citations is dependent upon the recipients acknowledging the citation and making payment. People often choose to wait until they renew their driver’s license or vehicle registration before they realize they are required to get up-to-date with outstanding citations. The City does not have the internal staffing resources to process citations and appeals and instead uses a vendor to perform those functions. The revenues that have

been collected through on-line payments and the State's intervention program have been significantly less than anticipated. A budget decrease of \$70,000 is recommended at this time.

- D. Building & Safety:** Since the adoption of the General Plan, there has been an increase in developers seeking to have projects in the City of Cudahy. Accordingly, the revenues for building and planning services have increased. It is expected the revenues, and associated costs will increase by \$33,000 for FY 2019-2020. Based upon the estimated increase in activity, a budget increase of \$33,000 is recommended at this time.
- E. Charges for services – Planning:** Since the adoption of the General Plan, there has been an increase in developers seeking to have projects in the City of Cudahy. Accordingly, the revenues for building and planning services have increased. It is expected that the revenues, and associated costs, will increase by \$115,000 for FY 2019-2020. Based upon the estimated increase in activity, a budget increase of \$115,000 is recommended at this time.
- F. Charges for services – Miscellaneous:** Revenues are collected for permits for vendors to participate in the weekly swap meet, membership at the City's fitness center and adult recreation classes. There has been a decline of vendor participation at the swap meet and accordingly a decrease of \$26,000 is being made to adjust revenue projections for the balance of the fiscal year. Fitness Membership will not reach the anticipated budgeted amount. The average daily usage of the gym is 12 individuals. On average there are only three individuals using the gym each morning. Accordingly, a decrease of \$6,100 reflects the low usage of the enrollment of Fitness Memberships. The City Council gave authority for the Fitness Center to be opened until June 30, 2020. The field at Cudahy Park is closed from January 27, 2020 through April 18, 2020 to rehabilitate the grass that has stopped growing in some areas. As a result of not being able to rent the field a loss of field reservation revenue of \$7,400 is anticipated. At the time a decrease of \$39,500 is recommended for this category.
- G. Licenses & Permits:** The Fiscal Year (FY) 2019-2020 City Budget estimated that the monthly [non] Operating Fees from Development Agreements would be \$720,000. In-lieu of paying the \$66,667 Community Benefit Program fee, developers were allowed to make payments based upon an approved payment plan. The revenue estimates are being reduced as the operations will not begin as soon as had been anticipated. City staff has met and is meeting with the developers to discuss the status of them getting current with these outstanding payments that are due. A budget decrease of \$218,000 is recommended at this time. During the year there were certain delinquent business licenses, that were or will be brought current. It is estimated that there will be an increase of Rental Property Management of \$25,000. At this time, an overall decrease in revenue in this category will be \$193,000.
- H. Other:** Revenues not falling into other categories are grouped into the other category. Included in the other category is Overnight Parking which it is anticipated there will be a

reduction of permit revenues of \$25,000 as there is not a presence in the field of enforcing the parking restrictions. It is anticipated that there will be approximately \$32,000 for costs incurred by the City that were reimbursed by third parties. An overall increase in revenue in this category will be \$7,000.

2. FY 2018-19 GENERAL FUND EXPENDITURES

The adoption of the FY 2019-2020 City Budget estimated a total General Fund operating expenditure of \$9,360,456. The table below summarizes staff's recommendation for adjustments to the department's operating expenditures.

<u>Department</u>	<u>2019-2020 Amended Budget</u>	<u>2019-2020 Revised Projection</u>	<u>Increase (Decrease)</u>	<u>Percent Change</u>
City Council	\$ 284,307	\$ 284,307	\$ -	0.00%
City Manager(Personnel)	\$ 957,110	\$ 1,256,310	\$ 293,200	30.6%
City Attorney	\$ 185,000	\$ 335,000	\$ 150,000	81.1%
City Clerk	\$ 183,780	\$ 180,680	\$ (3,100)	-1.7%
Finance	\$ 527,693	\$ 573,693	\$ 58,000	11.0%
Community Development	\$ 699,484	\$ 834,694	\$ 135,200	19.3%
Parks and Recreation	\$ 727,155	\$ 747,205	\$ 14,050	1.9%
Public Safety	\$4,490,248	\$ 4,328,846	\$ (161,400)	-3.6%
Facility Operations	<u>\$1,305,679</u>	<u>\$ 1,305,679</u>	<u>\$ -</u>	0.0%
	<u>\$9,360,456</u>	<u>\$ 9,846,406</u>	<u>\$ 485,950</u>	5.2%

The net increases in costs were off-set by a reduction/savings in existing budgeted items and the reallocation of existing budgeted items. The total General Fund change in estimated expenditures to the budget is \$485,950. That change in estimated expenditures will be offset by a change in estimated revenues of \$302,500 for a net increase of \$149,450. Additional details for the increases or (decreases) can be found in Attachment A.

Resolution No. 19-26 adopting the FY 2019-2020 City-Wide Budget allows the City Manager to amend the City budget so long as the total fund appropriations are not increased.

- The City Attorney's Office provides monthly services and special projects services to the City including services for the exploration of future revenues to the City. The City Council set the budget of the City Attorney at \$185,000. Given the items that have been requested of the City Attorney's office relating to closed session items and special matters such as Rent Control, as well as various Ordinances in the amount of \$150,000 (\$120,000 for closed section items and \$30,000 for special matters) is being requested at this time.
- The City Manager Department had an increase of \$293,200. Of the increase, the Personnel Department had a net additional payment of \$99,000 for Educational Reimbursements (\$40,000), Medical Reimbursements (\$34,000), and Executive Search Fees for a new City Manager (\$25,000), resulting from the previous City Manager being

put on administrative leave in November 2019. The City Council agreed to pay the City Manager's salary and retirement benefits through February 2020. As part of the contract, there was a settlement payment (\$130,000) as well as authorization for the City Manager to buy back any unused vacation and sick time (\$20,000) Simultaneously, the City Council approved a contract for an Acting City Manager. The cost of the Acting City Manager time that overlapped the time the City Manager was on administrative leave (\$35,600) are included as an increase to the City Manager department Costs. The final item to be increased relates to overtime in the City Manager department for non-exempt employee of \$1,000.

- The City Clerk Office will realize a reduction/savings of \$6,300. There will be \$6,300 in budget transferred from the City Clerk's department to the Purchasing Department to reflect time spent in purchasing activities.
- Once a year, employees who earn and maintain vacation and sick time beyond a minimum threshold of 50 hours, are allowed to sell back excess hours. During FY 2019-2020, \$21,450 in vacation and sick hours were purchased from various eligible employees. \$13,150 was the General Fund and \$7,600 the Gas Tax Fund. Of the \$13,150 charged to the General Fund, \$7,600 is attributed to the City Manager Department, \$1,600 to City Clerk Department, \$1,300 to Community Preservation Department and \$2,650 to the Recreation Department.
- The Finance Department will have additional expenditures relating to time spent on purchasing activities in the amount of \$6,300 due to the Assistant City Clerk still filling in on a limited basis the duties relating to the purchasing function. There will also be an additional expenditure of \$44,000 for costs associated with negotiating a new Refuse contract. The City Council's strategic plan included adding an administrative assistant position to focus on Request for Proposals of City Services. This amount for the balance of the year would be \$6,000. Additionally, a new Memorandum of Understanding was entered into with the Association and the increased cost for the year is \$1,700. The total increase in the expenditures in the Finance Department is \$58,000.
- The Recreation Department has incurred increased costs of \$14,050 associated with Vacation Buyback (\$2,650), MOU (\$2,100), and actual and estimated overtime cost (\$9,000).
- The Community Development Department has incurred increased costs in FY 2019-20 as a result of the newly adopted General Plan. Plan checking revenues and development review revenues have been included as part of the estimated increase in revenues. The costs associated with those services as well as other service increases as a result of the adoption of the General Plan are estimated to be \$120,000.
- Public Safety costs in the Municipal Enforcement Department will be reduced by \$161,400. There is a release of budgeted funds relating to the Sheriff contract of \$220,800

for amounts budgeted for services. The addition of a dedicated Community Services Deputy was possible but other increased services lacked the funds needed to accept the Sheriff's proposal of services. A budgeted hourly position in Municipal Enforcement was not filled and accordingly, the Community Preservation Officer was needed to backfill the duties of parking enforcement at a higher cost. An additional \$18,000 is needed to cover the cost associated with those duties. An additional \$7,400 is needed to cover the costs of vacation buyback, MOU increase, and overtime.

3. FUND BALANCE ANALYSIS

The audited Fund Balance on June 30, 2019 was \$1,537,000. Based upon the current revenues of \$2,749,332 and expenditures of \$3,555,716 through December 31, 2019, the projected Unaudited Fund Balance on December 31, 2019 was \$730,616 as shown on Attachment B.

Per Resolution No. 16-33 adopted on October 24, 2016, the City commits to maintaining the reserves of General Fund annual operating expenditures at an amount of no less than \$900,000. It is estimated that on December 31, 2019, the Fund Balance was \$169,384 below the reserve requirement of Resolution 16-33. It is projected that the ending fund balance will be above the \$900,000 requirement as shown on Attachment B.

4. REVENUE SUMMARY REPORT

Provided Attachment C is a summary of actual revenues for the period of July 1, 2019 to December 31, 2019. By the end of the second quarter the percentage of revenue received is generally 50% except for those types of revenues that are received annually such as business licenses, animal licenses, parking permits and franchise fees. Further, the major revenues, such as sales tax and VLF, are not received equally over a 12 month period, thus providing a skewed percentage of actual receipts collected by the City to date. In January 2020, the City received VLF revenue of \$1,412,420 from the County of Los Angeles.

5. EXPENDITURES SUMMARY REPORT

Provided Attachment D is a summary of actual expenditures for the period of July 1, 2019 to December 31, 2019. By the end of the second quarter, the percentage expended was generally at 50%. As is the City's policy, expenditures are kept to a minimum and, the programs that are contracted with Los Angeles County such as the Los Angeles County Sheriff's Department are generally a month or two behind due to the County's timing in invoicing the City.

6. PROJECTS FUNDED WITH SPECIAL REVENUE FUNDS

At this time, the City needs to make budget adjustments of \$24,900 to the Special Revenue funds for costs associated with vacation buyback (\$8,300) and overtime (\$16,600) for employees who are charged to the Gas tax Fund.

CONCLUSION

Continuing in FY 2019-2020, the City has undertaken the implementation of a Virtual City Hall project which promises to transform the City into a more streamlined community for residents/business and an attractive place for investors and new businesses.

Until such time as the City identifies recurring revenue streams the City is implementing best practices of Mid-Year Budget adjustments, leveraging resources and realistically estimating a spending plan for the remainder of the fiscal year.

The City is being fiscally prudent by minimizing the use of General Fund fund balance as part of mid-year review by reallocating resources or delaying projects. The estimated fund balance on December 31, 2019 was \$730,616 and based upon the realization of budgeted revenues and expenditures the estimated General Fund fund balance will be \$1,206,550 on June 30, 2020.

FINANCIAL IMPACT

The proposed resolution would increase certain revenues by \$530,000 and decrease other revenues by \$352,500 in the General Fund for a net increase of \$177,500. There will be an increase of \$485,950 in General Fund expenditures. In the Gas Tax Special Revenue fund there will be an increase of expenditures of \$24,900.

ATTACHMENTS

- A. FY 2019-2020 Mid-Year City General Fund City Manager Adjustments
- B. FY 2019-2020 Fund Balance Analysis
- C. Revenue Summary Report – Quarter Ending December 31, 2019
- D. Expenditures Summary Report – Quarter Ended December 31, 2019
- E. Proposed Resolution No. 20-10, to Amend the FY 2019-2020 Budget

City of Cudahy
 FY 2019-2020 Mid-Year General Fund City Manager Adjustments

	Amended Budget	Change in Estimates	Revised Budget
Fund: 001 - General Fund			
Dept: 4001 City Council	284,007	-	284,007
Dept: 4011 City Manager	222,112	194,200	416,312 Acting CM / CM & Settlement
Dept: 4005 City Attorney	185,000	150,000	335,000 Closed Session and Special Projects
Dept: 4008 City Clerk	184,080	(3,100)	180,980 Vacation Buyback / OT / Costs transfer to purchasing
Dept: 4015 Personnel	734,998	99,000	833,998 Search for CM / Educational Reimbursement / Medical Reimbursement
Dept: 4151 Finance Administration	272,724	44,000	316,724 Negotiation of Refuse Contract - R3
Dept: 4155 Finance	178,285	400	178,685 MOU Increase
Dept: 4018 Purchasing	23,828	12,300	36,128 RFP Admn Asst and Salaries from City Clerk department transferred to Purchasing budget
Dept: 4160 Business License	52,854	1,300	54,154 MOU Increase
Dept: 4350 Recreation	481,439	13,750	495,189 MOU Increase / Vacation Buyback / Overtime
Dept: 4410 Parks Maintenance	194,466	300	194,766 Overtime
Dept: 4210 Community Development Dept.	12,000	-	12,000
Dept: 4215 Planning	333,350	125,000	458,350 New Build Reg plus offset of increase in \$70k plan check revenue
Dept: 4212 Building Regulation	76,000	-	76,000
Dept: 4501 Police Services	4,291,676	(220,800)	4,070,876 Release of Budgeted Amounts
Dept: 4520 Crossing Guards	49,000	-	49,000
Dept: 4510 Animal Regulation	70,000	34,000	104,000 Increased cost and number of animals housed
Dept: 4230 Code Enforcement	28,769	39,400	68,169 MOU Increase / Vacation Buyback / Overtime / Addl Muni Duties
Dept: 4530 Municipal Enforcement	50,803	(14,000)	36,803 Transfer funds to Code Preservation
Dept: 4216 Engineering	278,134	10,200	288,334 MOU Increase / Vacation Buyback
Dept: 4430 Street Lighting	51,250	-	51,250
Dept: 4020 City Hall Operations	1,305,681	-	1,305,681
Total	\$ 9,360,456	\$ 485,950	\$ 9,846,406

City of Cudahy
 FY 2019-2020 Fund Balance Analysis

	FY 2019-20 <u>Adopted Budget</u>	Budget Amendments and <u>Adjustments</u>	FY 2019-20 <u>Mid-Year Budget Review</u>	FY 2019-20 December 2019
Total Fund Balance July 1, 2019	<u>1,385,000</u>	<u>152,000</u>	<u>1,537,000</u>	<u>1,537,000</u>
Revenues	9,304,456	177,500	9,481,956	2,749,332
Estimated Expenditures	<u>(9,360,456)</u>	<u>(451,950)</u>	<u>(9,812,406)</u>	<u>(3,555,716)</u>
Surplus/Deficit	<u>(56,000)</u>	<u>(274,450)</u>	<u>(330,450)</u>	<u>(806,384)</u>
Estimated Fund Balance June 30, 2020	<u>\$ 1,329,000</u>	<u>(122,450)</u>	<u>1,206,550</u>	<u>730,616</u>
Estimated Fund Balance December 31, 2019				<u>730,616</u>

City of Cudahy
 Revenue Summary Report
 Quarter Ended - December 31, 2019

	2018-19 Budget	2018-19 Year to Date Jul - Dec	Percent Received	2019-2020 Budget	2019-2020 Year to Date Jul - Dec	Percent Received
Taxes	\$ 2,543,520	827,544	33%	3,182,320	900,722	28%
Franchise Fees	300,000	76,957	26%	300,000	55,452	18%
Intergovernmental Revenues	2,959,750	344,718	12%	3,033,886	343,942	11%
Fines & Forfeitures	175,000	38,588	22%	145,000	35,395	24%
Building & Safety	205,000	126,259	62%	235,000	340,237	145%
Use of Money / Property	869,500	81,251	9%	154,500	103,923	67%
Charges for Services - Planning/Engineering	71,000	71,852	101%	71,000	175,137	247%
Charges for Services - Miscellaneous	122,500	67,660	55%	128,500	58,258	45%
Licenses & Permits	1,617,002	471,415	29%	1,882,250	666,115	35%
Other	172,000	109,208	63%	172,000	70,150	41%
Total General Fund Revenue	\$ 9,035,272	2,215,453	25%	9,304,456	2,749,332	30%

City of Cudahy
Expenditure Summary Report
Quarter Ending - December 31, 2019

	2018-19 Budget	2018-19 Year to Date Jul - Dec	2019-20 Amended Budget	2019-20 Year to Date Jul - Dec	Expended % of Budget
City Council					
Dept: 4001 City Council	253,402	86,123	284,007	115,673	41%
City Manager					
Dept: 4011 City Manager	\$ 107,082	65,091	222,112	114,008	51%
Dept: 4015 Personnel	\$ 793,891	221,219	734,998	231,191	31%
	<u>900,973</u>	<u>286,311</u>	<u>957,110</u>	<u>345,200</u>	36%
City Attorney					
Dept: 4005 City Attorney	\$ 185,000	160,345	185,000	103,705	56%
Dept: 4800 Litigation	\$ -	-	-	-	
	<u>185,000</u>	<u>160,345</u>	<u>185,000</u>	<u>103,705</u>	56%
City Clerk					
Dept: 4008 City Clerk	214,553	60,200	184,080	88,175	48%
Finance					
Dept: 4151 Finance Administration	\$ 202,941	53,686	272,724	84,038	31%
Dept: 4155 Finance	\$ 143,080	57,275	178,285	63,819	36%
Dept: 4018 Purchasing	\$ -	7,188	23,828	8,433	
Dept: 4160 Business License	\$ 48,893	11,056	52,854	37,094	70%
	<u>394,914</u>	<u>129,204</u>	<u>527,691</u>	<u>193,384</u>	37%
Community Development					
Dept: 4210 Community Development Dept.	\$ 12,000	10,913	12,000	5,876	49%
Dept: 4620 Housing Rehab SFD	\$ -	-	-	-	
Dept: 4215 Planning	\$ 333,350	201,021	333,350	150,774	45%
Dept: 4212 Building Regulation	\$ 76,000	1,901	76,000	37,222	49%
Dept: 4230 Code Enforcement	\$ 37,088	26,081	28,769	32,914	114%
Dept: 4216 Engineering	\$ 242,789	149,420	278,134	58,275	21%
	<u>701,227</u>	<u>389,336</u>	<u>728,253</u>	<u>285,061</u>	39%
Parks and Recreation					
Dept: 4350 Recreation	\$ 486,152	195,918	481,439	263,687	55%
Dept: 4410 Parks Maintenance	151,460	54,027	194,466	67,532	35%
	<u>637,612</u>	<u>249,945</u>	<u>675,905</u>	<u>331,218</u>	43%
Public Works					
Dept: 4430 Street Lighting	-	-	51,250	-	0%
Public Safety					
Dept: 4501 Police Services	4,067,180	899,724	4,291,676	1,345,340	31%
Dept: 4520 Crossing Guards	\$ 19,000	7,423	49,000	15,066	
Dept: 4510 Animal Regulation	\$ 60,000	31,329	70,000	34,692	50%
Dept: 4530 Municipal Enforcement	\$ 124,921	9,389	50,803	11,326	22%
	<u>4,271,101</u>	<u>947,865</u>	<u>4,461,479</u>	<u>1,406,424</u>	32%
Facility Operations					
Dept: 4020 City Hall Operations	1,367,003	553,408	1,305,681	686,835	53%
Dept: 4800 Litigation	-	-	-	-	
	<u>1,367,003</u>	<u>553,408</u>	<u>1,305,681</u>	<u>686,835</u>	53%
Total General Fund	<u>\$ 8,925,785</u>	<u>2,862,737</u>	<u>9,360,456</u>	<u>3,555,675</u>	38%

RESOLUTION NO. 20-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CUDAHY, CALIFORNIA, AMENDING THE APPROVED FISCAL
YEAR 2019-2020 CITY OF CUDAHY BUDGET**

WHEREAS, the City of Cudahy ("City") wishes to amend the Approved Fiscal Year 2019-2020 City of Cudahy Budget (hereinafter, the "Budget"); and

WHEREAS, the City Council of the City of Cudahy ("City") passed Resolution 18-30 adopting the Fiscal Year 2019-2020 budget.

WHEREAS, Under Section 3 of Resolution 19-18 the City Manager does not have the authority to amend the Approved Fiscal Year 2019-2020 City Budget administratively when the total appropriations result in an increase and accordingly, City Council approval is necessary.

WHEREAS, the amount of the amendment increases the total appropriations of the General and Special Revenue Funds.

WHEREAS, the amount of the amendment would increase and decrease certain estimated revenues of the General Fund and not change any of the revenues of the Special Revenue Funds.

**BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF
CUDAHY, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS
FOLLOWS:**

SECTION 1. The authorized budget for the General Fund of the City are hereby amended as follows:

GENERAL FUND

REVENUE Increase

Taxes	\$ 190,000
Intergovernmental	\$ 135,000
Building and Safety	\$ 33,000
Charges for Services – Planning and Engineering	\$ 115,000
Other	\$ 7,000

REVENUE Decrease

Fines & Forfeitures	\$ 70,000
Charges for Services – Miscellaneous	\$ 39,500
Licenses & Permits	\$ 193,000

EXPENDITURE Increase

\$ 485,950

SPECIAL REVENUE FUND

EXPENDITURE Increase

\$ 24,900

SECTION 2. The expenditures comprising the increase/decrease identified in Section 1 above are described in the Expenses table, attached hereto as Exhibit A.

SECTION 3. The City Council hereby directs the inclusion of Exhibit A in the Fiscal Year 2019-2020 comprehensive budget (the "Approved Fiscal Year 2019*2020 City Budget"). The Approved Fiscal Year 2019-2020 City Budget is an official record of the City and a true and correct copy of the same shall be posted on the City's Internet website with a hard copy maintained by the City Clerk.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Cudahy at its regular meeting on this 5TH day of May 2020.

Elizabeth Alcantar
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CUDAHY)

I, Richard Iglesias, Assistant City Clerk of the City of Cudahy, do hereby certify that the above and foregoing Resolution No.20-10, signed by the Mayor and attested by the Assistant City Clerk at a meeting of said City Council of the City of Cudahy held on this 5th day of May 2020, and that said Resolution was adopted by the following votes to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Iglesias
Assistant City Clerk

FY 2019-2020 Brekdown of General Fund Departments and Projects Funded from Special Revenue Funds

	<u>Totals</u>
<u>General Fund</u>	\$ 485,950
	Increase <u>(Decrease)</u>
City Manager (including Personnel)	\$ 293,200
City Attorney	\$ 150,000
City Clerk	\$ (3,100)
Finance	\$ 58,000
Community Development	\$ 135,200
Parks and Recreation	\$ 14,050
Public Safety	\$ (161,400)
<u>Gas Tax</u>	\$24,900
Vacation Buyback and Overtime	

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Item Number 12D

STAFF REPORT

Date: May 5, 2020
To: Honorable Mayor/Chair and City Council/Agency Members
From: Santor Nishizaki, Acting City Manager/Executive Director
Subject: **Amendment No. 2 to Agreement for Solid Waste and Recyclable Materials Collection Services between the City of Cudahy and Consolidated Disposal Service, LLC. (the "Second Amendment")**

RECOMMENDATION

The City Council is requested to approve the Second Amendment for execution between the City of Cudahy (City) and Consolidated Disposal Services (Republic Services).

BACKGROUND

The City is Not in Compliance with Residential and Commercial Recycling Requirements

CalRecycle periodically reviews a jurisdiction's residential and commercial recycling programs to determine if they meet current regulatory requirements. CalRecycle has found that the City does not have a residential green waste (yard waste) program in place, which the City had agreed to implement. CalRecycle has also found that the City's required mandatory commercial recycling program (MCR) and mandatory commercial organics recycling program (MORe) do not meet the regulatory requirements.

On December 17, 2019, CalRecycle approved the referral of the City by the Local Assistance and Market Development (LAMM) branch to the Jurisdiction Compliance Unit (JCU) for an independent evaluation of the City's implementation of the Mandatory Commercial Recycling law and the Mandatory Commercial Organics Recycling law. On February 20, 2020, the JCU issued its Notice of 60-Day Conferring Period for Potential Compliance Enforcement for Mandatory Commercial Recycling and Mandatory Commercial Organics Law Implementation. During the 60-day conferring period JCU will conduct a complete evaluation to assess whether

the City has complied with the requirement of the MCR and MORE laws. Should CalRecycle find that the City's MCR and MORE programs do not comply with the law, it shall begin the process of considering whether a compliance order should be issued. Jurisdictions that fail to satisfy the conditions of a compliance order could be subject to fines of up to \$10,000 per day.

Republic Services' Proposal for CalRecycle Mandatory Programs

To address the gaps in its commercial MCR and MORE programs, and implement a residential yard waste collection program, the City requested a proposal from Republic Services. On February 7, 2020 Republic Services issued a Proposal for CalRecycle Mandatory Programs to the City that provided the following required programs/services:

- AB 1826 Mandatory Commercial Organics Recycling (MORE) program;
- AB 341: Mandatory Commercial Recycling program; and
- Residential Green Waste Recycling Service.

Republic Services' proposal also included proposed rate adjustments to provide each of the required programs.

ANALYSIS

The City's solid waste management consultant, R3 Consulting Group (R3), reviewed Republic Services' supporting documentation for its requested rate adjustments associated with the proposed programs. As a result of R3's review, Republic Services made a number of revisions to its proposed rate adjustments. R3 reported the following based on its review:

- The supporting documentation provided by Republic Services was complete and well organized;
- Republic Services provided a detailed accounting of all associated expenses for each of the programs; and
- The rate adjustments for each of the individual programs fully support the associated projected costs without any revenue surpluses or subsidies among the programs.

CONCLUSION

Approving the Second Amendment will provide the programs and services that CalRecycle is requiring the City to implement, bring the City into regulatory compliance, and remove the

potential for the City to be fined for failure to achieve regulatory compliance.

FINANCIAL IMPACT

Single family residential rates will be increased \$6.01 per month. Commercial and multi-family rates will be increased by 8.15%.

***Note:** Rates will need to be further increased by the CPI based annual rate adjustment that is due to Republic Services effective July 1, 2020.*

ATTACHMENTS

A. Second Amendment

**AMENDMENT NO. 2 TO
AGREEMENT FOR SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION
SERVICES BY AND BETWEEN THE CITY OF CUDAHY, A MUNICIPAL CORPORATION,
AND CONSOLIDATED DISPOSAL SERVICE, L.L.C., A DELAWARE LIMITED LIABILITY
COMPANY**

This Amendment No. 2 (“Second Amendment”) to Agreement for Solid Waste and Recyclable Materials Collection Services is made and entered into by and between the CITY OF CUDAHY, a municipal corporation organized and existing under the laws of the State of California (“City”) and CONSOLIDATED DISPOSAL SERVICE L.L.C., a Delaware limited liability company (“Collector”), collectively “the Parties”, as follows:

RECITALS

This Second Amendment is entered into on the basis of the following facts and understandings of the Parties hereto:

WHEREAS, the City and Collector entered into an Agreement Between the City of Cudahy and Consolidated Disposal Service For Solid Waste and Recyclable Materials Collection Services ("Agreement") commencing January 1, 1999, which was amended April 16, 2012 (Amendment No. 1); and

WHEREAS, Assembly Bill (AB) 341 (mandatory commercial recycling), and AB 1826 (mandatory commercial organics recycling), which came into effect after the City and Collector entered into the Agreement and after Amendment No. 1, require specific commercial recycling and organic collection services that are not addressed in the Agreement or Amendment No. 1; and

WHEREAS, It is the City’s expectation that the Collector will continue to provide all current services and will additionally provide required AB 341 and AB 1826 recycling and organic waste collection services so that the City is in compliance with the collection requirements of AB 341 and AB 1826; and

WHEREAS, the Collector has provided the City with a Revised Proposal for Curbside Green Waste Program, AB 341 Commercial Recycling Program and AB 1826 Organics Recycling Program dated February 07, 2020.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Collector do hereby agree as follows:

RECITALS. The foregoing Recitals are true and correct and are a material element of this Second Amendment and are hereby incorporated by reference.

1.0 Amendment to Article II (Definitions). The following definitions are added to Article II – Definitions:

2.1.20 “Solid Waste” will mean all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from, residential premises or commercial/ industrial premises, including, but not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, Construction and Demolition Wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, as defined in Public Resources Code Section 49503, excluding liquid wastes and abandoned vehicles; provided, however, that “solid waste” will not include hazardous waste.

2.1.21 “Recyclable Materials” will include empty, clean, and dry materials such as non-laminated office paper, newspaper, envelopes, junk mail, phone books, brochures, magazines, catalogs, cardboard, file folders, poster board, shipping boxes, non-waxed frozen food boxes cardboard boxes, milk cartons, plastic water bottles, , soda bottles, and detergent/shampoo containers, aluminum beverage cans, food cans, steel food containers, glass bottles (clear, green and brown), and glass jars. Recyclable materials do not include plastic bags, film or wrap, aerosol cans, aluminum foil, batteries, food waste, food-soiled pizza boxes, electronic waste, mirrors or ceramics, paint, pesticides, medication, Styrofoam, tissue, paper towels and napkins, syringes and needles, fluorescent light bulbs, computer and electronics, hazardous waste, and paint.

2.1.22 “Green Waste” or “Yard Waste” will mean leaves, grass clippings, brush, branches, and other forms of organic materials generated from landscapes or gardens, separated from Solid Waste.

2.1.23 “Food Waste” means: (i) kitchen and table food scraps; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) discarded paper that is contaminated with such waste; and (iv) fruit waste, grain waste, dairy waste, meat, and fish waste that has been source separated from other Solid Waste.

2.1.23 “Organic Waste” means food waste, green waste, landscape and pruning waste, nonhazardous and untreated wood waste, and food-soiled paper waste that is mixed in with food waste as set forth in Public Resources Code Section 42649.8(c).

2.1.26 “Construction and Demolition Waste” includes without limitation Solid Waste, such as building materials; and packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures.

2.0 Amendment to Section 3.6 Collection From Residential Premises.

The following subsections are added to Section 3.6 – Collection from Residential Premises:

3.6.6 Yard Waste Collection Services. Collector will provide all Residential Premises with a 96-gallon green container for weekly collection of Yard Waste, which will be collected on Wednesday, or other day or days as agreed to in writing between the City and Collector. Additional carts or containers will be available at an additional cost.

3.0 Amendment to Section 3.7 Collection From Multi-Unit Residential Buildings. Section 3.7 Collection From Multi-Unit Residential Buildings is eliminated in its entirety and replaced with the following:

3.7 Collection From Multi-Unit Residential Buildings.

3.7.1 Solid Waste Collection Services. Collector will provide no less than weekly collection of Solid Waste from all Multi-Unit Residential Buildings. Collector shall make arrangements with each Multi-Unit Residential Building concerning the size of solid waste container(s) and frequency of collection.

3.7.2 Yard Waste Collection Services. Collector will provide all Multi-Unit Residential Buildings that have been identified by the Collector as generating Yard Waste one (1) 96 gallon Yard Waste cart to be serviced one time per week on Wednesday, or other day as agreed to in writing between the City and Collector. Additional Yard Waste carts will be provided upon request at the rates set forth in **Exhibit A**.

3.7.3 Recyclable Material Collection Services. Collector will provide all Multi-Unit Residential Buildings with one (1) 96-gallon cart for the collection of Recycled Materials to be serviced

one time per week on Wednesday, or other day as agreed to in writing between the City and Collector. Additional carts or containers will be available at an additional cost.

3.7.4 Clean up of Waste Enclosures or Overflowing Bins

Collector shall exercise all reasonable care and diligence in collecting Solid Waste and Recyclable Materials, and clean out all overflowing enclosures and/or bins at the rates set forth in **Exhibit A**. If the situation dictates and with notification to the City, Collector may increase the service level and charge the customer per the applicable rates.

4.0 Amendment to Section 3.8 Collection From Commercial / Industrial Premises.

Section 3.8 Collection From Commercial / Industrial Premises is eliminated in its entirety and replaced with the following:

3.8 Collection From Commercial/Industrial Premises.

3.8.1 Solid Waste Collection Services. Collector will provide no less than weekly collection of Solid Waste from all Commercial/Industrial Premises. Collector shall make arrangements with each Commercial/Industrial customer concerning the size of solid waste container(s) and frequency of collection.

3.8.2 Organic Waste Collection Services. Collector will provide Organic Waste collection service to those Commercial/Industrial premises which are required by state law AB 1826 to receive Organic Waste collection service. The Collector and Commercial/Industrial customer will agree upon the cart(s)/container(s) size and frequency of collection. Collector will charge the Commercial/Industrial customer the rates listed in **Exhibit A**.

3.8.3 Recyclable Material Collection Services. Collector will provide all Commercial/Industrial customers subject to AB 341 with one (1) 96-gallon cart for the collection of Recyclable Material to be serviced one time per week on Wednesday, or other day as agreed to in writing between the City and Collector. Customer is responsible for rolling carts to a curbside location for collection service by Collector. Additional carts or containers will be available at an additional cost.

5.0 Amendment to Section 3.13 Community Education and Information: Press Releases, etc. The following new subsections are added to Section 3.13 - Community Education and Information: Press.

3.13.3 AB 341 and AB 1826 Education and Outreach. Collector will provide public education and outreach for compliance with AB 341 and AB 1826, with review and approval of educational materials by the City, and in both English and Spanish languages.

6.0 Amendment to Section 3.14 Solid Waste Disposal; Processing of Recyclable Materials.

Subsections 3.14.3 and 3.14.4 are eliminated in their entirety and replaced with the following terms. In addition, the following Section 3.14.5 is added to Section 3.14.

3.14.3 Recyclable Materials. Recyclable Materials collected from Commercial/Industrial Premises, Multi-Unit Residential Buildings and Residential Premises shall be transferred to a Material Recovery Facility (MRF) which is properly permitted in compliance with applicable federal, state and local laws and regulations.

3.14.4 Source Separated Green Waste. Collector shall deliver all source separated Green Waste to a properly permitted processing, land disposition, composting or alternative fuel facility such that the City receives any available credit for use in calculating its Diversion Rate as a result of the Green Waste being diverted from disposal at a landfill or transformation facility.

3.14.5 Source Separated Food Waste. Collector shall deliver all source separated Food Waste to a properly permitted processing, composting or alternative fuel facility such that the City receives any available credit for use in calculating its Diversion Rate as a result of the Food Waste being diverted from disposal at a landfill or transformation facility.

7.0 Amendment to Section 3.22 Records and Reports. The following new subsections are added to Section 3.22 – Records and Reports.

3.22.6 Additional Reporting. Collector will furnish City will any additional reports and information as may be reasonably required, such reports to be prepared within a reasonable time following the reporting period.

8.0 Amendment to Article III Solid Waste and Recyclable Materials Handling Services
The following new sections are added to Article III – Solid Waste and Recyclable Materials Handling Services:

3.31 Collection Services.

Collector is responsible for furnishing the labor and equipment necessary to provide the Residential, Multi-Unit Residential Building, and Commercial/Industrial Solid Waste, Green Waste, Food Waste and Recyclable Materials collection services required under the Agreement. This provision does not alter Collector’s ability to charge for the services described in **Exhibit A**.

3.32 AB 341 and AB 1826 Regulatory Exemptions.

The Collector will make commercially reasonable efforts to identify and document any Multi-Unit Residential Building accounts and Commercial/Industrial premises that qualify for an exemption from AB 341 and AB 1826, and report that information to the City.

3.33 Contamination Process.

In occurrences when Recyclable Material is contaminated beyond 10% with Solid Waste or other unacceptable material as determined by Collector, Collector will provide one warning by red-tagging the container, and the contents will be disposed of as Solid Waste. After the first red-tag warning, subsequent occurrences of contaminated containers will result in the container being photographed, the contents being disposed of as Solid Waste, and the customer will be charged a “Contaminated Extra Lift” fee as listed on the rate schedule, **Exhibit A**.

In occurrences when Food Waste is contaminated beyond 3% with Solid Waste or other unacceptable material as determined by Collector, Collector will provide one warning by red-tagging the container and the contents will be disposed of as Solid Waste. After the first red-tag warning, subsequent occurrences of contaminated containers will result in the container being photographed, the contents being disposed of as Solid Waste, and the customer will be charged a “Contaminated Extra Lift” fee as listed on the rate schedule, **Exhibit A**.

In occurrences when Green Waste is contaminated beyond 1% with Solid Waste or other unacceptable material as determined by Collector, Collector will provide one warning by red-tagging the container and the contents will be disposed of as Solid Waste. After the first red-tag warning, subsequent occurrences of contaminated containers will result in the container being photographed, the contents being disposed of as Solid Waste, and the customer will be charged a “Contaminated Extra Lift” fee as listed on the rate schedule, **Exhibit A**.

9.0 Amendment to Article IV Rates, Billing and Payment

The following new section is added to Article IV:

4.3.6.1 Collector Compensation. In consideration of the above services and requirements the City's approved solid waste rates are hereby adjusted as follows effective on TBD:

1. The monthly rate for all tax roll units billed through the City will be increased by \$6.01 per unit; and
2. The rate for all permanent commercial and industrial customers billed by the Collector will be increased by 8.15%.

10.0 Rates. Exhibit A provides a copy of the City's approved rate schedule and adjusted rates based on the above adjustments to the City's approved rates.

11.0 Compliance. Collector is in compliance with the terms and conditions of the Agreement as of the effective date of this Second Amendment.

12.0 No Other Agreements. Except as expressly provided herein, there are no other or further amendments or other Collector or City agreements or conditions as a prerequisite to approval and implementation of this Second Amendment.

13.0 SB 1383. This Second Amendment does not include programs or requirements regarding SB 1383 or regulations to be promulgated thereunder.

14.0 Proposition 218. If after the effective date of this Second Amendment, City and Collector determine that a proposed rate adjustment which has not been previously approved by City is subject to the notice and hearing requirements of Proposition 218, then Contractor shall timely prepare the required notices, and shall be responsible for the costs of printing and mailing the required notices to comply with the notice and hearing requirements of Proposition 218. Contractor and City shall each bear their own attorneys' fees and costs, including staff costs, incurred in connection with the preparation of the required notices and the conduct of hearings

15.0 Terms and Conditions. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment to be effective as of the date first written above.

Exhibits:

- A Current City Approved Rates and Adjusted Rates

Date: April ____ 2020

CITY OF CUDAHY, A California Municipal Corporation

Elizabeth Alcantor, Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk

APPROVED AS TO FORM:

Victor Ponto
Olivarez Madruga Lemieux O'Neill, LLP
City Attorney

Date: April ____ 2020

CONSOLIDATED DISPOSAL SERVICE,
LLC, a Delaware Limited Liability Company

Shannon Clark
General Manager

DRAFT

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Item Number 12E

STAFF REPORT

Date: May 5, 2020
To: Honorable Mayor/Chair and City Council/Agency Members
From: Santor Nishizaki, Acting City Manager
By: Victor Ponto, City Attorney
Subject: **Approval of a contract between the City of Cudahy and Henry Garcia for Interim City Manager services**

RECOMMENDATION

Staff recommends that the City Council appoint Henry Garcia as Interim City Manager starting May 29, 2020 and approve a contract between the City of Cudahy and Henry Garcia for Interim City Manager services.

BACKGROUND

In November 2019, City Manager Jose E. Pulido announced his retirement from the City. In the interim, the City selected Santor Nishizaki to provide Acting City Manager Services. On February 4, 2020, the City Council contracted with Bob Murray & Associates to oversee the selection process, manage the outreach and recruitment for a new permanent City Manager. The City Council also noted that the newly appointed Interim City Manager should oversee the selection process of the new permanent City Manager. The permanent City Manager recruitment is currently underway and in its initial phases. The advertisement for the permanent recruitment was published on April 30, 2020.

During February and March, in closed session, the City Council conducted interviews of qualified candidates for an Interim City Manager position and identified Henry Garcia as the top finalist for the Interim City Manager position pending a full recruitment for a permanent City Manager.

ANALYSIS

Public Employment Retirement Law (PERL) imposes restrictions on a CalPERS retiree's ability to work temporarily for other CalPERS agencies. Historically, state law has limited services to work up to 960 hours in any fiscal year (e.g., July 1 to June 30.) However, in light of COVID-19, Executive Order N-25-20 has suspended the 960-hour limit and any hours worked before the current state of emergency is lifted will not be counted toward the 960-hour limit for the fiscal year. Given the temporary removal of this limitation, the City has opted to enter into a Retired Annuitant Employment Agreement with Mr. Henry Garcia. It should be noted, Mr. Garcia may not earn more than the published salary schedule for City Manager, in accordance with standing provisions. Moreover, he may not receive any additional "benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate."

The proposed contract (Attachment A) provides that Mr. Garcia shall serve as Interim City Manager until a new city manager has been appointed, or Mr. Garcia has accrued 960 hours in a single fiscal year once the current state of emergency has been lifted, whichever occurs first. If a new City Manager is not selected by the end of the calendar year, it may be necessary to evaluate whether to extend Mr. Garcia's contract or appoint another interim city manager. Mr. Garcia will earn the same hourly rate as City Manager Pulido's current base rate (\$93.750 per hour) and he will not be entitled to any other employment benefits (such as health insurance, incentive pay or housing allowance.) Mr. Garcia is responsible for reporting all hours worked to the City for compliance purposes.

CONCLUSION

Staff recommends that the City Council appoint Henry Garcia as Interim City Manager starting May 29, 2020 and approve an Agreement between the City of Cudahy and Henry Garcia for Interim City Manager services.

FINANCIAL IMPACT

There are no additional financial impacts associated with this engagement as the City Manager salary is currently budgeted.

ATTACHMENTS

- A. Interim City Manager Agreement
- B. Resolution in support of Interim City Manager Agreement

**RETIRED ANNUITANT EMPLOYMENT AGREEMENT
FOR THE POSITION OF
INTERIM CITY MANAGER**

This Employment Agreement ("Agreement") is made and entered into this 29th day of May 2020, by and between the CITY OF CUDAHY ("CITY"), a California general law city and municipal corporation, and HENRY GARCIA ("GARCIA"), an individual, on the following terms and conditions:

RECITALS

A. CITY desires to employ GARCIA as its Interim City Manager to carry out the duties and responsibilities of the City Manager as outlined in the City's Municipal Code on a temporary basis, while CITY actively recruits for a permanent City Manager.

B. GARCIA desires to accept employment as Interim City Manager in consideration of and subject to the terms, conditions, and benefits set forth in this Agreement.

C. GARCIA represents that he is a retired annuitant of CalPERS within the meaning of Government Code § 21221(h) and that the effective date of his retirement from CalPERS was at least 180-days before the effective date of this Agreement. GARCIA further represents that he has not received unemployment compensation from any CalPERS agencies during the 12-month period preceding the effective date of this Agreement.

D. GARCIA acknowledges that, as a retired annuitant, he may not work more than 960 hours during a fiscal year and represents that, during CITY's 2019-2020 fiscal year, he has not worked as a retired annuitant for any other state or local agency that contracts with CalPERS. Garcia further acknowledges that his compensation while working for CITY as retired annuitant is statutorily limited as provided in Government Code § 21221(h). However, in light of COVID-19, Executive Order N-25-20 has suspended the 960-hour limit, and any hours worked during the state of emergency will not be counted toward the 960-hour limit for the fiscal year.

E. CITY has determined that it is necessary to hire GARCIA, a retired annuitant, because the position of Interim City Manager requires special skills, and GARCIA, by virtue of his significant experience as City Manager and Interim City Manager in other cities, has those special skills.

OPERATIVE PROVISIONS

In consideration of the promises and covenants contained herein, the parties agree as follows:

1. Position and Duties.

1.1 Position. GARCIA accepts employment with CITY as its Interim City Manager and shall perform all functions, duties and services set forth in Section 1.4 [Duties] of this Agreement. GARCIA shall provide such services at the direction and under the supervision of the City Council. It is the intent of the parties that GARCIA, as the Interim City Manager, shall keep the City Council fully apprised of all significant ongoing operations of CITY. Toward that end, GARCIA shall report directly to the City Council and will periodically, or as may be otherwise specifically requested by the City Council, provide status reports to the City Council on his activities and those of CITY.

1.2 Term. This Agreement shall become effective and upon being executed by both GARCIA and CITY's Mayor, which date shall be the date first referenced above. GARCIA shall commence the performance of his duties as the Interim City Manager on May 29, 2020 or at such later date as the parties hereto shall agree in writing ("Commencement Date"). This Agreement shall expire on the date whichever of the following events occurs first: (i) 5:00 p.m. on June 30, 2021; (ii) the start date of a permanent City Manager; or (iii) GARCIA works his 960th hour for CITY during the 2020-2021 fiscal year, including any hours worked for other CalPERS agencies during 2020-2021 fiscal year. Nothing in this Section shall operate to prohibit or otherwise restrict the termination of this Agreement by either GARCIA or CITY as provided in Section 4 [Termination] of this Agreement.

