

MINUTES

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

May 5, 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 Garcia
Council / Agency Member Guerrero
Council / Agency Member Lozoya
Vice Mayor / Vice Chair Gonzalez (arrived at 6:45 p.m.)
Mayor / Chair Alcantar

ABSENT: None

ALSO PRESENT: Acting City Manager Santor Nishizaki, City Attorney, Victor Ponto, Assistant City Clerk, Richard Iglesias Human Resources Manager Jennifer Hernandez, and Junior Deputy City Clerk, Andres Rangel.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Garcia.

DEPUTY ATTORNEY VICTOR PONTO RECOMMENDED COUNCIL TO MAKE A MOTION TO ADD A WALK ON ITEM TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54954 (B)(2). COUNCIL MEMBER GUERRERO MADE A MOTION TO ADD THE WALK ON ITEM TO CLOSED SESSION. IT WAS SECONDED BY COUNCIL MEMBER LOZOYA BY THE FOLLOWING ROLL CALL VOTE:

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

DEPUTY ATTORNEY VICTOR PONTO RECOMMENDED THAT COUNCIL MAKE A MOTION TO MOVETHE CLOSED SESSION ITEMS UP FRONT AFTER PUBLIC COMMENT AND REMOVE AGENDA ITEM 12A AND 12B FROM THE AGENDA. COUNCIL MEMBER GARCIA MADE THE MOTION TO MOVETHE CLOSED SESSION ITEMS UP FRONT AFTER PUBLIC COMMENT AND REMOVE AGENDA ITEM 12A FROM THE AGENDA. IT WAS SECONDED BY VICE MAYOR GONZALEZ BY THE FOLLOWING ROLL CALL VOTE:

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

ABSTAIN: None

4. PRESENTATIONS

- 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.
- 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

Susie de Santiago, thanked City Council for the recent baby packaging that was provided by the City. She further spoke about Republic Services weekly bulky item pickup, stating that it has not been picking up lately. She further asked Council to reduce the amount of units for the public hearing item project.

Patricia Covarrubias, thanked Mr. Morgan and his organization and spoke against increasing trash pickup rates. She concluded her comments by asking Council if bulky pickup will be picked up tomorrow.

6. CITY COUNCIL COMMENTS

Council Member Guerrero, recommended Council to schedule closed session either an hour early and then begin open session at 6:30 p.m. without having the public be on standby. He also directed staff to place a review of municipal code for the permitting process on hotels in light of the county program for housing the homeless in light of COVID-19 on the next Council agenda.

Mayor Alcantar, updated residents about services that are still provided in light of COVID-19. She also asked residents to report graffiti to staff when they see it.

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 Vice Mayor Gonzalez to waive the full reading of resolutions and ordinances. The motion carried (5-0-0) by the following roll call vote.

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

Presented by the City Clerk's Office

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

Motion: It was moved by Council Member Garcia and seconded by Council Member Lozoya to review and approve the City Council / Successor Agency Draft Minutes for April 16, 2020. The motion carried (5-0-0) by the following roll call vote.

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

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)

Presented by the Interim Community Development Manager

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.

MAYOR ALCANTAR OPENED THE FLOOR FOR PUBLIC COMMENT AT 10:11 P.M.

MAYOR ALCANTAR CLOSED THE FLOOR FOR PUBLIC COMMENT AT 10:12 P.M.

Motion: It was moved by Council Member Guerrero and seconded by Council Member Lozoya to Approve agenda item 11A with the 35% bonus density units rounded up 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). The motion carried (5-0-0) by the following roll call vote.

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

12. BUSINESS SESSION

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

Presented by the City Attorney's Office

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).

ITEM WAS TABLED TO A SUBSEQUENT COUNCIL MEETING

B. Consideration and Adoption of an Urgency Ordinance Enacting a Temporary Moratorium on Utility Cutoffs for Both Residential and Commercial Tenants

Presented by the City Attorney's Office

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).

ITEM WAS TABLED TO A SUBSEQUENT COUNCIL MEETING

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

Presented by the Finance Director

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 \$150,000; 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.

Motion: It was motioned by Vice Mayor Gonzalez and seconded by Council Member Lozoya to Proposed Resolution No. 20-10 Amending the City of Cudahy Fiscal Year (FY) 2019-2020 City Budget. The motion carried (3-1-0) by the following roll call vote:

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

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")

Presented by the City Manager

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

Motion: It was motioned by Council Member Guerrero and seconded by Mayor Alcantar to table this item to the next meeting. The motion carried (4-0-1) by the following roll call vote:

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

E. Approval of a contract between the City of Cudahy and Henry Garcia for Interim City Manager services

Presented by the City Attorney's Office

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.

Motion: It was motioned by Council Member Guerrero and seconded by Mayor Alcantar to 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 with the amendment of section 4.1 reducing the 30 advanced termination notice to 7 days. The motion carried (4-0-1) by the following roll call vote:

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

13. COUNCIL DISCUSSION

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.

RECESSED TO CLOSED SESSION AT 7:27 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

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 Victor Ponto reported that for each closed session legal counsel was received, direction was given, no further reportable action.

16. ADJOURNMENT

The City Council / Agency meeting was adjourned at 10:50 p.m.

Elizabeth Alcantar
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk