

## MINUTES

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

January 18, 2022 6:30 P.M.

#### 1. CALL TO ORDER

Mayor / Chair Alcantar called the meeting to order at 6:36 p.m.

#### 2. ROLL CALL

PRESENT: Council / Agency Member Jack M. Guerrero  
Council / Agency Member Blanca Lozoya (came in at 7:28 p.m.)  
Council / Agency Member Daisy Lomelí  
Vice Mayor / Vice Chair Jose R. Gonzalez  
Mayor / Chair Elizabeth Alcantar

ABSENT: NONE

ALSO PRESENT: City Manager, Alfonso Noyola, City Attorney, Victor Ponto, Deputy City Attorney Michael Campion, City Clerk, Richard Iglesias, Junior Deputy City Clerk, Estefania Zamora, Interim Finance Director, Charles Ortiz, and Administrative Services Director, Brenda Rodriguez.

#### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lomelí.

#### 4. LAND ACKNOWLEDGEMENT

The Land Acknowledgment was led by Council Member Lomelí.

*We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respects to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.*

#### 5. PRESENTATIONS

- A. Presentation by Kimberly Morales Johnson on the history of the land we inhabit today, once known as Tovangaar, the home of the Gabrieleño-Tongva people.

- B. Proclamation presented to Kimberly Morales Johnson the Tribal Secretary of the Gabrieleño-Tongva San Gabriel Band of Mission Indians.
- C. City Manager Annual Update.

## 6. CLOSED SESSION PUBLIC COMMENTS

Jack Guerrero announced he would not be participating in the closed session matter of Cudahy Alliance for Justice due to his colleague Councilmember Lozoya not being able to attend the closed session; mentioned item will have a lack of quorum and will be required to postpone to the next regular meeting or special meeting, also stated he will be withdraw from item 7A due to alleged violation of sunshine laws and brown act, with the City Manager selection process done through closed session, and lastly provided an example of improper classification.

Star Laca shared that on January 13<sup>th</sup>, at approximately 3:14p.m. the judge of superior court ruled in favor of Cudahy Alliance for Justice which agreed the project regarding KIPP is discretionary project and is subject to CEQA. Also commented on the term “by-right” since it has been heard a variety of times stated it is a synonym for ministerial and asked Council to ensure the land is clean properly and safe.

Ayde Bravo commented on the ruling of KIPP where the judge agreed that California Environmental Quality Act protocols must be followed for KIPP So Cal construction and stated KIPP was designated a ministerial project but should have been subject to CEQA and ensure proper clean-up, also mentioned to Council this should be their priority, take it seriously and work together to resolve this issue.

Tevina Quintana commented on the ruling, KIPP needs to follow CEQA and asked Council to make sure they follow protocol, clean the land and make sure they are held accountable.

Susie commented on the ruling and wants to ensure they have Council’s support to ensure KIPP follows CEQA protocols and involve DTSC for the soil clean-up, also mentioned her disappointment with Council Member Guerrero not participating in the closed session item.

Ilse Escobar commented on the ruling of Cudahy Alliance for Justice v. City of Cudahy and KIPP, stated the judge agreed that the designation of ministerial project was incorrect and mentioned the importance of a ministerial project, also commented on how a traditional public school would have had to follow all protocols and stated Council can contact Department of Toxic Substance Control immediately to start the voluntary clean-up.

Bertha Martinez commented on the ruling of January 13<sup>th</sup>, invited Council to work with the community to ensure that proper clean-up is done, mentioned that demolition has already began and noticed there are no precaution being taken, also commented that all CEQA protocols are to be followed and to make sure the site is safe for everyone.

Victor Frias commented on the ruling of Cudahy Alliance for Justice v. City of Cudahy reminded Council the judge ruled in favor of Cudahy Alliance for Justice and means that Council has the responsibility to ensure KIPP properly cleans up the soil and encourages Council to have KIPP partner with DTSC to have government oversight.

## **7. CLOSED SESSION – MOVE TO END OF MEETING**

**Motion:** Council Member Guerrero motion to move Closed Session items 7A and 7B to the end of the meeting, seconded by Council Member Lozoya Motion passed 5-0 by the following roll call vote:

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

## **8. CLOSED SESSION ANNOUNCEMENT – MOVED TO END OF MEETING**

## **9. PUBLIC COMMENTS**

Oswaldo Pena introduced himself stated he is the new Gas Company Public Affairs manager and hopes to meet with the Council individually to know their priority and partnership opportunities.

Susie commented on an agenda item from the last City Council meeting related to CDBG funding and stated the allocation for Code Enforcement is too high compared to Home Rehab and Council should reconsider, mentioned the City Manager report, and hopes the changes being made benefits the community also mentioned to ensure any construction done in the city is also done is the proper way and KIPP to follow proper protocols.

### **Emailed Comments**

Nancy Cornejo: I am asking you to follow the judgment made in favor of Cudahy Alliance for Justice and do your part to hold KIPP Pueblo UNIDO accountable to follow the recommendations made by CEQA regarding the toxic land purchase on Otis.

Abby Jaramillo: I am a teacher at Teresa Hughes Elementary School. First of all, I want to thank the members of Cudahy Alliance for Justice for their hard work and commitment in making sure that our community is safe! Second, Cudahy city council members, as you are all aware, a Los Angeles Superior Court judge found that the city was WRONG to exempt KIPP SoCal from CEQA! Please make sure to review the project under CEQA and look for potential environmental impacts BEFORE construction. Lastly, Cudahy City Council PLEASE DO BETTER!

Sarahi Medina Ortiz: I am a resident of the City of Cudahy and today I am here to remind you that a judgment was made in favor of Cudahy Alliance for Justice. With that said, I hope that as Council Members you will now do your part to ensure that KIPP

follows the proper clean up on the land purchased on Otis. That is the least you can do for the children and Cudahy residents.

Susana Luna: Soy miembro de la comunidad y madre de familia. Les estoy escribiendo para pedirles que por favor apoyen a los miembros de CAJ para que aseguren que se haga la limpieza necesaria y adecuada de acuerdo a los reglamentos en el terreno que fue comprado en la calle Otis por la corporación llamada KIPP. Nuestra ciudad ya ha sufrido demasiadas injusticias ambientales no dejen que esta sea otra. La solución está en sus manos y nosotros los elegimos a ustedes para representarnos como miembros de esta comunidad. Por Favor no nos decepcionen

A individual: I work in Cudahy and demand that Kipp cleans up the soil in the Otis location. I drove by the area in December and noticed that they had already broken ground. They should be fined because the last thing the most polluted area in the US needs is more toxic fumes in the air. Cudahy already has extreme pollution issues due to the many factories in the area and the 710 freeway and we don't need more. Kipp should be fined or reprimanded for breaking ground before the ruling.

## **10. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS**

Council Member Guerrero reminded everyone of the 2022 California Ballot Initiative called the Education Freedom Act, which will create an education saving rollover account for each child for parents can pursue education for their children at the best schools of their choice. He also mentioned his support for education reform in the city and school options for Cudahy children, including the KIPP project based on results. He commented on strict environmental safety measures which were never at risk, general plan, regardless of CEQA or ministerial status KIPP must comply with environmental laws and regulations. Lastly, mentioned that the city sold a property in need of serious environmental remediation, yet heard no member from Cudahy Alliance raised any concerns.

Council Member Lozoya agreed with public comment speaker Susie de Santiago stated the city does need more funds for homeowners to repair their homes.

Council Member Lomelí thanked all the speakers, the plan is always to work with the community and work together to continue the collaboration, asked staff to schedule an Education Ad-Hoc committee meeting to follow up on some requests. Also mentioned to ensure a proper clean-up, thanked all educators, also mentioned COVID testing sites popping up more and if the community wants to verify the legitimacy of the testing site to connect with Council and staff.

Vice Mayor Gonzalez thanked all the resident who attended, reiterated and stated we should not be building anything on any toxic land, reminded staff, leadership and city manager that as we review projects or proposals coming to our city we doing our due diligence so it does not happened, also mentioned USPS released test kits that are federally funded and the community can order 4 kits, one order per home and are shipped directly home, thanked everyone for their hard work.

Mayor Alcantar agreed with Council Member Lomeli on scheduling an Education Ad-Hoc committee meeting, requested to add two agenda items first is a resolution in support of legislation to modernize the California retail food code to create opportunities for street food vendors and second item is an ordinance to update commission structures and rules. Also mentioned air quality environment, mentioned winds rendering plant issue in the city of Vernon harsh smell, if you smell something report it to AQMD and explained the process when calling AQMD.

#### **11. CITY MANAGER REPORT (information only)**

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

#### **13. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES**

**Motion:** Vice Mayor Gonzalez motioned to waive full reading of resolutions and ordinances, seconded by Council Member Lomeli. Motion passed 4-0 by the following roll call vote:

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

#### **14. CONSENT CALENDAR**

**Council Member Guerrero requested to pull Consent Calendar items 14A and 14B together and items 14D, 14E, and 14F, for separate consideration.**

**C.** Approval to Adopt Revised Resolution Approving Application(s) from the Local Assistance Specified Grant Funds to Utilize Towards Community Facilities, Parks, or Recreational Facilities Construction, Acquisition, or Improvements from the State of California

**Recommendation:** The City Council is requested to approve a revised Resolution to file application(s) from the Local Assistance Specified Grant funds to go towards Park improvements.

**G.** Consideration to Adopt Resolution No. SA 22-01 for Approval of the Administrative Budget for Fiscal Period of July 1, 2022 to June 30, 2023

**Recommendation:** The Successor Agency is requested to adopt a proposed Resolution No. SA 22-01 approving the Administrative Budget for the Recognized Obligation Payment Schedule (ROPS) for the fiscal period of July 1, 2022 to June 30, 2023 (ROPS 22-23).

**H.** Approval of the Recognized Obligation Payment Schedule for the Fiscal Period of July 1, 2022 to June 30 2023 (ROPS 22-23)

**Recommendation:** The Successor Agency is requested to approve the Recognized Obligation Payment Schedule (ROPS) for the fiscal period of July 1, 2022 to June 30, 2023 (ROPS 22-23), for submission to the City of Cudahy Oversight Board.

**Motion:** Mayor/Chair Alcantar motioned to approve Consent Calendar items 14C, 14G, and 14H, seconded by Council Member/Agency Member Lomelí. Motion passed 4-0 by the following roll call vote:

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

**A.** Approval of the Local Agency Investment Fund (LAIF) for the Month of December 2021

**Recommendation:** The City Council is requested to approve the Local Agency Investment Fund (LAIF) Report for the month of December 2021 in the amount of \$11,186,967.11.

**B.** Approval of the City Demands and Payroll Including Cash and Investment Report for the Month of December 2021

**Recommendation:** The City Council is requested to approve the Demands and Payroll in the amount of \$856,083.46 including Cash and Investment Report by Fund for the month of December 2021.

**Motion:** Mayor Alcantar motioned to approve the Local Agency Investment Fund (LAIF) Report for the month of December 2021 in the amount of \$11,186,967.11 and approve the Demands and Payroll in the amount of \$856,083.46 including Cash and Investment Report by Fund for the month of December 2021, seconded by Council Member Lomelí. Motion passed 4-1 by the following roll call vote:

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

**D.** Consideration to Review and Approve the Draft Minutes of December 21, 2021, and January 4, 2022 for the Regular Meetings 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 December 21, 2021, and January 4, 2022.

**Motion:** Council Member Lomelí motioned to approve the City Council / Successor Agency Draft Minutes for December 21, 2021, and January 4, 2022, seconded by Council Member Lozoya. Motion passed 4-1 by the following roll call vote:

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

**E.** Adoption of Proposed Resolution No. 22-02 Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and Re-Authorizing Remote Teleconference Meetings of the City Council, City Boards, and all Commissions of the City of Cudahy, for the Period from January 18, 2022 through February 17, 2022 Pursuant to Brown Act Provisions

**Recommendation:** The City Council is requested to approve proposed Resolution No. 22-02 proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and re-authorizing remote teleconference meetings of the City Council, City Boards, and all Commissions of the City of Cudahy, for the period from January 18, 2022 through February 17, 2022 pursuant to Ralph M. Brown Act provisions.

**Motion:** Council Member Lomelí motioned to approve proposed Resolution No. 22-02 proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and re-authorizing remote teleconference meetings of the City Council, City Boards, and all Commissions of the City of Cudahy, for the period from January 18, 2022 through February 17, 2022 pursuant to Ralph M. Brown Act provisions, seconded by Council Member Lozoya. Motion passed 5-0 by the following roll call vote:

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

**F.** Adoption of Proposed Resolution No. 22-03 Demanding the Los Angeles County Sheriff's Department Host Quarterly Town Hall Meetings with the Residents of the City of Cudahy to Inform and Educate Residents About Policing Procedures Used By the Sheriff's Department and Discuss Available Support to the Residents of the City

**Recommendation:** The City Council is requested to approve proposed Resolution No. 22-03 demanding the Los Angeles County Sheriff's Department host quarterly Town Hall Meetings with residents of the City of Cudahy to inform and educate residents about policing procedures used by the Sheriff's Department and discuss available support to the residents of the City.

**Motion:** Council Member Guerrero motioned to approve proposed Resolution No. 22-03 demanding the Los Angeles County Sheriff's Department host quarterly Town Hall

Meetings with residents of the City of Cudahy to inform and educate residents about policing procedures used by the Sheriff's Department and discuss available support to the residents of the City, seconded by Vice Mayor Gonzalez. Motion passed 5-0 by the following roll call vote:

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

## **15. PUBLIC HEARING – NONE**

## **16. BUSINESS SESSION**

**A.** Adoption of Proposed Resolution No. 22-04 Opposing Initiative 19-0029A1

*Presented by the City Attorney's Office*

**Recommendation:** The City Council is requested to approve proposed Resolution No. 22-04 Opposing Initiative 19-0029A1.

Vice Mayor Gonzalez motioned to approve proposed Resolution No. 22-04 Opposing Initiative 19-0029A1, seconded by Council Member Lomelí. Motion passed 3-1 by the following roll call vote:

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

## **17. COUNCIL DISCUSSION**

- A. Council Member Guerrero
  - i. Latest development regarding the Isaias Cervantes Incident

## **7. CLOSED SESSION**

**Vice Mayor Gonzalez announced he will not be participating in closed session item 7B.**

**Council Member Guerrero announced he will not be participating in closed session item 7A.**

At 8:44 p.m., Victor Ponto, City Attorney recessed to closed session.

- A.** Closed Session Pursuant to Government Code Section 54956.9(e)(1) – Conference with Legal Counsel to Discuss Matter Involving Potential Litigation – One Matter



**B. Closed Session Pursuant to Government Code section 54956.9(d)(1) – Conference with Legal Counsel to Discuss Existing Litigation – Cudahy Alliance for Justice v. City of Cudahy, Los Angeles County Superior Court Case No. 20STCP03621**

At 10:04 p.m. Mayor Alcantar reconvened to open session.

## **8. CLOSED SESSION ANNOUNCEMENT**

**City Attorney Victor Ponto announced Council was given and direction was received on items 7A and 7B no further reportable action.**

## **18. ADJOURNMENT**

Council Member Lozoya motioned to adjourn the City Council / Agency meeting at 10:05 p.m., seconded by Council Member Lomelí. Motion passed 3-0-2 by the following roll call vote:

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

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Elizabeth Alcantar  
Mayor

ATTEST:

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Richard Iglesias  
City Clerk