

MINUTES

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

August 17, 2021 6:30 P.M.

1. CALL TO ORDER

Mayor / Chair Gonzalez called the meeting to order at 6:32 p.m.

2. ROLL CALL

PRESENT: Council / Agency Member Guerrero
Council / Agency Member Lozoya
Council / Agency Member Lomelí
Vice Mayor / Chair Alcantar
Mayor / Chair Gonzalez

ABSENT: None

ALSO PRESENT: Interim City Manager, Alfonso Noyola, Deputy City Attorney, Stephanie Arechiga, Assistant City Clerk, Richard Iglesias and Assistant City Engineer, Aaron Hernandez.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lomelí.

4. PRESENTATIONS – NONE

Deputy City Attorney, Stephanie Arechiga, announced item 6A be pulled from closed session and only 6B is eligible for public comments with no objection from Council.

5. CLOSED SESSION PUBLIC COMMENTS

Tevina Quintana commented on item 6B asking Council for a proper clean up and wants DTSC to oversee the project.

Jack Guerrero commented on item 6A government code section reference being misaligned and requested City Attorney to review closed session items carefully.

Ilse Escobar member of Cudahy Alliance for Justice commented on KIPP's locations, asked the city to get DTSC to oversee the clean-up and commented on the Delta variant affecting students going back to school.

Star Laca asked Council to make sure the KIPP location be properly cleaned up and properly enforced, also thanked Council Member Lomelí for doing her part.

Aydé Bravo commented on hearing Council's comments and agreeing KIPP's location needs to be properly cleaned and stated the only way to get it cleaned is by involving DTSC to oversee the clean-up.

Mayor Gonzalez recused himself from close session due to conflict of interest.

Deputy City Attorney, Stephanie Arechiga, recessed to closed session.

6. CLOSED SESSION

- A. Closed Session Pursuant to Government Code Section 54956.9(d)(4) – Conference with Legal Counsel to Discuss Matter Involving Potential Litigation – One Matter
- B. 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)

Mayor Gonzalez reconvened to open session with all Council Members present.

7. CLOSED SESSION ANNOUNCEMENT

Deputy City Attorney, Stephanie Arechiga announced there was no further reportable action.

8. PUBLIC COMMENTS

Tevina Quintana thanked Council Member Lomelí, Interim City Manager, Alfonso Noyola and Community Development Manager, Sal Lopez for an amazing Ad Hoc committee, was disappointed that Vice Mayor Elizabeth Alcantar did not show up and was disappointed at the YMCA backpack give away, mentioned Maywood and Cudahy together have a girl scout troop but never get invited to the events.

Genesis Coronado LAUSD Redistricting Outreach Director for the LAUSD Redistricting Outreach Commission introduced herself to Council and the public, provided background to the role of the Redistricting Commission, and shared opportunities for public engagement.

Star Laca thanked Council Member Lomelí, Community Development Manager, Sal Lopez and Interim City Manager, Alfonso Noyola for an amazing Ad Hoc committee meeting, mentioned being disappointed that Vice Mayor Elizabeth Alcantar did not attend, commented on Sheriffs attending and providing sanitizing wipes.

Aydé Bravo commented on involving DTSC to ensure the clean-up, mentioned KIPP's website and their reference of the arsenic soil and demanded Council to do the right thing.

Susie welcomed the new Interim City Manager, Alfonso Noyola, commented on reactivating the teen center at Lugo Park, and requested proper cleaning be done at the KIPP location.

Ilse Escobar member of Cudahy Alliance for Justice commented on involving DTSC for clean-up at the KIPP location, urged Council Members to meet with Cudahy Alliance for Justice and mentioned KIPP will take advantage of the lack of oversight and enforcement.

Jack Guerrero commented on rebutting various comments from City Council majority at the last meeting. He commented on rules of engagement being rigged against him, not being able to rebut comments after the three majority Council Members speak on any subject, addressed a reoccurring City Council's repeated violation of California Sunshine laws related to closed session. Also mentioned the City Manger's selection process was an example of improper classification by the City, lack of transparency of properties in the Successor Agency and selection process for developers.

9. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS

Council Member Guerrero reiterated his commitment, commented on students failing to meet academic requirements, urged the public's support on a school choice initiative, commented on the Isaias Cervantes incident, and proposed an RFP to force accountability on the Sheriff's Department. He welcomed the new Interim City Manager, Alfonso Noyola, commented on a case he is a member of, that an appellate court declared the case moot, and quoted the city attorney.

Council Member Lozoya welcomed the new Interim City Manager, Alfonso Noyola and wished him good luck.

Council Member Lomeli thanked staff, acknowledged the last meeting was cancelled due to an event, wished everyone a safe return to school, mentioned newsletters sent out via text, encouraged the public to subscribe, City still hosting vaccine and testing sites at Clara Park, thanked Community Development Manager, Sal Lopez for meeting with the community, and thankful for having Interim City Manager, Alfonso Noyola part of the team.

Vice Mayor Alcantar apologized to the Cudahy Alliance for Justice for not attending the meeting due to being sick but is always available to meet, encouraged public to get vaccinated and tested, stated the City has two free testing sites, mentioned SELA United collected over 1500 books for children awaiting reunification, and requested staff to add a Resolution in support of SCAQMD Refinery Rule 1109.1 on the next agenda.

Mayor Gonzalez thanked the team, mentioned wanting to see the local girl scout troop at future events, reminded the public that the city is enforcing parking, last Council meeting being cancelled due to National Night Out event, praised the Education Ad-Hoc Committee and stated he was unable to attend the meeting due to the Brown Act, welcomed the new Interim City Manager, Alfonso Noyola and hopes Council Member Guerrero reconsiders joining him on the Finance Ad-Hoc Committee.

10. CITY MANAGER REPORT (information only)

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

Council Member Lomeli commented on behalf of the Education Ad-Hoc Committee meeting, stated everyone working together as a partnership, the final outcome was to work closely with KIPP to ensure they are transparent and for KIPP to take the City's consideration.

Vice Mayor Alcantar commented on behalf of Gateway Cities Council of Governments, stated they discussed transportation, transient, and homelessness issues but the biggest issue brought up was the 710 South expansion, stated that federal government mentioned it was not a plan they can move forward with, Gateway COG created a 710 South Committee that public can view the meetings and some allowing public comment, next meeting being August 30th at 5:00 p.m.

Mayor Gonzalez stated an Environmental Impact Report has come out for the West Santa Ana Branch Transit Corridor, next meetings August 19th at 6:00 p.m. – 8:00 p.m., August 24th at 12:00 p.m. – 2:00 p.m., August 28th 10:00 a.m. – 12:00 p.m. and the public can submit comments, due September 28th, additional information will be posted on the City's website and social media.

12. WAIVER OF FULL READING OF RESOLUTIONS AND ORDINANCES

Motion: Council Member Lomeli motioned to waive full reading of resolutions and ordinances, seconded by Vice Mayor Alcantar. Motion passed 4-0 by the following roll call vote:

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

13. CONSENT CALENDAR

A. Consideration to Review and Approve the Draft Minutes of July 20, 2021, 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

Recommendation: The City Council is requested to review and approve the City Council / Successor Agency Draft Minutes for July 20, 2021.

Motion: Vice Mayor Alcantar motioned to approve consent calendar, seconded by Council Member Lomeli. Motion passed 5-0 by the following roll call vote:

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

14. PUBLIC HEARING – NONE

15. BUSINESS SESSION

A. Extension of Site 3 Exclusive Negotiation Agreement with Prima Development

Presented by Interim City Manager, Alfonso Noyola on behalf of the City Attorney's Office.

Recommendation: That the City Council acting in its capacity of the governing board of the Successor Agency to the former Cudahy Community Development Commission approve an amendment to the Exclusive Negotiation Agreement in place for the Site 3 Purchase and Sale Agreement.

Motion: Council Member Guerrero made a motion to table item to next meeting. Motion not seconded; motion failed.

Motion: Council Member Guerrero amended motion to extend terms on the preexisting Exclusive Negotiation Agreement until next regular City Council meeting. Motion not seconded; motion failed.

Motion: Council Member Guerrero motioned to approve the Exclusive Negotiation Agreement with removal of Section 2 of the agreement, and negotiate until finalized, seconded by Council Member Lozoya. Motion failed 2-3 by the following roll call vote:

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

Subsequent Motion: Mayor Gonzalez moved to approve an amendment to the Exclusive Negotiation Agreement in place for the Site 3 Purchase and Sale Agreement, seconded by Vice Mayor Alcantar. Motion passed 3-1 by the following roll call vote:

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

B. Consideration to Declare an Emergency for the Demolition of the Existing City of Cudahy and its Redevelopment Dissolution Successor Agency-owned buildings located at 4718-4720-4722 and 4734 Santa Ana St (Site 2) and 4613 Clara St (Site 6), and Make the Necessary Findings in Support Thereof

Presented by Interim City Manager, Assistant City Engineer, and City Attorney provided Council with additional information.

Recommendation: The City Council is requested to:

1. Adopt a Resolution, by a 4/5th of votes, declaring an emergency for the demolition of existing City and its Redevelopment Dissolution Successor Agency-owned buildings located at 4718-4720-4722 and 4734 Santa Ana St (Site 2) and 4613 Clara St (Site 6), and making findings in support thereof; and
2. By declaring an emergency, authorize and enable staff to bypass the regular bidding process and receive informal quotes, and approve the following related actions:

- a. Authorize staff to commence with the necessary work for the demolition of existing City and its Redevelopment Dissolution Successor Agency-owned buildings located at 4718-4722 & 4734 Santa Ana St (Site 2) and 4613 Clara St (Site 6); and
- b. Approve budget allocation of \$300,000 from General Funds for preparation of bidding documents, project management, environmental hazmat testing, and construction contingent upon appropriation of funds by City Council; and
- c. Authorize staff to advertise a bid package and issue a Notice Inviting Bids (NIB); and
- d. Authorize staff to retain one of the on-call engineering/ environmental firm to perform hazmat testing as required; and
- e. Approve Environmental Assessment as follows: The proposed project is categorically exempt pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387), Article 19. Categorical Exemptions, Section 15301, Existing Facilities as a Class 1 paragraph (l) Demolition and removal of individual small structures listed in this subdivision.

Motion: Vice Mayor Alcantar made a motion to adopt a Resolution declaring an emergency for the demolition of existing City and its Redevelopment Dissolution Successor Agency-owned buildings located at 4718-4720-4722 and 4734 Santa Ana St (Site 2) and 4613 Clara St (Site 6), declare an emergency, authorize and enable staff to bypass the regular bidding process and receive informal quotes, and approve the following related actions, Authorize staff to commence with the necessary work for the demolition of existing City and its Redevelopment Dissolution Successor Agency-owned buildings, approve budget allocation of \$300,000 from General Funds for preparation of bidding documents, project management, environmental hazmat testing, and construction contingent upon appropriation of funds by City Council, authorize staff to advertise a bid package and issue a Notice Inviting Bids (NIB), authorize staff to retain one of the on-call engineering/ environmental firm to perform hazmat testing as required; and approve Environmental Assessment as follows: The proposed project is categorically exempt pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387), Article 19. Categorical Exemptions, Section 15301, Existing Facilities as a Class 1 paragraph (l) Demolition and removal of individual small structures listed in this subdivision, seconded by Council Member Lomelí. Motion failed (minimum 4/5 vote needed to pass) 3-1 by the following roll call vote:

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

Subsequent Motion: Mayor Gonzalez made a motion to adopt the Resolution as non-emergency with removal of all emergency language for the demolition of existing City and its Redevelopment Dissolution Successor Agency-owned buildings located at 4718-4720-4722 and 4734 Santa Ana St (Site 2) and 4613 Clara St (Site 6), follow the standard City process, approve budget allocation of \$300,000 from General Funds for preparation of bidding documents, project management, environmental hazmat testing, and construction contingent upon appropriation of funds by City Council, and staff to prioritize this project, seconded by Council Member Guerrero. Motion passed 5-0 by the following roll call vote:

AYES: Guerrero, Lozoya, Lomelí, Alcantar, and Gonzalez

NOES: None
ABSENT: None
ABSTAIN: None

16. COUNCIL DISCUSSION

A. Council Member Guerrero

- i. Resolution supporting freedom for the Cuban people

Council Member Guerrero requested staff to add Resolution to the next City Council meeting for a vote.

17. ADJOURNMENT

The City Council / Agency meeting was adjourned at 9:34 p.m.

Jose Gonzalez
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk