

## MINUTES

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

February 2, 2021 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 Guerrero (left at 9:50 p.m.)  
Council / Agency Member Lozoya (arrived at 6:35 p.m.)  
Council / Agency Member Lomeli  
Vice Mayor / Vice Chair Gonzalez (arrived at 7:13 p.m.)  
Mayor / Chair Alcantar

ABSENT: None

ALSO PRESENT: Interim City Manager Henry Garcia, City Attorney, Victor Ponto, Deputy City Attorney, Stephanie Arechiga, Assistant City Clerk, Richard Iglesias, Junior Deputy City Clerk, Andres Rangel, Finance Director, Steven Dobrenen.

#### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Guerrero.

#### 4. PRESENTATIONS - NONE

#### 5. CLOSED SESSION PUBLIC COMMENTS

Victor Frias, urged Council members to immediately rescind its vote for the September 15 KIPP development project due to being built on toxic land and former Council Member Garcia allegedly not leaving in the City. He further argued that the vote should be rescinded due to the meeting having technical difficulties that discouraged residents from commenting on the KIPP project. He further demanded a CEQA report before any development starts. He concluded his comments by emphasizing that the Council members that voted on the project will have to take ownership for any long term health problems students in that school potentially suffer.

Star Laca, urged the Council to rescind its vote for the September 15 KIPP development due to being built on toxic land and Council Member Garcia allegedly not leaving in the City. She further argued that the September 15th meeting's technical difficulties discouraged many residents from expressing their opinions. She further argued that a CEQA report is necessary to ensure that land can be habitable for children.

Tevina Quintana, asked the Council to rescind its vote for the September 15th KIPP development. She asked if Council Members really read the Phase I environmental report, speculating that

Council members just listened to attorney opinions. She further spoke against Council Member Guerrero for voting on this project, and questioned Council Member Lomeli's commitment to rescinding this vote due to showing little community engagement when the development was being protested. She further expressed her disappointment with Mayor Gonzalez and Vice Mayor Alcantar for not doing more to fight against the KIPP development project. She returned to the September 15th technical difficulties arguing that it suppressed public opinion which violates the Brown Act.

Bertha Martinez, urged the Council to rescind its vote for the September 15th KIPP development, arguing that it is built on toxic land. She further argued that the toxins present in that parcel will lead to long term health effects. She questioned why Council Members approved the development project if they read the Phase I Environmental Report. She expressed her frustration with Council Members not addressing former Council Member Chris Garcia allegedly not living in the City during his tenure as Council Member. She spoke against Council Member Guerrero for voting in favor of the KIPP project.

Susie de Santiago, expressed her disappointment with the Council for approving the KIPP project despite arguments of it being built on toxic land. She further urged the Council to rescind its vote for KIPP due to the technical difficulties on September 15th that discouraged many residents from participating and expressing their opinions. She further argued that the vote should be rescinded due to claims that Council Member Garcia did not live in the city during his time in the Council. She called for KIPP to do a proper cleanup of the land. She further asked Council members if they understood the Phase I environmental report and the toxins that were identified.

Ilse Escobar, urged Council to embrace the voices that are constantly calling against the KIPP development because they care for the community. She further spoke against the council, alleging it has violated the Brown Act multiple times as well as highlighted the claims that former Council Member Garcia did not live in the City when he was council member. She argued that the City Council allowed potential students to have long term health effects when they approved the KIPP development project. She connected the correlation between a toxic environment and mental health, arguing that KIPP is contributing to environmental injustice.

Jack Guerrero, clarified that CEQA is not an environmental standard nor is it a binding requirement for environmental remediation. Rather, it is simply an environmental disclosure. He further clarified that do to the project being consistent with the general plan, it is exempt from CEQA review. He pointed out opponents of the KIPP development, arguing that those against KIPP in that lot were in favor of green spaces and housing development. He further argued that KIPP is properly remediating the environment due to more strict regulations. He commented that he would favor quarterly environmental remediation progress reports from KIPP. He argued that instead, opponents of this development are really against charter schools. He therefore cited poor testing results from local public schools, and asked for parents to be allowed to choose what school they think is best for their kids.

Ayde Bravo, argued that Cudahy Alliance for Justice v. City of Cudahy's plaintiff attorney concluded there is ground for a lawsuit. She refuted Council Member Guerrero's arguments, arguing that charter schools test results are identical to public school's test results. She further argued that charter schools are weaponizing that data to create a narrative that favors charter schools. She spoke against the charter school's structured organization that deters creativity, high school graduation, as well as college graduation. She argued that data highlighting poor high school and college graduation among charter school students is not being disclosed.

Edin Enamorado, asked Council Member Guerrero how much he is getting paid for voting in favor of the KIPP project. He then reiterated that Council Member Guerrero does not care about Cudahy. He highlighted all the election campaigns Council Member Guerrero has ran and failed, arguing that he is not invested in Cudahy. He argued that lawful projects still lead to environmental injustices such as Park Avenue Elementary also being built on toxic land. He argued that a CEQA environmental analysis should be conducted to ensure KIPP does not repeat past environmental injustices from the City.

Gustavo Mendez, expressed his disappointment for KIPP being an ongoing issue despite the planning commission voting against the project. He commented that the planning commission asked KIPP to conduct an environmental assessment. KIPP refused the suggestion. He questioned the purpose of the planning commission if projects can still be appealed by the City Council. He further argued that KIPP is also a public safety issue, emphasizing increased traffic and speeding, as well as a water issue.

## **6. CLOSED SESSION**

A. 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

B. Closed Session Pursuant to Government Code Section 54956.9(d)(4) – Conference with Legal Counsel to Discuss Matter Involving Potential Litigation – One Matter

## **7. CLOSED SESSION ANNOUNCEMENT**

Deputy City Attorney, Victor Ponto, announced that for closed session item A, there was a vote to continue the item to the next meeting. The motion carried (4-0-0) to the following roll call vote:

AYES: Guerrero, Lomeli, Alcantar, and Lozoya  
NOES: None  
ABSENT: None  
ABSTAIN: Gonzalez (recuse for item 6A)

With respect to item B, counsel was given, direction was received, no further reportable action.

## **8. PUBLIC COMMENTS**

Tevina Quintana, commented on rent control, calling for rent raises to be capped. She spoke against Council Member Guerrero for his condescending comments, ignoring arguments from the public. She further cited a report that charter schools are not holistically more productive than local schools. She further went on to speak against Council Member Guerrero and expressed her disappointment regarding him being part of the Council.

Norma Gonzalez, commented that she learned that KIPP was planning on developing in Bell Gardens. She announced her support for the City of Cudahy, its teachers, its school district, and its students.

Quetzali Garcia, spoke in favor of public schools, emphasizing her school's support to thinking critically, having her voice heard, and emphasizing going to college.

Edin Enamorado, urged the Council to consider rescinding the September 15<sup>th</sup> KIPP development item due to claims that former Council Member Garcia did not live in the city. He further cited speaker suppression during that meeting, in violation of the Brown Act. Regarding rent control, he called for a cap on rent increases, arguing that the matter has exacerbated during the covid pandemic, as well as affecting those who are the least resourced. He therefore called the City to implement a 1.3% cap rent increase, as opposed to the state 5% rent increase cap.

Susie de Santiago, argued that Council Members can only show they are listening if they turn on their screens. She further attested the success of public schools by highlighting her children's academic success. Regarding city streets, she argued for better quality street conditions, as well as synchronizing street lights through Atlantic Avenue. She asked for more than just eviction tracking. She called the Council for a rent moratorium. Regarding code enforcement, she noted that code enforcement is not tracking idle vehicles, nor bulky items on city streets. She concluded her comments by asking the Council to support public education.

Ilse Escobar, commented that local public schools accept all students, regardless of immigrant status, test scores, mental health, etc. She cited a report finding that charter schools underserve students with mental disabilities. She noted that community members opposing KIPP for the good of the city's environment are also in favor of a rent moratorium or rent control. She noted the lack of resources renters have in terms of defending themselves from landlords.

Clarissa Ruiz, spoke in favor of public schools. She concluded her comments by speaking against Council Member Guerrero.

Anari Payagua, announced a pop up covid testing site in the City of Cudahy.

Erica Estrada, spoke against the KIPP development that will be entering Bell Gardens. She argued that it rejects youth that have a harder time learning. She expressed her support for the local schools, teachers, and students of Cudahy.

Bertha Martinez, announced recent highlights from Ellen Ochoa such as the food giveaways, literacy nights, concerts, holiday events, and National Board Certified teachers that teach students at Ellen Ochoa. She further spoke the school's success sponsoring gifts for students during the holiday season. She made these announcements in an effort to show Council Member Guerrero that schools should be assessed beyond test scores.

Ayde Bravo, cited KIPP's Phase I and II environmental reports stating that structure's walls are contaminated with asbestos and lead, further recommended LBP and MCM surveys. She argued that KIPP is responsible for environmental hazards in that area due to not properly remediating that lot. She urged for a legal environmental review and cleanup, rescinding of the September 15<sup>th</sup> vote, and for the Council to listen to the community.

Marcos Hernandez, mentioned that he is a proud principal, emphasizing how his education has changed his life, as well as how it has positively impacted his daughter's life. He further stated that as principal, he holds his school to the same academic standard he would like his daughter to have. He highlighted his school's orchestra and other clubs and partnerships his school has with community organizations. He invited the Council to visit his school and discuss how they can work with each other to better the community.

Victor Frias, urged council members to turn on their screen to show public speakers that they are paying attention. He spoke against Council Member Guerrero for ignoring criticisms, and his defense of charter schools. He further clarified that his environmental concerns are not an affront,

and further chastised the Council Member for suggesting market competition among schools. He concluded his comments by asking the Council to cap city rent increases to 1.3%.

Gustavo Mendez, reiterated that the planning commission against the KIPP development, reminding that the planning commission asked KIPP if it was willing to conduct a topsoil assessment to no avail. He expressed that this concludes that KIPP is not operating for the benefit of the community. He further cited other concerns potentially exacerbated from the KIPP development such as public safety issues, traffic congestion, and water treatment issues. He concluded his comments by asking the Council to move forward with important issues the City is facing.

Star Laca, expressed her concerns and care for the City of Cudahy, arguing that everyone is here because they care for the community. She concluded her comments by asking Council Member Guerrero, where KIPP is during these meetings.

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

Council Member Guerrero, commented that he has continuously raised his concerns for local public school's poor testing records. He noted that no speakers have directly refuted this factor and asks those speakers to justify poor testing records at the next council meeting. He further argued that the Council did not justifiably place a closed session item discussing strategic considerations for the selection of a city manager. He expressed his disagreement with the Council's lack of transparency to bidding out successor agency properties as well as the expansion of Cudahy cannabis businesses. During the second round of comment, Council Member Guerrero commented on Vice Mayor Alcantar's raffle initiative, he mentioned that the Council has hurt businesses by increasing the City's sales tax. He concluded his comments by asking staff to bring a sales tax discussion item to the next city council agenda.

Council Member Lomeli, asked Council members to turn on their cameras out of respect for residents in attendance. She also asked Council members to refrain from using aggressive tones. She noted that the way the Council conduct itself should be an example for the city's youth. She suggested implementing a student mayor program to increase civic engagement. She discussed the creation of the education ad hoc committee emphasizing putting students at the forefront and stating that she would not take her children to KIPP Charter Schools due to a lack of accountability amongst the Charter School's board members. Regarding, testing, she argued that testing should not be the only factor when assessing school success. During her second round of comments, she found certain council members questioning residents unfair, inviting Council Member Guerrero to sit down with her if he wants to discuss testing scores. She encouraged the City to celebrate Black History Month, and invited residents to attend the upcoming townhall meeting.

Vice Mayor Alcantar, thanked Supervisor Solis's office for bringing a covid testing site to the City of Cudahy, citing the high infection count in the City. She further highlighted her shop Cudahy raffle initiative on her Instagram account. She concluded her comments by asking staff to bring back a discussion item for a housing ad hoc committee, arguing that tracking evictions is not enough to combat high rents. During her second round of discussion, Vice Mayor Alcantar clarified that all nearby cities have the same sales tax. She spoke against Council Member Guerrero for reprimanding her work, rather than contributing to supporting small businesses.

Mayor Gonzalez, emphasized the importance of protecting the City's residents. During his second round of comments he reminded Council that it is there for the benefit of the community, and the City's quality of life should be the end goal for the Council.

**10. CITY MANAGER REPORT (information only)**

**11. REPORTS REGARDING AD HOC, ADVISORY, STANDING OR OTHER COMMITTEE MEETINGS - NONE**

**12. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES**

**13. CONSENT CALENDAR (COUNCIL MEMBER GUERRER PULLED ITEMS A, D AND E FOR DISCUSSION)**

- A.** Approve a Resolution Accepting Notice of Completion (NOC) of the Atlantic Ave., Cecilia St., Ardine St., and Patata Street Improvement Project

Presented by the Assistant City Engineer

The City Council is requested to approve a Resolution accepting the Notice of Completion of the Atlantic Ave., Cecilia St., Ardine St., and Patata Street Improvement Project funded by Proposition C (Prop C), Measure R, and Local Road and Maintenance Account Funds (SB1), thus authorizing the City Clerk to file the Notice of Completion with the Los Angeles County Recorder in order to comply with program guidelines. City's Project Number: 251-7084-6725/ 253-7102-6725/ 253-7115-6725/ 251-7027-6725/ SB1 (RMRA) 215-440-5100.

**Motion:** It was motioned by Vice Mayor Alcantar and seconded by Mayor Gonzalez to approve a Resolution accepting the Notice of Completion of the Atlantic Ave., Cecilia St., Ardine St., and Patata Street Improvement Project funded by Proposition C (Prop C), Measure R, and Local Road and Maintenance Account Funds (SB1), thus authorizing the City Clerk to file the Notice of Completion with the Los Angeles County Recorder in order to comply with program guidelines. City's Project Number: 251-7084-6725/ 253-7102-6725/ 253-7115-6725/ 251-7027-6725/ SB1 (RMRA) 215-440-5100. The motion carried (4-0-0) by the following roll call vote:

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

- B.** Approve a Resolution Accepting Notice of Completion (NOC) of the Cudahy HSIP Cycle-6 Traffic Signal Improvements Project (Install Pedestrian Countdown Signal Heads and Protected Left Turn Phasing on Various Intersections on Atlantic Avenue) under the Highway Safety Improvement Program Cycle 6 (HSIP-6)

Presented by the Assistant City Engineer

The City Council is requested to approve a Resolution accepting the Notice of Completion of the Cudahy HSIP Cycle-6 Improvements Project (Install Pedestrian Countdown Signal Heads and Protected Left Turn Phasing on Various Intersections on Atlantic Avenue) funded by the Highway Safety Improvement Program Cycle 6 (HSIP-6), thus authorizing the City Clerk to file the Notice of Completion with the Los Angeles County Recorder in order to comply with HSIP program guidelines. Federal Project Number: HSIPL-5369(009). City's Project Number: 235-7087-6725.

**Motion:** It was motioned by Vice Mayor Alcantar and seconded by Mayor Gonzalez to approve a Resolution accepting the Notice of Completion of the Cudahy HSIP Cycle-6 Improvements Project (Install Pedestrian Countdown Signal Heads and Protected Left Turn Phasing on Various

Intersections on Atlantic Avenue) funded by the Highway Safety Improvement Program Cycle 6 (HSIP-6), thus authorizing the City Clerk to file the Notice of Completion with the Los Angeles County Recorder in order to comply with HSIP program guidelines. Federal Project Number: HSIPL-5369(009). City's Project Number: 235-7087-6725. The motion carried (4-0-0) by the following roll call vote:

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

**C. Consideration to Approve Los Angeles County Flood Control District (LACFCD) Transfer Agreement for the Safe, Clean Water Program (Measure W)**

Presented by the Assistant City Engineer

The City Council is requested to enter into an agreement with Los Angeles County Flood Control District (LACFCD) to accept annual distribution of Measure W monies from the Municipal Program of the Safe, Clean Water Program; and authorize the Mayor and City Clerk to sign and execute the agreement on behalf of the City.

**Motion:** It was motioned by Council Member Lozoya and seconded by Vice Mayor Alcantar to enter into an agreement with Los Angeles County Flood Control District (LACFCD) to accept annual distribution of Measure W monies from the Municipal Program of the Safe, Clean Water Program; and authorize the Mayor and City Clerk to sign and execute the agreement on behalf of the City. The motion carried (5-0-0) by the following roll call vote:

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

**D. Approval of an Authorizing Resolution to be included with the formal Proposition 68 grant application to compete in the Statewide Parks Program (Proposition 68)**

Presented by the Interim Community Development Manager

The City Council is requested to approve the authorizing resolution to be included as part of a complete application to pursue Prop 68 funding under the Statewide Parks Program.

**Motion:** It was motioned by Council Member Lozoya and seconded by Vice Mayor Alcantar to approve the authorizing resolution to be included as part of a complete application to pursue Prop 68 funding under the Statewide Parks Program. The motion carried (5-0-0) by the following roll call vote:

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

**E. Consideration and Adoption of an Ordinance Adding Chapters 5.12 of the Cudahy Municipal Code Relating to the Collection of Eviction Data in the City of Cudahy**

Presented by the City Attorney's Office

The City Council is recommended to consider for adoption an ordinance adding Chapter 5.12 of the Cudahy Municipal Code relating to the collection of eviction data in the City of Cudahy.

**Motion:** It was motioned by Vice Mayor Alcantar and seconded by Mayor Gonzalez to consider for adoption an ordinance adding Chapter 5.12 of the Cudahy Municipal Code relating to the collection of eviction data in the City of Cudahy. The motion carried (4-0-0) by the following roll call vote:

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

**14. PUBLIC HEARING - NONE**

**15. BUSINESS SESSION**

**A. Consideration and Adoption of either an Urgency Ordinance or Ordinance to Establish a Temporary Limit on the Charges Imposed by Third-Party Delivery Services on Retail Food Establishments During the COVID-19 Epidemic**

Presented by the City Attorney's Office

The City Council is recommended to adopt either the attached urgency ordinance or ordinance to establish a temporary limit on the charges imposed by third-party delivery services on retail food establishments during the COVID-19 epidemic.

**Motion:** It was motioned by Vice Mayor Alcantar and seconded by Mayor Gonzalez to adopt an urgency ordinance to establish a temporary limit on the charges imposed by third-party delivery services on retail food establishments during the COVID-19 epidemic. The motion did not carry (3-1-0) by the following roll call vote:

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

**Motion:** It was motioned by Vice Mayor Alcantar and seconded by Mayor Gonzalez to adopt an ordinance to establish a temporary limit on the charges imposed by third-party delivery services on retail food establishments during the COVID-19 epidemic. The motion carried (3-1-0) by the following roll call vote:

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

**B. Consideration and Adoption of a Memorandum of Understanding Between the City of Cudahy and the California Cities for Self-Reliance Joint Powers Authority regarding Membership Fees**

Presented by the City Attorney's Office

The City Council is recommended to adopt the attached Memorandum of Understanding between the City of Cudahy and the California Cities for Self-Reliance Joint Powers Authority regarding membership fee for the City, and direct staff present the memorandum to the Authority.

**Motion:** It was motioned by Council Member Guerrero and seconded by Council Member Lozoya to adopt the Memorandum of Understanding between the City of Cudahy and the California Cities for Self-Reliance Joint Powers Authority regarding membership fee for the City, and direct staff present the memorandum to the Authority once the City an operating casino. The motion did not carry (2-3-0) by the following roll call vote:

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

**Motion:** It was motioned by Mayor Gonzalez and seconded by Vice Mayor Alcantar to adopt the attached Memorandum of Understanding between the City of Cudahy and the California Cities for Self-Reliance Joint Powers Authority regarding membership fee for the City, and direct staff present the memorandum to the Authority. The motion carried (3-2-0) by the following roll call vote:

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

**C.** Consideration of Two Separate Contract Services Agreement with Fiesta Taxi to Assist in Delivering Ready-to-Eat Meals for Seniors and Monthly Food Distribution Packages for the Remainder of Fiscal Year (FY) 2020-21. Contracts Include a Not-to-Exceed Amount of \$15,000.00 for CDBG-Funded Senior Meal Delivery Services, and a Not-to-Exceed of \$20,00.00 for CDBG Funded Food Distribution Delivery Services

Presented by the Recreation Program Coordinator

The City Council is requested to approve two separate Contract Services Agreements with Fiesta Taxi to deliver ready-to-eat meals for seniors and monthly food distribution packages for the remainder of the Fiscal Year (FY) 2020-21. Contracts include a not-to-exceed amount of \$15,000.00 for CDBG-funded Senior Activities Program services, and a not-to-exceed of \$20,00.00 for CDBG- funded Food Distribution delivery services.

**Motion:** It was motioned by Vice Mayor Alcantar and seconded by Council Member Lozoya to approve two separate Contract Services Agreements with Fiesta Taxi to deliver ready-to-eat meals for seniors and monthly food distribution packages for the remainder of the Fiscal Year (FY) 2020-21. Contracts include a not-to-exceed amount of \$15,000.00 for CDBG-funded Senior Activities Program services, and a not-to-exceed of \$20,00.00 for CDBG- funded Food Distribution delivery services. The motion carried (4-0-1) by the following roll call vote:

AYES: Lozoya, Lomeli, Alcantar, and Gonzalez  
NOES: None

ABSENT: Guerrero  
ABSTAIN: None

**16. COUNCIL DISCUSSION - NONE**

**17. ADJOURNMENT**

The City Council / Agency meeting was adjourned at 9:57 p.m.

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Jose Gonzalez  
Mayor

ATTEST:

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Richard Iglesias  
Assistant City Clerk