



City of Commerce

Meeting Minutes

Tuesday, September 3, 2019 - 5:00 PM

**CONCURRENT JOINT MEETINGS OF THE CITY COUNCIL OF THE CITY OF
COMMERCE, JOINT POWERS FINANCING AUTHORITY AND THE GOVERNING BODY
OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT
COMMISSION**

5:00 P.M. CLOSED SESSION

CALL TO ORDER

Mayor Soria called meeting to order at 5:00 p.m. in the Council Chambers.

ROLL CALL

Present: 5 - Mayor Soria
Mayor Pro Tem Altamirano
Councilmember Argumedo
Councilmember Mendoza
Councilmember Rebollo

PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no individuals wishing to address the City Council/Successor Agency on any items on the Closed Session agenda.

RECESS TO CLOSED SESSION

City Council/Successor Agency recessed to Closed Session at 5:09 p.m. Assistant City Attorney stated that two items came after the posting of the agenda - one more potential litigation and personnel matters related to the recruitment, appointment or employment of public employees for the following titles: Assistant City Manager, Director of Public Works/Development Services and Director of Economic Development and Sustainability.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to add one more potential litigation item to the Closed Session agenda. The motion carried by the following vote:

AYES: Councilmembers Argumedo, Mendoza, Rebollo, Mayor Pro Tem Altamirano and Mayor Soria

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to add personnel matters related to recruitment, appointment or employment of public

employees for the following titles: Assistant City Manager, Director of Public Works/Development Services and Director of Economic Development and Sustainability to the Closed Session agenda. The motion carried by the following vote:

AYES: Councilmembers Argumedo, Mendoza, Rebollo, Mayor Pro Tem Altamirano and Mayor Soria

1. Pursuant to Government Code §54957.6 the City Council will confer with its labor negotiator, Edgar P. Cisneros, with respect to labor negotiations pertaining to:
 - A. The Memoranda of Understanding between the City and the City of Commerce Employees Association on behalf of the part -time employees.
 - B. The Memoranda of Understanding between the City and the City of Commerce Employees Association on behalf of the mid-management and non-management full-time employees.
 - C. Compensation and benefits for the unrepresented full-time executive management employees.
2. Pursuant to Government Code §54956.8, the City Council will confer with its real property negotiator, Edgar Cisneros, with respect to real estate negotiations with:
 - A. BNSF concerning proposed price and other terms relating thereto, comprised of: APN (6335-022-800), APN (6335-022-801), APN (6335-023-800), APN (6335-023-801), APN (6335-025-805), APN (6335-025-807), APN (6335-014-805) and APN (6335-014-806)
 - B. 2500 S Eastern Ave. (APN 6335-024-046), (APN 6335-024-03), (APN 6335-024-039), (APN 6335-024-048), (APN 6335-024-04), (APN 6335-024-043), (APN 6335-024-044), (APN 6335-024-045), 5600 Jillson St. (APN 6335-023-049), (APN 6335-023-0), (APN 6335-023-054), 5611 E Washington Blvd. (APN 6335-023-048), 5571 E Washington Blvd. (APN 6335-024-056), 5555 E. Washington, Commerce, CA 90040 (APN 6335024057).
 - C. 5476 Jillson St. (APN 6335-019-023), 5530 Jillson St., Commerce, CA 90040 (APN 6335-019-042)
 - D. 5533 E. Washington - (APN 6335-019-043), 5505 E. Washington (APN 6335-019-047), and 5519 E. Washington, Commerce, CA 90040 (APN 6335-019-046).
 - E. Wash-Tel Commerce, LLC concerning proposed price and other terms relating thereto, comprised of 6329 and 6355 Washington Boulevard, Commerce, California, commonly referred to as the Stahl Trust property.

F. Property located at 6364 Zindell Street, Commerce CA (APN 6357-015-900 and 6357-019-304)

3. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: ZVI (aka) Harry Ryzman and Betty Ryzman, as Trustees of the Ryzman Family *v the City of Commerce, acting in a separate limited capacity elected to serve as the Successor Agency to the Commerce Community Development Commission et al.* - Superior Court of the State of California, County of Los Angeles, Case No. 19STCP02821.
4. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: East Yard Communities for Environmental Justice *v the City of Commerce, et al.* - Superior Court of the State of California, County of Los Angeles, Case No. 19STCP03310.
5. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: Coalition for responsible Equitable Economic Development Los Angeles, an unincorporated association; Carlos Mendivil, James Moreno and David Pimenov *v the City of Commerce, the City Council of the City of Commerce, and City of Commerce Public Works and Development Services department et al.* - Superior Court of the State of California, County of Los Angeles, Case No. 19STCP03329.
6. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: *Ted Jimenez; Southwest Regional Council of Carpenters v. the City of Commerce , et al.* - Superior Court of the State of California, County of Los Angeles, Case No. 19STCP03295.
7. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(d)(2) and 54956.9(e)(3) Regarding Anticipated/Potential Litigation - One (1) Matter

RECONVENE TO OPEN SESSION

City Council/Successor Agency reconvened to Open Session at 6:09 p.m.

ORAL CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Copado reported on Closed Session items:

Item #1.A and 1.B - City Manager Cisneros and Human Resources Director Pappo provided City Council with a briefing. Assistant City Attorney Copado stated that these two items are for City Council consideration in the open meeting.

Item 2.A - Legal Counsel Scott Nichols provided an update, City Council provided

further direction. No final action was taken on this item.

Item #3- Legal Counsel Scott Nichols and City Manager Cisneros provided an update, and no final action was taken on this item.

Item #4, #5, and #6 -provided an update, and no final action was taken on any of these items.

Item #7.B- City Manager Cisneros provided an update, City Council provided a direction to staff to obtain additional information.

Other items were discussed after the regular City Council meeting.

Item #1.C - City Manager Cisneros briefed the City Council and further direction was provided to the City Manager. No reportable action was taken on this item.

Item #2.E - City Manager Cisneros provided an update and no reportable action was taken on this item.

Item #7.A. by a consensus vote, the City Council approved the following action: for the City to join lawsuit with the City of Signal Hill v Central Basin Municipal District and authorize the Mayor to execute all necessary documents.

item #8 - City Manager Cisneros provided an update about Assistant City Manager recruitment and direction was provided to the City Manager regarding this position. City Manager Cisneros briefed the City Council on other recruitments and no reportable action was taken on this item.

Rest of the items have not been discussed in the Closed Session.

6:00 P.M. - CITY COUNCIL MEETING

CALL TO ORDER

Mayor Soria called regular City Council meeting to order at 6:11 p.m. in the Council Chambers.

ROLL CALL

Present: 5 - Mayor Soria
Mayor Pro Tem Altamirano
Councilmember Argumedo
Councilmember Mendoza
Councilmember Rebollo

PLEDGE OF ALLEGIANCE

Library Director Sarmiento led the Pledge of Allegiance

INVOCATION

Councilmember Rebollo offered the invocation.

APPEARANCES AND PRESENTATIONS

1. Certificate of Recognition Congratulating Commerce United 18u Team for Winning 1st Place in the State Games of America Soccer Tournament, August 1-5, in Lynchburg, Virginia

Councilmembers and the Mayor congratulated Commerce United 18u Team for their recent achievement.

PUBLIC COMMENT

Kevin Larsen, Representing City of Commerce employee association, spoke about Memorandum of Understanding for City employees. Lora Logan, President of Employee Association, added that it was a good experience and thanked the team.

James Herrmann spoke about cannabis referendum, and opposed the denial of the referendum petitions, and spoke about the risk of cannabis.

Gloria Nezahualcoya spoke about respect for seniors.

Camilla Miranda spoke about Citadel project being beneficial for the City by bringing additional revenues, but opposed cannabis in the City. According to Ms. Miranda, it costs City money by hiring consultants.

Javier Hernandez spoke about respect for the elder people and respect for the leadership.

Sharon Basic spoke about trash in the City, and complained that restroom in Camp Commerce was not working when she went on a trip.

CONSENT CALENDAR

Item #8 was continued to a later date. Councilmember Mendoza asked to pull item #4 and #9 for discussion.

Item #4 - City Manager Cisneros provided an overview of the staff report. Discussion took place what services will be provided, and how many additional permits would be processed. City Manager Cisneros stated that there is on-going work going with the existing permits as well in additional to the new ones. Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to adopt Resolution approving an amendment to the Agreement for Consultant Services with Klimt Consulting LLC, for planning, land use, applicants relations and zoning support services, as they relate to supplemental staffing for the City's Commercial Cannabis Permit (CCP) program under Ordinance No. 700. The motion carried by the following vote:

AYES: Councilmember Rebollo, Mayor Pro Tem Altamirano and Mayor Soria (3)

NAYES: Councilmembers Mendoza and Argumedo (2)

Mayor Pro Tem Altamirano recused himself from participating on item #9 due to potential conflict of interest.

Deputy Director of Engineering Yang provided an overview of the staff report. Councilmember Mendoza asked about contingency fees and how funds were used, and asked that in the future contingency fees break down also provided. Discussion took place that the leftover money from Washington Boulevard project were used for Eastern Avenue and other projects in the City within the parameters of the grant money received.

Assistant Finance Director Brooks stated that after the audit is complete, staff will report back to the City Council regarding funds and how they were used.

Councilmember Rebollo moved, seconded by Councilmember Argumedo, to adopt resolution authorizing the Washington Boulevard Project acceptance, including all final costs , funding closure and final retention release. The motion carried by the following vote:

AYES: Councilmembers Argumedo, Mendoza, Rebollo, and Mayor Soria (4)

RECUSED: Mayor Pro Tem Altamirano (1)

Councilmember Rebollo moved, seconded by Councilmember Argumedo, to approve Consent Calendar minus items #4, #8 and #9. The motion carried

by the following vote:

Ayes: 5 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Argumedo, Councilmember Mendoza, and Councilmember Rebollo

2. Approval of Warrant Register Nos. 3A, 3B and 27A
3. Approval of Minutes
4. Amendment to the Agreement with Klimt Consulting LLC for Conducting Planning, Land Use, Zoning and Supplemental Staffing Support Services Related to Commercial Cannabis Permits
5. Agreement with BOA Architecture for Architecture and Engineering Services for the Roofing System and HVAC Upgrade Design at Bristow Park Building
6. Letter of Agreement Between the City of Commerce and CCEA Related to the 4/10 Schedule
7. Purchase and Sale Agreement and Escrow Instructions Between Oak Road Capital, LLC, and the City of Commerce, for Land in the City of Commerce, California
8. Rail Purchase Agreement with BNSF Railroad for BNSF Property Interests in the City of Commerce
9. Project Acceptance of Completed Washington Boulevard Project

SCHEDULED MATTERS

10. Memorandum of Understanding as it Relates to Mid-Management and Non-Management Full-Time Employees for 2018 - 2021

Director of Human Resources Pappo provided an overview of the staff report. Councilmembers thanked the teams and thanked all employees.

Councilmember Rebollo moved, seconded by Councilmember Argumedo, to adopt Resolution approving Memorandum of Understanding between the City of Commerce and Mid-Management and Non-Management Full-Time Employees represented by the City of Commerce Employees Association - AFSCME Local 773. The motion carried by the following vote:

Ayes: 5 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Argumedo, Councilmember Mendoza, and Councilmember Rebollo

11. Memorandum of Understanding as it Relates to Part - Time Employees for 2018 - 2021

Human Resources Director Pappo provided a brief overview of the staff report.

Councilmember Rebollo moved, seconded by Councilmember Argumedo, to adopt Resolution approving Memorandum of Understanding between the City of Commerce and Part-Time Employees represented by the City of Commerce Employees Association - AFSCME Local 773. The motion carried by the following vote:

Ayes: 5 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Argumedo, Councilmember Mendoza, and Councilmember Rebollo

12. Certification of Two (2) Referendum Petitions Submitted Against City of Commerce Ordinance Nos. 731 And 732; and Selection of Option - 1. Repealing Ordinances, or 2. Calling a Special Election, or 3. Consolidating with the March 3, 2020 Election for Submitting to Voters for Referendum

Director of Administrative Services and City Clerk Shumway provided an overview of the staff report.

Mayor Pro Tem Altamirano moved, seconded by Councilmember Mendoza, to adopt two (2) Resolutions certifying the results of the two (2) Referendum Petitions submitted against City of Commerce Ordinance Nos. 731 and 732, and direct staff to bring back options at a later meeting. The motion carried by the following vote:

Ayes: 5 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Argumedo, Councilmember Mendoza, and Councilmember Rebollo

ORDINANCES

13. Ordinance Amending Chapter 9.10 of the Commerce Municipal Code Relating to Sex Offender Residency Restrictions - Second Reading

Director of Administrative Services and City Clerk Shumway provided a brief overview of the staff report.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to adopt Ordinance amending Title 9 (Peace, Safety and Morals), Chapter 9.10 (Sex Offender Residency Restrictions) of the Commerce Municipal Code. The motion carried by the following vote:

Ayes: 5 - Mayor Soria, Mayor Pro Tem Altamirano, Councilmember Argumedo, Councilmember Mendoza, and Councilmember Rebollo

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

Councilmembers and the Mayor congratulated employees and management team on completing the three year contract for full-time and part-time employees.

Councilmember Rebollo reported that she attended Supervisor First District Brunch at Pomona Fair, Councilmember Rebollo thanked Ralph Vivero and Community Services Department for well organized Neighborhood Watch meeting. Councilmember Rebollo commended Mayor Soria for State of the City, and stated that there was a very positive feedback received from Industrial Council members. Councilmember Rebollo stated that Graduating Seniors banners were recently displayed and look very good.

Councilmember Mendoza stated that there was Mendoza family reunion. Councilmember Mendoza wished his mother Happy Birthday. Councilmember Mendoza asked that the dip on the roadway/ramp from I-710 north to Washington Boulevard is fixed.

Councilmember Argumedo reported that he attended Neighborhood Watch meeting.

Mayor Pro Tem Altamirano reported that he attended Commerce Art in the park and it was very successful event, and commended Mayor Soria on State of the City presentation.

Mayor Soria reported that he attended Neighborhood Watch meeting, and State of the City was a great event. Mayor Soria announced upcoming events such as Pumpkin Patch for Halloween, Job Fair, Grandparents day and Commerce United tryouts.

Adjourned to Closed Session 7:35pm

ADJOURNMENT

Meeting adjourned at 8:40 p.m.