

## 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 18, 2020 6:30 P.M.

#### 1. CALL TO ORDER

Mayor / Chair Alcantar called the meeting to order at 6:53 p.m.

#### 2. ROLL CALL

PRESENT: Council / Agency Member Garcia (arrived at 6:54 p.m.)  
Council / Agency Member Guerrero (left at 8:43 p.m.)  
Vice Mayor / Vice Chair Gonzalez  
Mayor / Chair Alcantar

ABSENT: Council / Agency Member Lozoya

ALSO PRESENT: Acting City Manager, Santor Nishizaki, City Attorney, Norma D. Tabares, Assistant City Clerk, Richard Iglesias, Finance Director, Steven Dobrenen, Community Preservation Officer, Raul Mazariegos, and Junior Deputy City Clerk, Andres Rangel

#### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Gonzalez.

#### 4. PRESENTATIONS - NONE

#### 5. PUBLIC COMMENTS

Sophia Gonzalez, informed the Council about important ways to increase health. She emphasized the importance of physical activities and nutrition for the health of the community. She spoke on behalf of her organization to collaborate with the City and Elizabeth Learning Center to develop and implement a curriculum that would increase the health of the community.

Michael Cervantes, spoke on behalf of his business and asked how agenda item 10A would affect local brick and mortar businesses in the city. He informed Council that unregulated street vendor businesses decreases accountability, and gives an unfair advantage to vendors.

Jack Guerrero, urged 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.

Konstantinos Frousakis, informed Council how street vendors disrupt regulated brick and mortar businesses. He mentioned how his grievances were not resolved by the City and fire department. He further recommended that local businesses could petition to not allow street vending businesses in the City.

Carmen Beltran, spoke against item 10A, asking to not allow street vending businesses in the City. She asked that Council should instead focus on attracting big businesses to the City, rather than regulate street vending. She further commented on the City's lack of cleanliness as well as lack of public safety, citing her experience with homeless in the City. She further cited an incident that involved a resident being severely beaten. She concluded her comments by urging the Council to get to work and focus the City's cleanliness and public safety.

## **6. COUNCIL COMMENTS**

Council Member Garcia, directed staff to include a closed session item regarding trash hauler. He further directed staff to include a city manager performance evaluation at the next meeting, as well as entertaining the option to appoint an interim city manager. Regarding street vending, he expressed his approval of street vendors. However, he does not believe street vending businesses are a good fit for Cudahy, due to its geographical circumstance. He instead recommended a feasibility study and community engagement survey to further discuss this issue.

Jack Guerrero, directed staff to present the permitting process for a procession to the next Council meeting. 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.

Jose Gonzalez, clarified item 10D, informing the item would regulate businesses, and ensure non-compliant street vending businesses can now be cited and mandated to obtain different licenses as well as operate in specific areas of the City. He further thanked Sofia and looked forward to working with her initiative to collaborate in health campaign and events.

Elizabeth Alcantar, commented on the various ways the City has been taking proactive steps toward managing the Delta Jet Fuel incident. She further invited her fellow Council members to join the Mayor and Vice Mayor in managing the incident.

**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 Garcia and seconded by Vice Mayor Gonzalez to waive the full reading of resolutions and ordinances. The motion carried (4-0-1) by the following roll call vote.

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

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

**A. Adoption of Proposed Ordinance No. 709 Amending Provisions of the Cudahy Municipal Code Pertaining to Sidewalk Vendors**

Presented by the City Prosecutor

The City Council is requested to adopt Ordinance No. 709 amending provisions of the Cudahy Municipal Code.

**Motion:** It was moved by Council Member Garcia and seconded by Vice Mayor Gonzalez to adopt Ordinance No. 709 amending provisions of the Cudahy Municipal Code. The motion carried (4-0-1) by the following roll call vote.

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

**B. Approval of the Local Agency Investment Fund (LAIF) for the Month of October 2019**

Presented by the Finance Director

The City Council is requested to approve the Local Agency Investment Fund (LAIF) Report for the month of October 2019 in the amount of \$5,048,584.71.

**Motion:** It was moved by Council Member Garcia and seconded by Vice Mayor Gonzalez to approve the Local Agency Investment Fund (LAIF) Report for the month of October 2019 in the amount of \$5,048,584.71. The motion carried (3-1-1) by the following roll call vote.

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

**C. Approval of the City Demands and Payroll Including Cash and Investment Report for the Month of October 2019**

Presented by the Finance Director

The City Council is requested to approve the Demands and Payroll in the amount of \$1,091,637.88 including Cash and Investment Report by Fund for the month of October 2019.

**Motion:** It was moved by Council Member Garcia and seconded by Vice Mayor Gonzalez to approve the Demands and Payroll in the amount of \$1,091,637.88 including Cash and Investment Report by Fund for the month of October 2019. The motion carried (3-1-1) by the following roll call vote.

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

**D. Consideration to Review and Approve the Draft Minutes of February 4, 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 February 4, 2020.

**Motion:** It was moved by Council Member Garcia and seconded by Vice Mayor Gonzalez to review and approve the City Council / Successor Agency Draft Minutes for February 4, 2020. The motion carried (4-0-1) by the following roll call vote.

AYES: Garcia, Guerrero, Gonzalez, and Alcantar,  
NOES: None  
ABSENT: Lozoya  
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. Adopt Ordinance No. 707 and amendment to the Cudahy Municipal Code (Attachment A), which adopts: the Los Angeles County Titles 26, 27, 28, 29, 30, 31, and 33.

**Motion:** It was moved by Council Member Garcia and seconded by Vice Mayor Gonzalez to Adopt Ordinance No. 707 and amendment to the Cudahy Municipal Code, which adopts: the Los Angeles County Titles 26, 27, 28, 29, 30, 31, and 33. The motion carried (4-0-1) by the following roll call vote.

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

## 12. BUSINESS SESSION

- A.** Approval of a Master Services Contract with Willdan Financial for a Cost Allocation Plan, User Fee Study, and Development Impact Fee Analysis

Presented by the City Manager's Office

The City Council is requested to:

1. Approve staff's request to piggyback on the City of San Jacinto's competitive bid process for a Cost Allocation Plan, User Fee Study and Development Impact Fee Analysis; and
2. Award a Master Services Contract to Willdan Financial for a Cost Allocation Plan, User Fee Study and Development Impact Fee Analysis utilizing the City of San Jacinto's Request for Proposals and contract award on May 7, 2019.

**Motion:** It was motioned by Vice Mayor Gonzalez and Seconded by Council Memembr Garcia to approve a Master Services Contract with Willdan Financial for a cost allocation plan, user fee study, and development impact fee analysis. The motion carried (3-1-1) by the following roll call vote.

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

- B.** Presentation Regarding a Request for Qualifications for the Acquisition of the Atlantic Avenue/Clara Street Property Document, Proposed Resolutions, Loan Agreements, and Long-Term Property Management Plan; Adoption of Proposed Resolution No. SA 20-02 Approving an Agreement with Valbridge Property Advisors; and Adoption of Proposed City Council Resolution No. 20-05 Acknowledging Certain Actions by the City of Cudahy as Successor Agency

Presented by the City Attorney's Office

The City Council serving as the Successor Agency to the former Cudahy Community Redevelopment Commission, and City Council is requested to:

1. Receive a presentation for the Disposition of certain Successor Agency properties. (The presentation will cover a Request for Qualifications for the Acquisition of the Atlantic Avenue/Clara Street Property (the "RFQ"), proposed resolutions, proposed loan agreements, and an overview of the previously approved Long-Term Property Management Plan);

The City Council serving as the Successor Agency to the former Cudahy Community Redevelopment Commission is requested to:

2. Adopt proposed Resolution No. SA 20-02 (Attachment B):
  - a. Approving an agreement with Valbridge Property Advisors to appraise the fair market value of Successor Agency property;
  - b. Approving the general form of a request for qualifications for the disposition of certain Successor Agency lands;
  - c. Approving a loan agreement (Attachment E) with the City of Cudahy and Authorizing certain related actions; and

The City Council is requested to:

3. Adopt proposed City Council Resolution No. 20-05 (Attachment D):
  - a. Acknowledging certain actions by the City of Cudahy as Successor Agency relating to the potential disposition and sale of Successor Agency lands; and
  - b. Approving a loan agreement (Attachment E) with the Successor Agency and Authorizing certain related actions.

**Motion:** It was moved by Council Member Garcia and seconded by Vice Mayor Gonzalez to approve recommendation items 12B(2) as successor agency body, and 12B(3) as city council, with modification that anything related to the approval of the RFQ related to Resolution No. SA 20-02 will be struck out. The motion carried (4-0-1) by the following roll call vote.

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

### **13. COUNCIL DISCUSSION**

- A. Council Member Lozoya
  - i. Atlantic Avenue Façade Improvements

### **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

**15. CLOSED SESSION ANNOUNCEMENT**

Deputy City Attorney Norma D. Tabares reported that no reportable action was taken during closed session on items A through H.

**16. ADJOURNMENT**

The City Council / Agency meeting was adjourned at 8:58 p.m.

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Elizabeth Alcantar  
Mayor

ATTEST:

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Richard Iglesias  
Assistant City Clerk