

MINUTES

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

July 20, 2021 6:30 P.M.

1. CALL TO ORDER

Mayor / Chair Gonzalez called the meeting to order at 6:31 p.m.

2. ROLL CALL

PRESENT: Council / Agency Member Guerrero
Council / Agency Member Lomeli
Vice Mayor / Chair Alcantar
Mayor / Chair Gonzales

ABSENT: Council / Agency Member Lozoya

ALSO PRESENT: Jennifer Hernandez, Human Resources Manager/Acting City Manager, City Attorney, Victor Ponto, Deputy City Attorney, Stephanie Arechiga, Elizabeth Hull, Special Counsel, Assistant City Clerk, Richard Iglesias, Aaron Hernandez, Assistant City Engineer, Brenda Rodriguez, Administrative Analyst, and Victor Santiago, Parks and Recreation Coordinator

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lomeli.

4. PRESENTATIONS - NONE

5. CLOSED SESSION PUBLIC COMMENTS

Tevina Quintana commented that she hopes the Cudahy Alliance for Justice v. City of Cudahy litigation case gets resolved as soon as possible. Then, she asked if KIPP properly removed two underground storage tanks and claimed that KIPP had misrepresented the community. Lastly, she commented on hiring a city manager and how Jack and Blanca haven't been active in the process, then promoted a rally she is hosting.

Susie echoed what Tevina said. She mentioned that the council needs to support and protect the community, adding that KIPP should have taken the proper procedures to clean the site where they want to build. She lastly mentioned how Cudahy needs to stop working with interim city managers and hire permanently.

Aydé Bravo asked the council if they have sought out the California Department of Toxic Substances regarding KIPP's land. She also asked if the underground tanks were correctly

removed. She mentioned KIPP is misleading the public about what toxics were found and then promoted a rally.

Jack Guerrero commented on his concern for close session items related to the city manager selection and how the council convened in closed session inappropriately at the beginning of the process. He mentioned that the sunshine laws in California favor public transparency and restrict closed sessions to the narrowest of circumstances, protesting the closed session proceeding. He stated that he would withdraw from item 6D due to the nature of the item in the absence of public transparency and will withdraw from item 6E given Councilwoman Lozoya's nonattendance. He stated that with his absence for item 6E, the city fails to achieve a quorum because Gonzalez is obligated to recuse himself on the matter. Lastly, he mentioned that he would also withdraw from item 6F in symbolic protest.

Ilse Escobar made comments towards agenda item 6E. She asked the Council if they have sought out the California Department of Toxic Substances regarding the discovery of hazardous materials at 7801-7835 Otis Ave, where KIPP SoCal plans to build a school. She then asked if the underground tanks were properly removed using California's procedures and if the phase 1 and two reports submitted by KIPP were conducted under the correct standard. She also asked if the Council is investigating the PCE vapors and lastly asked for Council to meet with the members of Cudahy and mentioned a rally.

EMAILED PUBLIC COMMENT

Selene Betancourt I am an elected California Democratic Party Delegate representing Assembly District 51. This comment is for Closed Session regarding litigation. I am writing today to ask that you work with the organizers of Cudahy Alliance foJustice (CAJ) to immediately resolve this environmental justice issue and make sure that you keep your kids and our community safe.

I am concerned that building a school at 7801-7883 Oti Ave. will expose children and teachers to hazardous waste, increase traffic and air pollution, and decrease parking in our neighborhood. All people deserve dignified lives and safe environments. The health and safety, primarily of children, must be prioritized above all.

It is crucial that we put our communities first and ensure a safe and sustainable environment for all children. Environmental justice is a major priority for the California Democratic Party and the delegates in our district.

I support CAJ because they are a coalition of residents, parents and teachers of Cudahy schools who volunteer their time to protect students and community members in Cudahy and surrounding communities. We ask that the City and KIPP take the opportunity to spend the money on clean up, reducing traffic impacts, reducing school size, etc. instead of spending money on the lawsuit. The health and safety, primarily of children, must be prioritized above all other political agendas.

I object to KIPP SoCal's construction plans at 7801-7835 Otis Ave. Please meet with the organizers from Cudahy Alliance for Justice to immediately resolve this environmental injustice. You can contact one of the CAJ leaders, Tevina Quintana at tevinaquintana@yahoo.com.

Victor Frias I am a teacher in Cudahy. In regards to closed session 6E, I have a few questions.

I am speaking in regards to closed session 6.E:

- We would like to know if Cudahy City Council has sought out the California Department of Toxic Substances or DTSC regarding the discovery of hazardous materials and the Brownfield Restoration and School Evaluation Branch?
- When it comes to the “two large underground storage tanks” KIPP removed -- we are wondering if the UST’s were properly removed using the state's procedures?
- We also want to know about the standard of the Phase II report: is the ASTM Standard the correct one?
- We also wonder about PCE vapors in Econ’s Phase reports -- has the source been found?

KIPP's own website is giving misinformation saying that they have cleaned up the site and that only arsenic was found in the soil. Their own reports say differently. This is blatant disregard for the well-being of our community. Again, every single council member must take a strong stance as so many of you do on many other issues. Thank you Councilwoman Lomeli for being open to meeting with us. The rest of you - we talk about you all every single day telling our story and it's getting bigger and bigger. Please be on the front lines with us. Lastly, Cudahy Alliance for Justice stands in solidarity with Isais and his family. We demand justice for the entire Cudahy community.

6. CLOSED SESSION

- A.** Closed Session Pursuant to Government Code Section 54957 – Public Employee Recruitment Title of Position Under Consideration: City Manager
- B.** Closed Session Pursuant to Government Code Section 54957 – Public Employee Appointment/Employment – Title: Interim City Manager
- C.** Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator - Unrepresented Employee – Title: City Manager
- D.** Closed Session Pursuant to Government Code Section 54956.9(d)(4) – Conference with Legal Counsel to Discuss Matter Involving Potential Litigation – One Matter
- E.** Closed Session Pursuant to Government Code Section Gov't. Code § 54956.9 – Conference with Legal Counsel to discuss existing litigation – Cudahy Alliance for Justice v. City of Cudahy, et al. (LASC Case No. 20STCP03621)
- F.** Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator

Property Location:

Site No. 4 Atlantic Avenue/Cecilia Street Commercial Property

8135 South Atlantic Avenue APN: 6224-022-900

4629 Cecilia Street APN: 6224-022-904

8201 South Atlantic Avenue APN: 6224-022-901

8221 South Atlantic Avenue APN: 6224-022-903

4633 Cecilia Street APN: 6224-022-902

Successor Agency Negotiator: Elizabeth Hull, Special Council, Victor Ponto, City Attorney
Negotiating parties: Cudahy LF, LLC
Under Negotiation/Discussion: Discussion regarding instruments for the negotiation of price and terms of payment

7. CLOSED SESSION ANNOUNCEMENT

City Attorney Victor Ponto reported that counsel was given for items 6A, 6B, and 6C, and direction was received. Also, the Interim City Manager's contract details would be shared with members of the public during the open session. Additionally, reported that items 6D and 6E were tabled. 6D was tabled due to a time constraint, and 6E was tabled due to a lack of quorum. Regarding item 6F, counsel was given, and direction was received. Additionally, the details of the ENA will be shared with the council and members of the public when the item comes up during the open session.

8. PUBLIC COMMENTS

Tevina Quintana commented that she hopes the Cudahy Alliance for Justice v. City of Cudahy litigation case gets resolved as soon as possible. Then, she asked if KIPP properly removed two underground storage tanks and claimed that KIPP had misrepresented the community. Lastly, she commented that the city needs a city manager and how Councilmember Guerrero and Lozoya haven't been active and no help to the community, then promoted a rally she is hosting.

Belen Gutierrez thanked the former City Manager, Henry Garcia, City Councilmember Lomelí, and staff, Victor Santiago and Ruben Vasquez, for allowing her dance group to practice in the city. She then gave background on her dance program and encouraged people to join.

Susie de Santiago commented on her disappointment in how Councilmember Guerrero is not participating in close session items and on Councilmember Lozoya not being present at the meeting. She mentioned that she hopes Council can work to solve environmental injustices taking place in the city. Then commented on how great it is to have an Aztec dance group, and there should be more promotion. Susie de Santiago then commented on the sports programs currently contracted through YMCA, wanting the city to return to offer sports programs through the city, hoping that the YMCA is a temporary solution. Lastly, she hopes that in the future, the teen center can come back.

Ilse explained Cudahy Alliance for Justice, consisting of parents, teachers, students, and community members, and how they hope to prevent another environmental injustice, asking if the correct regulations are being followed to keep residents safe. She also commented that it boils down to protecting the rights of citizens and questioned the safety of the KIPP site, linking environmental injustices, pollutants, toxic hazards to a higher risk of having kids with special needs.

Ayde Bravo commented on KIPP SoCal wanting to build a school on toxic grounds, stating that an environmental injustice will be committed if not held accountable, questioning soil testing. She added that the city council must do what is right and hold KIPP responsible for reviewing and clean up the site properly.

Marcos Oliva agreed with some of the speakers that some council members don't do anything. He then added we should have more schools open. Then he commented on the new interim city manager and why his resume is not on the council agenda. He mentioned how he did look up the new interim city manager and was worrisome with what he found. Lastly, he noted that

Councilmembers not contributing (occupying space) should hopefully be removed in the next election and mentioned that certain things occurred due to the general plan.

Star Laca asked Council to hold KIPP transparent and accountable. She added that the soil needs to be cleaned appropriately. Mentioned a comment that Councilmember Guerrero made and responded to it, and then spoke against him for not participating in closed session due to Councilmember Lozoya being absent. Then added that Councilmember Guerrero and Lozoya need to be out of the city council and make room for those who have their heart in it and are not there for a political ticket.

EMAILED PUBLIC COMMENT

Cristian Markovich Husband, Father, former member of the Cudahy City Council, and 35 year/life long Cudahy resident. I am submitting this public comment to speak out against the construction of the KIPP school on Otis. Not only will this cause a massive traffic jam throughout the week but the land (like this project) is toxic. KIPP continues to tell the lie that it is cleaning the land while members of the City Council, specifically Jack Guerrero, spread propaganda in favor of KIPP rather than help the hard working educators that already serve our children. This project only benefits KIPP's board of directors and NOT the children or families of Cudahy."

9. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS

Council Member Guerrero began by requesting an agenda item for the next meeting to discuss a resolution supporting Freedom for the Cuban People. He also acknowledged the comments towards the KIPP project and reiterated his commitment to parental choice and mentioned the hold on construction and soil remediation efforts due to ongoing litigation. He addressed his concern for the deputy-involved shooting incident involving Isaias Cervantes. He noted that he continues to pray for him and the family, and some measure of justice, stating that the system failed the family. He then commented that in the last council meeting, he proposed a Request for Proposals (RFP) on Policing Services to force accountability on the Sheriff's Department and evaluate all options for remediating police services in the future. He thanked Council Member Lozoya for supporting his motion, admonished the remaining Councilmembers for their choice of not approving the request to initiate an RFP, and claimed that they failed to hold the Sheriff's Department accountable.

Council Member Lomeli mentioned that she wants to address the questions regarding KIPP, stating that the next big step is to meet regularly with the community to answer their questions because the city wants to be transparent. Secondly, she noted that the Ad Hoc Committee was created this year, and no secret meetings are happening, as was alluded to by her colleague. They are addressing issues, not doing anything behind closed doors. She mentioned the approved resolution and stated that the Sheriff's Ad Hoc committee meets almost every week, and that certain Councilmembers are not part of that work. She encouraged Councilmember Guerrero to participate in the closed sessions, to be able to hear about all the work the committee is doing. Lastly, she thanked the community members for being open to having conversations about different issues.

Vice Mayor Alcantar directed her comments to one of her colleagues, commenting how it is easy to sit down and point fingers but can not do the leg work by attending community meetings, council meetings and not being accessible to the public. She added that her colleague removed himself from the same committee working on policing, which talks about the hard questions not being answered in a resolution for an RFP that holds no ground. She then mentioned that when her colleague was part of the Sheriff's Ad Hoc Committee, they did a good job working together. She

also mentioned that she does not point fingers as opposed to her colleague. Lastly, she brought up what was heard from the community earlier about community programs being Cudahy owned and added that everything needs to be done as a team effort.

Mayor Gonzalez commended the Cudahy team for working hard and participating in the meetings. He then added it is not good to point fingers and how the Council is not just talking about the issues but doing something about it. He mentioned how he would have wanted Councilmember Guerrero to be part of the Ad Hoc Committee, but he left. He stated that it is easy to complain but not easy to get the work done and invited Councilmember Guerrero to join any committees he is interested in serving. He mentioned that items on the agenda do not show up magically; staff works diligently to have them on and then gives an example of finding a new city manager, which took countless meetings, hours, and conversations that included residents. Lastly, he invited all Councilmembers not to complain but fix the issues within the city to make it a better place and commended those who are putting in the work.

10. CITY MANAGER REPORT (information only)

11. REPORTS REGARDING AD HOC, ADVISORY, STANDING OR OTHER COMMITTEE MEETINGS

Council Member Lomelí reported on Behalf of the Education Ad Hoc Committee that they visited Ellen Ochoa during their one-hundred days of reading event, happily joining, and seeing the kids with their families celebrating reading and education. She mentioned how great it was having different organizations there and working in partnership.

Vice Mayor Alcantar reported that about 50 additional vaccinations were given to residents at the event mentioned by Councilmember Lomelí.

12. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

13. CONSENT CALENDAR (COUNCIL MEMBER GUERRERO PULLED ITEM A, B, C AND D FOR DISCUSSION)

A. Approval of the Local Agency Investment Fund (LAIF) for the Month of April 2021

Presented by the Finance Director

The City Council is requested to approve the Local Agency Investment Fund (LAIF) Report for the month of April 2021 in the amount of \$6,414,912.94.

Motion: It was motioned by Vice Mayor Alcantar and seconded by Council Member Lomelí to approve the Local Agency Investment Fund (LAIF) Report for the month of April 2021 in the amount of \$6,414,912.94. The motion carried (3-1-1) by the following roll call vote:

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

B. Approval of the City Demands and Payroll Including Cash and Investment Report for the Month of April 2021

Presented by the Finance Director

The City Council is requested to approve the Demands and Payroll in the amount of \$852,952.76 including Cash and Investment Report by Fund for the month of April 2021.

Motion: It was motioned by Vice Mayor Alcantar and seconded by Council Member Lomelí to approve the Demands and Payroll in the amount of \$852,952.76 including Cash and Investment Report by Fund for the month of April 2021. The motion carried (3-1-1) by the following roll call vote:

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

C. Consideration to Adopt Resolution No. 21-19, Updating the Authorizing Agents for Operation and Management of the City's Wells Fargo Bank Fund Accounts

Presented by the Finance Director

The City Council is requested to approve Resolution No. 21-19 to update the authorized agents for the City's Wells Fargo Bank Fund Accounts.

Motion: It was motioned by Council Member Lomelí and seconded by Vice Mayor Alcantar to approve Resolution No. 21-19 to update the authorized agents for the City's Wells Fargo Bank Fund Accounts. The motion carried (3-1-1) by the following roll call vote:

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

D. Adoption of Proposed Resolution No. 21-20 Superseding and Repealing Resolution No. 21-02, and Amending the Fringe Benefits and Salary Plan Establishing Provisions for All Full-time Employees, Hourly Employees, and Appointed Officials

Presented by the Human Resources Manager

The City Council is requested to approve proposed Resolution No. 21-20 superseding and repealing Resolution No. 21-02, fringe benefits and salary plan establishing provisions for all full-time employees, hourly employees, and appointed officials.

Motion: It was motioned by Mayor Gonzalez and seconded by Vice Mayor Alcantar to approve proposed Resolution No. 21-20 superseding and repealing Resolution No. 21-02, fringe benefits and salary plan establishing provisions for all full-time employees, hourly employees, and appointed officials. The motion carried (3-1-1) by the following roll call vote:

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

E. Approval of Letter addressed to the League of California Cities

Presented by the Assistant City Clerk

The City Council is requested to approve a letter addressed to the President of the League of California Cities in support of the City of South Gate's efforts to submit a resolution for consideration by the General Assembly at the League's 2021 Annual Conference in Sacramento.

Motion: It was motioned by Vice Mayor Alcantar and seconded by Mayor Gonzalez to approve a letter addressed to the President of the League of California Cities in support of the City of South Gate's efforts to submit a resolution for consideration by the General Assembly at the League's 2021 Annual Conference in Sacramento. The motion carried (3-0-1) by the following roll call vote:

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

14. PUBLIC HEARING

A. Adoption of Resolution No. 21-21 Memorializing a Public Hearing and Levying the Annual Assessment to Maintain the City of Cudahy Street Lighting District and Direct Staff to Forward the Resolution to the Los Angeles County Assessor

Presented by the Assistant Engineer

The City Council is requested to:

1. Adopt Resolution No. 21-21; memorializing a Public Hearing and Levying the Annual Assessment to maintain the City of Cudahy Street Lighting District for Fiscal Year (FY) 2021/22; and
2. Direct staff to forward Resolution No. 21-21 to the Los Angeles County Assessor before the August 6, 2021 deadline.

MAYOR GONZALEZ OPENED THE PUBLIC HEARING AT 8:42 PM

THERE WERE NO PUBLIC COMMENTS

MAYOR GONZALEZ CLOSED THE PUBLIC HEARING AT 8:57 PM

Motion: It was motioned by Vice Mayor Alcantar and seconded by Council Member Lomelí to Adopt Resolution No. 21-21; memorializing a Public Hearing and Levying the Annual Assessment to maintain the City of Cudahy Street Lighting District for Fiscal Year (FY) 2021/22; and direct staff to forward Resolution No. 21-21 to the Los Angeles County Assessor before the August 6, 2021 deadline. The motion carried (3-0-1) by the following roll call vote:

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

CITY ATTORNEY VICTOR PONTO REQUESTED A MOTION TO MOVE BUISNESS SESSION ITEM 15A AFTER BUISNESS SESSION ITEM 15B.

Motion: It was motioned by Mayor Gonzalez and seconded by Vice Mayor Alcantar to move business session item 15A after business session item 15B. The motion carried (3-0-1) by the following roll call vote:

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

15. BUSINESS SESSION

- A.** Approval of a contract between the City of Cudahy and Alfonso Noyola for Interim City Manager services

Presented by the City Attorney's Office

Staff recommends that the City Council appoint Alfonso Noyola as Interim City Manager starting July 21, 2021 and approve a contract between the City of Cudahy and Alfonso Noyola for Interim City Manager services.

Motion: It was motioned by Mayor Gonzalez and seconded by Vice Mayor Alcantar to appoint Alfonso Noyola as Interim City Manager starting July 21, 2021 and approve a contract between the City of Cudahy and Alfonso Noyola for Interim City Manager services. The motion carried (3-1-1) by the following roll call vote:

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

- B.** City Council consideration of the Exclusive Negotiating Agreement by and between the City of Cudahy and Cudahy LF, LLC for the Long-Range Property Management Plan Site 4

Presented by the City Attorney's Office

Staff recommends, The City Council is recommended to approve the proposed Exclusive Negotiating Agreement by and between the City of Cudahy and Cudahy LF, LLC for the potential disposition of the Long-Range Property Management Plan Site 4.

Motion: It was motioned by Vice Mayor Alcantar and seconded by Council Member Lomelí to approve the proposed Exclusive Negotiating Agreement by and between the City of Cudahy and Cudahy LF, LLC for the potential disposition of the Long-Range Property Management Plan Site 4. The motion carried (3-1-1) by the following roll call vote:

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

C. Consideration to Approve a Legal Services Agreement (PSA) with Liebert Cassidy Whitmore (LCW) for Employment Matters

Presented by the Human Resources Manager

The City Council is requested to approve a Legal Services Agreement with Liebert Cassidy Whitmore (LCW) for employment related matters (July 1, 2021, through June 30, 2022).

Motion: It was motioned by Vice Mayor Alcantar and seconded by Council Member Lomelí to approve a Legal Services Agreement with Liebert Cassidy Whitmore (LCW) for employment related matters (July 1, 2021, through June 30, 2022). The motion carried (3-1-1) by the following roll call vote:

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

D. Consideration to approve a Professional Services Agreement between the City of Cudahy and the Young Men's Christian Association (YMCA) for Continuing Youth Sports Services

Presented by the Parks and Recreation Program Coordinator

The City Council is requested to approve a Professional Services Agreement between the City of Cudahy and the YMCA to continue to provide youth sports services

Motion: It was motioned by Mayor Gonzalez and seconded by Vice Mayor Alcantar to approve a Professional Services Agreement between the City of Cudahy and the YMCA to continue to provide youth sports services. The motion carried (3-0-1) by the following roll call vote:

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

16. COUNCIL DISCUSSION - NONE

17. ADJOURNMENT

The City Council / Agency meeting was adjourned at 10:01 p.m.

Jose Gonzalez
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk