

## 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 16, 2021 6:30 P.M.

#### 1. CALL TO ORDER

Mayor / Chair Gonzalez called the meeting to order at 6:34 p.m.

#### 2. ROLL CALL

PRESENT: Council / Agency Member Guerrero  
Council / Agency Member Lozoya  
Council / Agency Member Lomeli  
Vice Mayor / Vice Chair Gonzalez  
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, Finance Director, Steven Dobrenen.

#### 3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lomeli.

**IT WAS MOTIONED BY VICE MAYOR ALCANTAR AND SECONDED BY COUNCIL MEMBER GUERRERO TO MOVE ITEM 4 AFTER ITEM 6. THE MOTION CARRIED (4-0-1) BY THE FOLLOWING ROLL CALL VOTE:**

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

#### 4. PRESENTATIONS

Presentation by the East Los Angeles County Sheriff's Department

#### 5. CLOSED SESSION PUBLIC COMMENTS

Tevina Quintana, commented on the KIPP development project approved on September 15<sup>th</sup>, 2020. She noted that the City is now facing a lawsuit due to approving this project. She further spoke against city staff and the city council for allowing the project to proceed despite concerns that the school will be built on toxic land.

Phillip Stone, was ejected for violating the rules of decorum.

Victor Frias, asked the council to rescind the KIPP development vote from the September 15<sup>th</sup> meeting. He argued that the vote should be nullified due to former Council Member Chris Garcia allegedly not living in Cudahy during the vote as well as the chaotic nature of the meeting allegedly violating the

Brown Act. He concluded his comments by speaking against council members Lozoya and Guerrero not answering whether they read the KIPP Phase I Environmental Report.

Richard Miller, was ejected for violating the rules of decorum.

Ilse E., commented on item 6A reminding Council that the September 15<sup>th</sup> meeting allegedly violated multiple Brown Act Violations as well as included former Council Member Garcia voting for the KIPP project despite facing allegation that he did not live in the City during the time of the vote. She further argued that the development project should be subject to CEQA. She highlighted the capital and main article reporting the city facing a lawsuit due to approving the development project. She further spoke against city staff for allegedly mischaracterizing the KIPP project as ministerial.

Susie de Santiago, commented on item 6A, arguing that Council's vote to approve the KIPP project should be rescinded due to allegations regarding former Council Member Garcia not living in the City when he voted on the item, as well as the chaotic nature of the September 15<sup>th</sup> meeting allegedly deterring community members from expressing their concerns. She addressed Council Member Guerrero's CEQA arguments, arguing that conducting the report is better than nothing, further noting that the Phase I Environmental Report found toxic substances on the site.

Bertha Martinez, commented on item 6A, urging City Council to consider rescinding the September 15<sup>th</sup> decision to allow KIPP to develop in Cudahy. She argued that the site has toxic substances. She further argued that the September 15<sup>th</sup> meeting was not accessible to the community after the technical difficulties started, alleging these were violations of the Brown Act. She suggested that a decision this impactful should have more outreach from the community. She further argued that the project was incorrectly labeled a ministerial project, demanding a CEQA report followed by a legally binding cleanup plan be conducted on the lot.

Ayde Bravo, commented on item 6A, urging the Council to rescind the September 15<sup>th</sup> decision to allow KIPP to develop in Cudahy. She noted that KIPP has been ignoring its own environmental reports finding toxic substances. She further argued that the vote should be nullified due to allegations that former Council Member Garcia did not live in the City. She further expressed her surprise in Council not pursuing and/or condemning Council Member Garcia for these allegations. She argued that the September 15<sup>th</sup> meeting was chaotic, and still taking place despite being told that the decision was going to be made once the meeting could be conducted in person. She suggested to Council that there be a resolution between both parties to avoid time, commitment, and resources spent on the lawsuit.

Star Laca, commented on item 6A, urging the Council to rescind the September 15<sup>th</sup> decision to allow KIPP to develop in Cudahy. She commented that the City may deemed the project ministerial due to a lack of knowledge or comprehension of the project. She further argued that the City could acknowledge its mistake and rescind the vote.

Abbey Jaramillo, commented on item 6A, urging the Council to rescind the September 15<sup>th</sup> decision to allow KIPP to develop in Cudahy. She commented that the chairperson of the planning commission acknowledged that KIPP refused to conduct a proper cleanup in the last meeting. She called for a legally binding cleanup before KIPP can develop on the land. She concluded her comments by noting that the vote should be nullified due to allegations that former Council Member Chris Garcia did not live in the City during that vote.

Mike Gonzalez, was ejected for violating the rules of decorum.

Dave Peter, was ejected for violating the rules of decorum.

Emiliano Salah, was ejected for violating the rules of decorum.

## **6. CLOSED SESSION**

### **DELIBERATING AS CUDAHY SUCCESSOR AGENCY**

- A. 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 – Two Matters

## **7. CLOSED SESSION ANNOUNCEMENT**

Deputy City Attorney, Victor Ponto, announced that for closed session items, counsel was given, direction was received. No further reportable action.

**IT WAS MOTIONED BY COUNCIL MEMBER GUERRERO AND SECONDED BY VICE MAYOR ALCANTAR TO CONTINUE THE PUBLIC SESSION OF THE MEETING TO A FUTURE DATE TO BE DETERMINED, PROPERLY NOTICED, AND RECONVENE TO CLOSED SESSION TO CONTINUE DISCUSSION OF CLOSED SESSION MATTERS. THE MOTION CARRIED (5-0-0) BY THE FOLLOWING ROLL CALL VOTE:**

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

## **8. PUBLIC COMMENTS - NONE**

## **9. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS - NONE**

## **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**

### **A. Approval of the Local Agency Investment Fund (LAIF) for the Month of December 2020**

Presented by the Finance Director

The City Council is requested to approve the Local Agency Investment Fund (LAIF) Report for the month of December 2020 in the amount of \$5,897,743.45.

### **ITEM WAS MOVED TO A FUTURE COUNCIL MEETING**

### **B. Approval of the City Demands and Payroll Including Cash and Investment Report for the Month of December 2020**

Presented by the Finance Director

The City Council is requested to approve the Demands and Payroll in the amount of \$2,157,368.93 including Cash and Investment Report by Fund for the month of December 2020.

### **ITEM WAS MOVED TO A FUTURE COUNCIL MEETING**

- C. Consideration to Review and Approve the Draft Minutes of January 19, 2021 and February 2, 2021 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

Presented by the Assistant City Clerk

**ITEM WAS MOVED TO A FUTURE COUNCIL MEETING**

- D. Consideration to Adopt Ordinance No. 713 by Second Reading 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

**ITEM WAS MOVED TO A FUTURE COUNCIL MEETING**

**14. PUBLIC HEARING - NONE**

**15. BUSINESS SESSION**

- A. Consideration of an Agreement Between the City and the Los Angeles Neighborhood Land Trust (LANLT) for Development and Construction of Improvements for Parks in the City

Presented by the Parks and Recreation Program Coordinator

The City Council is requested to approve an Agreement between the City and the Los Angeles Neighborhood Land Trust (LANLT) to develop and construct improvements for Parks in the City.

**ITEM WAS MOVED TO A FUTURE COUNCIL MEETING**

**16. COUNCIL DISCUSSION**

- A. Council Member Guerrero
  - a. Discuss Sales Tax Initiative

**17. ADJOURNMENT**

The City Council / Agency meeting was adjourned at 9:38 p.m.

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Jose Gonzalez  
Mayor

ATTEST:

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Richard Iglesias  
Assistant City Clerk