

## 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 4, 2020 6:30 P.M.

#### 1. CALL TO ORDER

Mayor / Chair Alcantar called the meeting to order at 6:37 p.m.

#### 2. ROLL CALL

PRESENT: Council / Agency Member Guerrero  
Council / Agency Member Lozoya  
Vice Mayor / Vice Chair Gonzalez (arrived at 7:22 p.m.)  
Mayor / Chair Alcantar

ABSENT: Council / Agency Member Garcia

ALSO PRESENT: City Manager Santor Nishizaki, City Attorney, Victor Ponto, Assistant City Clerk, Richard Iglesias, Parks and Recreation Coordinator, Victor Santiago, Assistant City Engineer, Aaron Hernandez-Torres, and Junior Deputy City Clerk, Andres Rangel.

#### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lozoya.

#### 4. PRESENTATIONS – NONE

#### 5. PUBLIC COMMENTS

Jack Guerrero, asked Council to rise to the occasion to defend the interest of the constituents in earnest as it relates to the Delta jet fuel fiasco. He announced that the incident consequently offered a media opportunity to signal to Delta and the world, that justice will be pursued immediately for the children directly affected and for the other constituents whose lives were disrupted. He further asked Council to stay on top of this issue. On another note, he reminded Council on its commitment on a community engaged and transparent search for a permanent city manager, ideally with the competence and experience to manage the many challenges lying ahead, with the temperament and integrity to inspire approbation of the people. He looked forward to the establishment of a citizen advisory commission to be developed immediately whose evaluation of candidates would form an integral part of the recruitment process. He continued to highlight his concern for the City's internal control environment, with the hope that Council can work to addressing these conditions in union. He referenced the state controller's description of the City's dire predicament, highlighting only six control elements were addressed by the city out of 79 control elements. He further quoted the state auditor on its recommendation that the City should develop a comprehensive remedial plan to address its deficiencies. The plan should also identify City tasks to be performed as well as milestones and timelines for completion.

Additionally, the City should provide Council periodic public updates explaining its progress to addressing the remedial plan.

Patricia Covarrubias, spoke in favor of Council Member Guerrero regarding getting an update on the Delta incident. She went on to speak in favor of item 10B, allowing city staff to administratively waive fees for nonprofit organizations and community events/services. She specifically cited Club de Oro who she commented would serve the community if the staff report passes. She concluded her comments by speaking in favor of item 12B.

Susie de Santiago, spoke in favor of item 10B, noting the non profit organizations and services that could potentially come for the betterment of the City, if they meet the guidelines that are established. She also spoke in favor of item 12A, as well as asked there to be a community panel to express their opinions during the city manager recruitment process.

Marcos Covarrubias, spoke in favor of item 12B, expressing his support to allow the City Manager to amend his schedule. He also supported any accommodation Club de Oro may get to provide services at Turner Hall. He concluded his comments by noting the progress he has seen in the community the past few months.

## **6. CITY COUNCIL COMMENTS**

Council Member Guerrero, commented on the Iowa Caucus and the State of the Union as well as the record performance in the stock market. He concluded his comments by reiterating his public comments in Spanish.

Council Member Lozoya, asked what could be done to improve and modernize Atlantic Avenue's storefronts, whether it be in the form of a loan or grant, and also asked if it can be placed on the agenda for the next meeting.

Mayor Alcantar, updated the residents on all the townhall and community meetings that were conducted regarding the Delta incident. She noted Delta did not attend in any of those community meetings. She reminded residents that if anybody has health related or Delta related questions, they should reach out to herself or the city manager. She went on to summarize recent community events. She concluded her comments by commenting on all the efforts she and the City is making to highlight local artists throughout the City.

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

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

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

**Motion:** It was moved by Council Member Guerrero and seconded by Mayor Alcantar to waive the full reading of resolutions and ordinances. The motion carried (3-0-0) by the following roll call vote.

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

## 10. CONSENT CALENDAR (COUNCIL MEMBER GUERRERO PULLED ITEMS A AND B FOR DISCUSSION)

- A. Consideration to Review and Approve the Draft Minutes of December 17, 2019 and January 21, 2020, for the Regular Meeting of the City Council and the Joint Meeting of the City of Cudahy as Successor Agency and Housing Successor Agency to the Cudahy Development Commission

Presented by the Assistant City Clerk

The City Council is requested to review and approve the City Council / Successor Agency Draft Minutes for December 17, 2019 and for January 21, 2020.

**Motion:** It was moved by Council Member Guerrero and seconded by Council Member Lozoya to review and approve the City Council / Successor Agency Draft Minutes for December 17, 2019 and for January 21, 2020 with the amendment on Item 10D of the December 17, 2019 minutes to reflect that the motion did not carry based on the roll call vote. The motion carried (3-0-2) by the following roll call vote.

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

- B. Consideration to Adopt Resolution No. 20-04 Amending Section 3 of Resolution No. 16-27 Regarding Sponsoring or Co-Sponsoring and Establishing a Process Whereby Creating an Application and Fee Waiver Guidelines the City Manager or his/her Designee Can Approve Administratively Fee Waivers for Special Events

Presented by the Parks and Recreation Coordinator

The City Council is requested to consider adopting Resolution No. 20-04 amending Section 3 of Resolution No. 16-27 regarding sponsoring or co-sponsoring and establishing a process whereby creating an application and fee waiver guidelines the City Manager or his/her designee can approve administratively fee waivers for special events.

**Motion:** It was moved by Council Member Guerrero and seconded by Mayor Alcantar to adopt Resolution No. 20-04 amending Section 3 of Resolution No. 16-27 regarding sponsoring or co-sponsoring and establishing a process whereby creating an application and fee waiver guidelines the City Manager or his/her designee can approve administratively fee waivers for special events with a resolution amendment that the City's normal appeals process would apply to the applicant in the event the City Manager or appointed designee does not approve the applicant. The motion carried (3-0-2) by the following roll call vote.

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

## 11. PUBLIC HEARING

- A. Adoption of Proposed Ordinance No. 707 Amending Chapters 15.04 Through 15.34 of the Cudahy Municipal Code to Adopt the 2019 Los Angeles County Title 26,27,28,29,30,31, and

33 2019 Los Angeles County Amendments to the 2019 Edition of the California Building Codes Including the Building, Residential, Plumbing, Mechanical, Electrical, Green Building Standards and Existing Building Codes

Presented by the Building Official

The City Council is requested to:

1. Open the public hearing to receive comments on the proposed Ordinance and amendments to the Cudahy Municipal Code and then close the public hearing; and
2. Approve attached Ordinance No. 707 and amendment to the Cudahy Municipal Code (Attachment 1), which adopts: the Los Angeles County Titles 26, 27, 28, 29, 30, 31, and 33.

**MAYOR ALCANTAR OPENED THE FLOOR FOR PUBLIC COMMENT AT 7:06 P.M.**

Marcos Covarrubias, spoke in favor of item 11A as he sees it would benefit the city and public.

**MAYOR ALCANTAR CLOSED THE FLOOR FOR PUBLIC COMMENT AT 7:07 P.M.**

**Motion:** It was moved by Council Member Guerrero and seconded by Council Member Lozoya to Approve attached Ordinance No. 707 and amendment to the Cudahy Municipal Code (Attachment 1), which adopts: the Los Angeles County Titles 26, 27, 28, 29, 30, 31, and 33. For first hearing. The motion carried (3-0-2) by the following roll call vote.

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

**12. BUSINESS SESSION**

- A.** Approve and authorize Acting City Manager to execute a Professional Services Contract with Bob Murray & Associates for the Executive Recruitment of a City Manager in an amount not to exceed \$25,000.00

Presented by the City Attorney's Office

The City Council is requested to authorize the Acting City Manager to execute a professional services contract with Bob Murray & Associates for the executive recruitment of a City Manager.

**Motion:** It was motioned by Vice Mayor Gonzalez and seconded by Mayor Alcantar to authorize the Acting City Manager to execute a professional services contract with Bob Murray & Associates for the executive recruitment of a City Manager. The motion carried (4-0-1) by the following roll call vote:

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

- B.** Approve Amendment to Acting City Manager Agreement to Modify City Office Hours

Presented by the City Attorney's Office

The City Council is requested to approve an Amendment to the Acting City Manager Agreement ("Agreement") to modify City office hours.

**Motion:** It was motioned by Mayor Alcantar and seconded by Council Member Lozoya to approve an Amendment to the Acting City Manager Agreement ("Agreement") to modify City office hours. The motion carried (4-0-1) by the following roll call vote:

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

**C.** An Urgency Ordinance of the City Council of the City of Cudahy Amending Provisions of the Cudahy Municipal Code Pertaining to Sidewalk Vendors

Presented by the City Prosecutor

The City Council is requested to:

1. Adopt Urgency Ordinance No. 708 of the City Council of the City of Cudahy amending the provisions of the Cudahy Municipal Code pertaining to sidewalk vendors; and,
2. Introduce Ordinance No. 709 of the City Council of the City of Cudahy amending provision of the Cudahy Municipal Code.

**Motion:** It was motioned by Vice Mayor Gonzalez and seconded by Mayor Alcantar to Adopt Urgency Ordinance No. 708 of the City Council of the City of Cudahy amending the provisions of the Cudahy Municipal Code pertaining to sidewalk vendors with the amendments that 1.) insurance obligation is dropped to \$200,000 2.) there is a 45 day education period from staff and 3.) there is a day 30 day fee analysis conducted by staff. The motion did not carry (2-1-1) by the following roll call vote:

AYES: Gonzalez, and Alcantar  
NOES: Guerrero  
ABSENT: Garcia  
ABSTAIN: Lozoya

**Motion:** It was motioned by Council Member Guerrero and seconded by Mayor Alcantar to introduce Ordinance No. 709 of the City Council of the City of Cudahy amendment provision of the Cudahy Municipal Code with the amendments that 1.) insurance obligation is dropped to \$200,000 2.) there is a citation appeals process where the process starts with the hearing officer, decision can be further appealed to the Public Safety Commission, and can be further appealed to City Council as final decision, and 3.) staff is directed to come up with a fee schedule not to exceed \$100 for street vendor application. The motion carried (4-0-1) by the following roll call vote:

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

### **13. COUNCIL DISCUSSION**

Council Member Guerrero

- i. Update on Status of City Properties

Mayor Alcantar

- i. Traffic Studies

### **RECESSED TO CLOSE SESSION AT 8:49 P.M.**

### **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

**DELIBERATING AS CITY COUNCIL**

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

**15. CLOSED SESSION ANNOUNCEMENT**

Deputy City Attorney Victor Ponto reported that for each closed sessions A-F, the Successor agency body authorized the City Manager to post an RFQ for those interested to acquire successor agency properties. In respect to item G, direction was given, not further reportable action.

**16. ADJOURNMENT**

The City Council / Agency meeting was adjourned at 10:16 p.m.

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Elizabeth Alcantar  
Mayor

ATTEST:

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Richard Iglesias  
Assistant City Clerk