

MINUTES

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

September 21, 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 (arrived at 6:33 p.m.)
Council / Agency Member Lomeli
Vice Mayor / Vice Chair Alcantar
Mayor / Chair Gonzalez

ABSENT: None

ALSO PRESENT: City Manager, Alfonso Noyola, City Attorney, Victor Ponto, Special Counsel, Elizabeth Hull, Assistant City Clerk, Richard Iglesias, Junior Deputy City Clerk, Estefania Zamora, Assistant City Engineer, Aaron Hernandez, Administrative Analyst, Brenda Rodriguez, and Interim Community Development Manager, Salvador Lopez.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Lomeli.

4. PRESENTATIONS – NONE

5. CLOSED SESSION PUBLIC COMMENTS

Jack Guerrero commented on not participating in today's closed session due to Council's alleged violation of Sunshine Law and the Brown Act related to the City Manager selection process.

At 6:40p.m., City Attorney, Victor Ponto, recessed to closed session.

6. CLOSED SESSION

- A.** Closed Session Pursuant to Government Code Section 54957 – Public Employee Performance Evaluation
Title of Employee: Interim City Manager

B. Closed Session Pursuant to Government Code Section 54957 – Public Employee Appointment/Employment – Title: City Manager

C. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator
City’s Designated Representative: Victor Ponto, City Attorney
Unrepresented Employee: City Manager

At 7:30 p.m., Mayor Gonzalez reconvened to open session with all Council Members present.

7. CLOSED SESSION ANNOUNCEMENT

City Attorney, Victor Ponto announced Council was briefed on the key points for the City Manager contract to Alfonso Noyola and no further reportable action.

8. PUBLIC COMMENTS

Byron Chan attorney with Earth Justice, commented in support of Item 13B Resolution in support of South Coast AQMD Proposed Rule 1109.1, mentioned the health issues caused by refineries and thanked Vice Mayor for her support.

Jan Victor Andasan community organizer with East Yard Communities for Environmental Justice, commented in support of Item 13B Resolution in support of South Coast AQMD Proposed Rule 1109.1, thanked Vice Mayor, mentioned the exposure of pollution in the community caused by refineries and health issues.

Tevina Q. commented on Council Member Guerrero’s absence last meeting, not having the same support as others for KIPP building in toxic land. She also commented on parking enforcement and streets not being cleaned.

Oscar Espino-Padron attorney with Earth Justice, commented in support of Item 13B Resolution in support of South Coast AQMD Proposed Rule 1109.1, urged Council for their approval, and thanked Vice Mayor for her support and leadership.

Susie de Santiago commented and requested Council’s support on the KIPP project being built on toxic land, stated there is a program available with DTSC for voluntary clean-up and asked Council to demand KIPP to participate in the DTSC program. Lastly, commented on parking not being enforced regularly.

Star Laca commented on KIPP affecting the community and would like to see the Vice Mayor putting more energy in the City of Cudahy especially with KIPP.

Jack Guerrero commented on closed session items and clarified his previous comments, asked City Attorney to provide legal rationale on the closed session items and why the public is excluded related to planning matters.

Bertha Martinez teacher at Ellen Ochoa, commented on the clean-up on Otis and encouraged Council to reach out to DTSC.

9. CITY COUNCIL COMMENTS / REQUESTS FOR AGENDA ITEMS

Council Member Lozoya mentioned that she was glad to hear the public comment speakers taking care of the city and stated Council should focus on the City issues first.

Council Member Guerrero briefed the public on his attendance and participation at the Fall Educational Seminar organized by the California Contract Cities Association, mentioned sharing his concerns with Sheriff Villanueva regarding the Isaias Cervantes incident, reminded the public on elections having consequences, reiterated his commitment, and urged everyone's school choice initiative.

Council Member Lomelí thanked everyone who spoke and everyone who came out to vote, commented on the environmental justice and in support of Resolution regarding 1109.1, thanked staff for assisting residents to sign up for texts.

Vice Mayor Alcantar commented on air quality issues affecting everyone, encouraged her colleagues to focus on city issues, noted taking time off, walking around the city and noticing matters being brought up by the community, mentioned the 710 Highway project and meeting with Attorney General Rob Bonta.

Mayor Gonzalez encouraged colleagues to be involved in all meetings, mentioned air quality importance, commended Vice Mayor Alcantar and Council Member Lomelí mentioned their focus on the city, and invited colleagues to introduce anything good for the city.

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

Motion: Vice Mayor Alcantar motioned to waive full reading of resolutions and ordinances, seconded by Council Member Lomelí. Motion passed 3-0 by the following roll call vote:

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

13. CONSENT CALENDAR

A. Consideration to Review and Approve the Draft Minutes of September 7, 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 September 7, 2021.

Motion: Vice Mayor Alcantar motioned to approve the Draft Minutes of September 7, 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, seconded by Mayor Gonzalez. Motion passed 4-1 by the following roll call vote:

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

B. Adoption of Resolution No. 21-28 In Support of South Coast AQMD Proposed Rule 1109.1 Emissions of Oxides of Nitrogen for Petroleum Refineries and Related Operations

Recommendation: The City Council is requested to adopt Resolution No. 21-28 in Support of South Coast AQMD Proposed Rule 1109.1 Emissions of Oxides of Nitrogen for Petroleum Refineries and Related Operations.

Motion: Vice Mayor Alcantar motioned to adopt Resolution No. 21-28 in Support of South Coast AQMD Proposed Rule 1109.1 Emissions of Oxides of Nitrogen for Petroleum Refineries and Related Operations, seconded by Mayor Gonzalez. Motion passed 4-0 by the following roll call vote:

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

C. Resolution of public interest and convenience, declaring the city's intent to sell real property at 4610 Santa Ana Street (APN 6224-019-901) for the construction of a mixed-use affordable senior housing development

Recommendation: Staff recommends that the City Council of the City of Cudahy (the "City"): Adopt the Resolution of Public Interest and Convenience No. 21-29, declaring the City's intent to sell the real property located at 4610 Santa Ana Street, Cudahy, California with the following Los Angeles County Assessor Parcel Number: 6224-019-301, in order to allow for the development of affordable housing for low income and homeless seniors ("Project").

Motion: Vice Mayor Alcantar motioned to adopt the Resolution of Public Interest and Convenience No. 21-29, declaring the City's intent to sell the real property located at 4610

Santa Ana Street, Cudahy, California with the following Los Angeles County Assessor Parcel Number: 6224-019-301, in order to allow for the development of affordable housing for low income and homeless seniors, seconded by Mayor Gonzalez. Motion passed 4-0 by the following roll call vote:

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

14. PUBLIC HEARING

- A.** Modification to Development Agreement No. DA 20-01 re: construction of a 177-unit Mixed-Use Senior Housing Development for the property located at 4610 Santa Ana Street (APN 6224-019-901)

Presented by Interim Community Development Manager, Salvador Lopez.

Recommendation: Staff recommends that the City Council of the City of Cudahy (the “City”): Adopt on First Reading: Ordinance No. 715 - Modification to Development Agreement No. 20-01 (“Agreement”) entitled “Amended and Restated Development Agreement” for the Senior Mixed Use Development Project.

City Attorney recommended the Mayor to open up public comment.

Mayor Gonzalez opened up public comment, there being none, closed public comment.

Motion: Vice Mayor Alcantar motioned to Adopt on First Reading: Ordinance No. 715 - Modification to Development Agreement No. 20-01 (“Agreement”) entitled “Amended and Restated Development Agreement” for the Senior Mixed Use Development Project, seconded by Mayor Gonzalez. Motion passed 3-0 by the following roll call vote:

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

15. BUSINESS SESSION

- A.** Consideration to Approve a Contract Services Agreement to Award Danny Ryan Precision Contracting, Inc., for the Santa Ana St (Site 2) and Clara St (Site 6) Demolition Project – City of Cudahy and its Redevelopment Dissolution Successor Agency

Presented by Assistant City Engineer, Aaron Hernandez.

Recommendation: The City Council is requested to approve a Contract Services Agreement with Danny Ryan Precision Contracting, Inc., the lowest responsive and responsible bidder, for an amount of \$132,870 to undertake the Santa Ana St (Site 2) and Clara St (Site 6) Demolition Project – City of Cudahy and its Redevelopment Dissolution Successor Agency; and Authorize the City Manager to include any additional scope of work and/ or negotiate contract amendments as deemed necessary per site conditions not to exceed a total contract of a previously approved amount of \$300,000.

Motion: Vice Mayor Alcantar motioned to approve Contract Services Agreement with Danny Ryan Precision Contracting, Inc. for an amount of \$132,870 to undertake the Santa Ana St (Site 2) and Clara St (Site 6) Demolition Project – City of Cudahy and its Redevelopment Dissolution Successor Agency; and Authorize the City Manager to include any additional scope of work and/ or negotiate contract amendments as deemed necessary per site conditions not to exceed a total contract of a previously approved amount of \$300,000, 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

B. Adoption of Proposed Resolution No. 21-30, A Resolution of the City Council of the City of Cudahy Amending the Classification Plan for City Employees

Presented by Administrative Analyst, Brenda Rodriguez.

Recommendation: The City Council is requested to approve Resolution No. 21-30 of the City Council of the City of Cudahy amending the Classification Plan for City employees.

Motion: Vice Mayor Alcantar motioned to approve Resolution No. 21-30 of the City Council of the City of Cudahy amending the Classification Plan for City employees, seconded by Council Member Lomelí. Motion passed 5-0 by the following roll call vote:

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

C. Adoption of a Proposed Resolution No. 21-31, Superseding and Repealing Resolution No. 21-27, and Amending the Adopted Fringe Benefits and Salary Plan Establishing Provisions for All Full-time Employees, and Hourly Employees

Presented by Administrative Analyst, Brenda Rodriguez.

Recommendation: The City Council is requested to approve the proposed Resolution No. 21-31, amending the fringe benefits and salary plan establishing provisions for all full-

time employees, hourly employees, and appointed officials and repealing Resolution No. 21-27.

Motion: Vice Mayor Alcantar motioned to approve the proposed Resolution No. 21-31, amending the fringe benefits and salary plan establishing provisions for all full-time employees, hourly employees, and appointed officials and repealing Resolution No. 21-27, seconded by Mayor Gonzalez. Motion passed 3-1 by the following roll call vote:

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

D. Approval of a contract between the City of Cudahy and Alfonso Noyola for City Manager services

Presented by City Attorney, Victor Ponto.

Recommendation: Staff recommends that the City Council appoint Alfonso Noyola as City Manager starting September 2021 and approve a contract between the City of Cudahy and Alfonso Noyola for City Manager services.

Motion: Vice Mayor Alcantar motioned to appoint Alfonso Noyola as City Manager starting September 2021 and approve a contract between the City of Cudahy and Alfonso Noyola for City Manager services, seconded by Mayor Gonzalez. Motion passed 3-1 by the following roll call vote:

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

16. COUNCIL DISCUSSION – NONE

17. ADJOURNMENT

The City Council / Agency meeting was adjourned at 9:47 p.m.

Jose Gonzalez
Mayor

ATTEST:

Richard Iglesias
Assistant City Clerk