1.3 At-Will. GARCIA acknowledges that he is an at-will, temporary employee of CITY who serves at the pleasure of the City Council. The terms of CITY's personnel rules, policies, regulations, procedures, ordinances, and resolutions regarding City Administrative Personnel (collectively "Personnel Policies"), as they may be amended or supplemented from time to time, shall not apply to GARCIA, and nothing in this Agreement is intended to, or does, confer upon GARCIA any right to any property interest in continued employment, or any due process right to a hearing before or after a decision by the City Council to terminate his employment, except as is expressly provided in Section 1.2 [Term] or Section 4 [Termination] of this Agreement. Nothing contained in this Agreement shall in any way prevent, limit or otherwise interfere with the right of CITY to terminate the services of GARCIA, as provided in Section 1.2 [Term] or Section 4 [Termination]. Nothing in this Agreement shall prevent, limit or otherwise interfere with GARCIA's right to resign at any time from this position with CITY, subject only to the provisions set forth in Section 4 [Termination] of this Agreement.

1.4 Duties. GARCIA shall serve as the Interim City Manager and shall for the

Term of the Agreement be vested with the powers, duties and responsibilities of the City Manager as set forth in the City's Municipal Code, the terms of which are incorporated herein by reference. GARCIA shall provide service at the direction and under the supervision of the City Council. It is the intent of the parties that the Interim City Manager shall keep the City Council fully apprised of all significant ongoing operations of CITY. Toward that end, GARCIA shall report directly to the City Council and will periodically, or as otherwise specifically requested by the City Council, provide status reports to the City Council on his activities and those of CITY. It is the intent of the City Council for the Interim City Manager to function as the chief executive officer of CITY's organization. Without additional compensation, GARCIA shall provide such other services as are customary and appropriate to the position of Interim City Manager, including serving as the Executive Director of the City's Successor Agency to the former Redevelopment Agency, with such additional services assigned from time to time by the City Council as may be consistent with California law and the City Municipal Code. GARCIA shall devote his best efforts and full-time attention to the performance of these duties. Notwithstanding GARCIA's duties as Interim City Manager, nothing in this Agreement shall be construed to prohibit direct communications between the City Council and employees of CITY in a manner that is consistent with the City's Municipal Code, personnel rules, administrative policies, and City Council policies.

1.5 Hours of Work. GARCIA shall devote the time necessary to adequately perform his duties as Interim City Manager. The parties anticipate that GARCIA will work a sufficient number of hours per week allocated between regular business hours and hours outside of regular business hours including, without limitation, attendance at regular and special City Council meetings, attendance at activities of Directed Organizations (as defined below), and attendance at such community events and CITY functions as the City Council may direct. Toward that end, GARCIA shall be allowed reasonable flexibility in setting his own office hours, provided the schedule of such hours provides a significant presence at City Hall, reasonable availability to the City Council, CITY staff, and members of the community during regular CITY business hours and for the performance of his duties and of CITY business. Once the lift on the 960-hour limit provided by Executive Order N-25-20 has been terminated, GARCIA will not be required or permitted to work more than 960 hours per fiscal year for CITY, including hours worked for other CalPERS agencies during the same fiscal year. The position of Interim City Manager shall be deemed an exempt position under California wage and hour law.

1.6 Directed Organizations. The City Council desires that GARCIA be reasonably active in statewide, regional and/or local organizations as directed by the City Council that are deemed necessary to maintain and contribute to the advancement of CITY's interests and standing ("Directed Organizations"). These Directed Organizations may include, without limitation, participation in the Southern California Association of Governments, the California Contract Cities Association, the Independent Cities Association and the League of California of Cities. CITY agrees to budget and, consistent with that budget, pay for the dues and subscriptions of the Interim City Manager necessary for his participation in the Directed Organizations.

2. **Compensation.**

2.1 Rate of Pay. For all services performed by GARCIA as the Interim City Manager under this Agreement, CITY shall pay GARCIA compensation at the hourly rate of \$93.75 (“Rate of Pay”). Consistent with the payroll schedule in place for CITY employees, GARCIA shall be paid bi-weekly subject to the limitations provided below.

2.1.1 Compliance with CalPERS requirements. It is the intent of the parties to compensate GARCIA only to the extent permitted under Government Code § 21221(h) and corresponding CalPERS regulations and policy statements. The Rate of Pay does not exceed the maximum monthly base salary rate of \$16,250 for position of City Manager as listed on a publicly available pay schedule. GARCIA acknowledges that under Government Code § 21221(h), he may not receive any benefits, incentives, compensation in-lieu of benefits, or any other form of compensation in addition to an hourly rate.

2.1.2 Recordation and Reporting of Hours Worked. GARCIA agrees to comply with all applicable CalPERS regulations governing employment after retirement, including the recordation and reporting of all hours worked for CITY to CalPERS as may be required. CITY shall assist in any such reporting obligations to CalPERS. Additionally, GARCIA shall keep CITY continually apprised of any hours worked by GARCIA for other CalPERS Agencies during the term of this Agreement.

2.2 Benefits.

2.2.1 No Benefits. Consistent with Government Code §21221(h) and related CalPERS regulations and policy statements, GARCIA shall not receive from CITY any benefits CITY commonly provides to its employees, including without limitation health, dental, or vision insurance coverage, life insurance, employee assistance programs, and similar benefits.

3. **Vacation and Leave.**

3.1 No Leave. GARCIA and CITY agree that GARCIA, in accordance with Government Code Section 21221(h) and related CalPERS regulations and policy statements, shall not be provided or permitted to accrue any personal time off, vacation, sick leave, administrative leave, paid holidays or similar leave benefits.

4. **Termination.**

4.1 By CITY. This Agreement may be terminated by CITY for any reason by providing thirty (30) days written notice to GARCIA of such termination. Upon termination, City shall issue payment to GARCIA for any outstanding compensation owed at the Rate of Pay for services rendered up to the effective date of his termination. In the event of changes to CalPERS statutory or regulatory requirements,

this Agreement may be terminated immediately without providing thirty (30) days advanced written notice to Garcia.

4.2 By GARCIA. This Agreement may be terminated by GARCIA for any reason by providing thirty (30) days written notice to CITY of such termination. CITY may, at its complete and sole discretion, make GARCIA's termination effective at any time prior to the end of such period, provided CITY issues payment to GARCIA for any outstanding compensation owed at the Rate of Pay for services rendered up to the effective date of his termination.

4.3 No Notice for Expiration. Nothing in this Section 4 [Termination] shall be construed to require either party to give advance written notice of the expiration of this Agreement as set forth in Section 1.2 [Term].

4.4 Termination Obligations. GARCIA agrees that all property, including, without limitation, all equipment, tangible Proprietary Information (as defined below), documents, records, notes, contracts, and computer-generated materials furnished to or prepared by him incident to his employment under this Agreement belongs to CITY and shall be returned promptly to CITY upon termination of GARCIA's employment or the expiration of this Agreement. GARCIA's obligations under this subsection shall survive the termination of his employment or the expiration of this Agreement.

5. Proprietary Information.

"Proprietary Information" is all information and any idea pertaining in any manner to the business of CITY (or any CITY affiliate), its employees, clients, consultants, or business associates, which was produced by any employee of CITY during his/her employment or otherwise produced or acquired by or on behalf of CITY. Proprietary Information shall include, without limitation, trade secrets, product ideas, inventions, processes, formulae, data, know-how, software and other computer programs, copyrightable material, marketing plans, strategies, sales, financial reports, forecasts, and customer lists. All Proprietary Information not generally known outside of CITY' s organization, and all Proprietary Information known only through improper means, shall be deemed "Confidential Information." During his employment by CITY, GARCIA agrees to use Proprietary Information and to disclose Confidential Information, only for the benefit of CITY and as is, or may be, necessary to perform his job responsibilities under this Agreement. Following termination of his employment or expiration of this Agreement, GARCIA shall not use any Proprietary Information and shall not disclose any Confidential Information, except with the express written consent of CITY. GARCIA's obligations under this Section shall survive the termination of his employment or the expiration of this Agreement.

6. Conflict of Interest.

GARCIA represents and warrants to CITY that he presently has no interest, and represents that he will not acquire any interest, direct or indirect, financial or otherwise, which

would conflict in any manner or interfere in any way with performance of his services under this Agreement.

7, General Provisions.

7.1 Recitals. The recitals, inclusive of all facts and representations, are incorporated into this Agreement as if set forth in the Operative Provisions.

7.2 Vehicle Operation. GARCIA shall operate any vehicle used in connection with the performance of his duties as Interim City Manager in a safe manner and otherwise in observance of all established traffic safety laws and ordinances and shall maintain a valid California automobile's driver's license during the period of employment.

7.3 Notices. All notices, requests, demands and other communications under this Agreement shall be in writing and shall be effective upon delivery by hand or three (3) business days after deposit in the United States mail, postage prepaid, certified or registered, and addressed to CITY at the address below, and or at the last known address maintained in GARCIA's personnel file. GARCIA agrees to notify CITY in writing of any change in his address during his employment with CITY. Notice of change of address shall be effective only when accomplished in accordance with this Section.

City of Cudahy's Address:
Attn: Mayor and City Council
5220 Santa Ana Street
Cudahy, CA 90201

Interim City Manager's Address:
Henry Garcia
461 Green Orchard Pl
Riverside, CA 92516

7.4 Indemnification. Subject to, in accordance with, and to the extent provided by the California Government Claims Act [Government Code Section 810 *et seq.*], CITY will indemnify, defend, and hold GARCIA harmless from and against any action, demand, suit, monetary judgment or other legal or administrative proceeding, and any liability, injury, loss or other damages, arising out of any act or omission occurring during GARCIA's tenure as Interim City Manager.

7.5 Bonding. CITY shall bear the full cost of any fidelity or other bonds required of the Interim City Manager under any law or ordinance.

7.6 Integration. This Agreement is intended to be the final, complete, and exclusive statement of the terms of GARCIA's employment by CITY. This Agreement supersedes all other prior and contemporaneous agreements and statements, whether written or oral, express or implied, pertaining in any manner to the employment of GARCIA, and it may not be contradicted by evidence of any prior or contemporaneous statements or agreements. To the extent that the practices, policies, or procedures of

CITY, now or in the future, apply to GARCIA and are inconsistent with the terms of this Agreement, the provisions of this Agreement shall control.

7.7 Amendments. This Agreement may not be amended except in a written document signed by GARCIA, approved by the City Council and signed by CITY's Mayor.

7.8 Waiver. Failure to exercise any right under this Agreement shall not constitute a waiver of such right.

7.9 Assignment. GARCIA shall not assign any rights or obligations under this Agreement. CITY may, upon prior written notice to GARCIA, assign its rights and obligations hereunder.

7.10 Severability. If a court or arbitrator holds any provision of this Agreement to be invalid, unenforceable, or void, the remainder of this Agreement shall remain in full force and effect.

7.11 Attorneys' Fees. In any legal action, arbitration, or other proceeding brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs.

7.12 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, with venue proper only in Los Angeles County, State of California.

7.13 Interpretation. This Agreement shall be construed, according to its fair meaning, and not in favor of or against any party. By way of example and not in limitation, this Agreement shall not be construed in favor of the party receiving a benefit nor against the party responsible for any language in this Agreement. Captions are used for reference purposes only and should be ignored in the interpretation of the Agreement. This Agreement may be altered, amended or modified only by an instrument in writing, executed by the parties to this Agreement and by no other means. Each party waives their future right to claim, contest or assert that this Agreement was modified, cancelled superseded or changed by any oral agreement, course of conduct, waiver or estoppel.

7.14 Acknowledgment. GARCIA acknowledges that he has had the opportunity to consult legal counsel regarding this Agreement, that he has read and understands this Agreement, that he is fully aware of its legal effect, and that he has entered into it freely and voluntarily and based on his own judgment and not on any representations or promises other than those contained in this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, CITY has caused this Agreement to be signed and executed on its behalf by its Mayor and duly attested to by its City Clerk, and GARCIA has signed and executed this Agreement, as of the date first indicated above.

CITY OF CUDAHY

INTERIM CITY MANAGER

By: _____
Elizabeth Alcantar, Mayor

By: _____
Henry Garcia

APPROVED AS TO FORM:

ATTEST:

By: _____
Rick R. Olivarez, City Attorney

By: _____
Richard Iglesias, Assistant City Clerk

RESOLUTION NO. 20-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA APPROVING THE RETIRED ANNUITANT EMPLOYMENT AGREEMENT OF INTERIM CITY MANAGER, HENRY GARCIA

WHEREAS, the City of Cudahy (“City”) desires to employ Henry Garcia (“Garcia:”) as its Interim City Manager to carry out the duties and responsibilities of the City Manager as outlined in the City’s Municipal Code on a temporary basis, while the City actively recruits for a permanent City Manager; and

WHEREAS, Garcia desires to accept employment as Interim City Manager in consideration of and subject to the terms, conditions, and benefits set forth in the Retired Annuitant Employment Agreement (“Agreement”), attached as Exhibit A; and

WHEREAS, Garcia represents that he is a retired annuitant of CalPERS within the meaning of Government Code § 21221(h) and that the effective date of his retirement from CalPERS was at least 180-days before the effective date of the Agreement; and

WHEREAS, Garcia represents that he has not received unemployment compensation from any CalPERS agencies during the 12-month period preceding the effective date of this Agreement; and

WHEREAS, Garcia acknowledges that, as a retired annuitant, he may not work more than 960 hours during a fiscal year and represents that, during the City’s 2019-2020 fiscal year, he has not worked as a retired annuitant for any other state or local agency that contracts with CalPERS;

WHEREAS, Executive Order N-25-20 has suspended the 960-hour limit during a fiscal year and any hours worked during the currently declared state of emergency will not be counted toward the 960-hour limit for the fiscal year; and

WHEREAS, Garcia acknowledges that his compensation while working for the City as a retired annuitant is statutorily limited as provided in Government Code § 21221(h); and

WHEREAS, City has determined that it is necessary to hire Garcia, a retired annuitant, because the position of Interim City Manager requires special skills, and Garcia, by virtue of his significant experience as City Manager and Interim City Manager in other cities, has those special skills.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, AS FOLLOWS:

SECTION 1. Based on the above recitals and the staff report and other information provided by City staff at the City Council's Regular Meeting of May 5, 2020 the City Council hereby affirms its appointment of Henry Garcia as Interim City Manager subject to the completed agreement attached as Exhibit A.

SECTION 2. This Resolution shall take effect upon adoption. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Cudahy at the regular meeting of this 5th day of May, 2020.

Elizabeth Alcantar
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF Cudahy)

I, Richard Iglesias, City Clerk of the City of Cudahy, hereby certify that the foregoing Resolution No. 20-12 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 5th day of May 2020 and that said Resolution was adopted by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Richard Iglesias
Assistant City Clerk