



City of Commerce

Meeting Minutes

Tuesday, December 17, 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 5:08 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 on any items on the Closed Session agenda.

RECESS TO CLOSED SESSION

City Council recessed to Closed Session at 5:09 p.m.

1. 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.
2. 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.

3. 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.
4. 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. 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.
 - B. Craig Realty Corporation concerning proposed price and other terms relating thereto, comprised of the former Commerce Community Development Commission-owned real property located along the Telegraph Road Corridor, south of Gaspar Avenue and north of the Commerce Casino [Tubeway Avenue], formerly known as 5809, 5819, 5823, 2901/2903, 5933, 5901, 5959, 6000, 6003 and 6233 Telegraph Road and 2240 Gaspar Avenue; 2311, 2322 and 2366 Travers Avenue, Commerce, California.
 - C. 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)
 - D. Property located at 6364 Zindell Street, Commerce CA (APN 6357-015-900 and 6357-019-304)
5. CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE RECRUITMENT/EMPLOYMENT/APPOINTMENT pursuant to Government Code 54957 (b) (1)
Employee Title: Sheriff's Captain

RECONVENE TO OPEN SESSION

City Council reconvened to Open Session at 6:30 p.m.

ORAL CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Copado reported on Closed Session items:

Items #1, #2, and #3 - Legal Counsel Copado and Assistant City Manager Domic provided an updated, and no reportable action was taken on these items.

Item #4.A. - Assistant City Manager Domic provided an update, and no reportable action was taken on this item.

Item #4.B. - Staff provided an update, and the City Council provided further direction to staff. No reportable action was taken on this item.

Item #4.C. was not discussed.

Item #4.D. - Direction was provided and no reportable action was taken on this item.

Item #5- Staff provided an update to the City Council, and consensus was reached. No reportable action was taken on this item.

6:00 P.M. - CITY COUNCIL MEETING

CALL TO ORDER

Mayor Soria called regular City Council meeting to order at 6:30 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

Transportation Director McFerguson led the Pledge of Allegiance

INVOCATION

Mayor Pro Tem Altamirano offered the invocation.

PUBLIC COMMENT

Alma Suarez stated that she is running for Council seat for March 3, 2020 election and opposed cannabis applications.

Steve Viesca thanked the City Council for being progressive and moving city forward. Mr. Viesca spoke in support of cannabis operation within the City.

James Herrmann and Ann Arnow spoke in opposition of the cannabis businesses.

Sharon Basic complained about trash in her neighborhood, and asked that the City employees identify themselves when customers call.

Alisa Padilla spoke in support of cannabis businesses.

CONSENT CALENDAR

Mayor Soria requested to continue item #8 to a later meeting. Councilmember Rebollo asked to pull items #4, and #6 for discussion and Councilmember Mendoza requested to pull items #11 and #13 for discussion.

Item #8 - Mayor Pro Tem Altamirano moved, seconded by Councilmember Rebollo, to continue item #8 to January 7, 2020. The motion carried by the following vote:

AYES: Councilmembers Argumedo, Mendoza, Rebollo, Mayor Pro Tem Altamirano and Mayor Soria (5)

Item #4 - Discussion took place whether the City would like to cover the entire cost of senior meals, and eliminate donation pay at the door. Councilmember Argumedo recommended to assign tickets for meals as an option. There was a consensus among the City Council to approve allocation at this meeting and to bring back this item for discussion at a future meeting.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to approve an increase in funding of the Senior Meals Program contracted by the Human Services Association and consider appropriating funding to subsidize the Meals on Wheels Program. The motion carried by the following vote:

AYES: Councilmembers Argumedo, Mendoza, Rebollo, Mayor Pro Tem Altamirano and Mayor Soria (5)

Item #6 - Discussion took place regarding a back-up plan for the closure during the construction. It was a consensus that the other facilities could be used to accommodate teens during closure.

Councilmember Argumedo moved, seconded by Councilmember Rebollo, to approve contract with American Integrate Resources, Inc. for the abatement and disposal of asbestos at the Teen Center and approve Contract with ENCORP to provide environmental services -air monitoring and final clearing of asbestos abatement. The motion carried by the following vote:

AYES: Councilmembers Argumedo, Mendoza, Rebollo, Mayor Pro Tem Altamirano and Mayor Soria (5)

Item #11- Discussion took place whether to include Council Chambers in the rendering of the new City Hall, and it was recommended to have options for both with Council Chambers moved to new City Hall and without. Councilmember Rebollo left Council Chambers at 6:38 pm.

Councilmember Mendoza moved, seconded by Mayor Soria, to adopt Resolution approving Work Order No. 2 pursuant to the Services Agreement with Silverado Management and Holding Company for the needs assessment, planning, and design of a new public safety center and city hall facility. The motion carried by the following vote:

AYES: Councilmembers Argumedo, Mendoza, Mayor Pro Tem Altamirano and Mayor Soria (4)

ABSENT: Councilmember Rebollo (1)

Item #13 - Councilmember Rebollo returned to Council Chambers at 6:40 pm. Discussion took place about the amount for this contract and whether itemized invoices have been submitted for the work performed. In addition, it was stated that the cost of this contract is covered by the Development Agreement fees, and nothing comes from the General Fund.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to adopt Resolution approving a second amendment to the Agreement for Consultant Services with EJMA Planning+ Development, to continue assisting with the following services until June 20, 202; planning, community outreach, land use, zoning support services, and to provide staff with further direction on commercial cannabis. The motion carried by the following vote:

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

NAYS: Councilmembers Argumedo and Mendoza (2)

Mayor Pro Tem Altamirano moved, seconded by Councilmember Rebollo, to approve Consent Calendar minus items requested by the City Council. The motion carried by the following vote:

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

1. Approval of Warrant Register Nos. 11A and 11B
2. Approval of Minutes
3. Project Completion and Acceptation for the Brenda Villa Aquatic Center Heating, Ventilation and Air Conditioning (HVAC) Upgrade Project
4. Request for Increase of Current Funding for Senior Meal Program
5. Amendment to the First Amendment Joint Powers Agreement Between the City of Commerce and the Los Angeles County Sanitation District
6. Contract with American Integrated Resources, Inc. for Abatement Services at the Commerce Teen Center, and ENCORP to Provide Environmental Services
7. Rescinding Cancellation of the Regular Meeting of the City Council Scheduled for January 7, 2020
8. Memorandum of Understanding between the City of Commerce and the County of Los Angeles for Lead-Based Paint Hazard Mitigation Program Management Services-EXIDE Area Program
9. Master Agreement Administering Agency-State Agreement for Federal Aid Projects No. 07-5362F15 between Caltrans and the City of Commerce to Upgrade Traffic Interconnect System
10. Lease Agreement with Hitachi Capital to Lease Equipment for Rosewood and Bandini Library's RFID Security Systems
11. Work Order No. 2 for Services Agreement Dated September 17, 2019 with Silverado Management and Holding Company
12. Authorize and Ratify the Community Benefits Funding Request for Commerce Hearts, Shurr High School Girls Water Polo Championship and Commerce Boys and Girls 14U Water Polo Teams
13. Amendment and Extension to the Agreement for Consultant Services with EJMA Planning + Development

PUBLIC HEARING

14. Resolution Overturning the Planning Commission's Decision to Deny Conditional Use Permit No. 528 and Variance No. 18-01: Request to Construct a New 7-Eleven Convenience Store and Gasoline Service Station - Public Hearing

Councilmember Argumado recused himself and stepped out from discussion on this item due to potential conflict. The property is located within 500 feet of his residence.

Mayor Soria opened Public Hearing on this item.

Ms. Cortez asked not to approve proposed 7/11. According to Ms. Cortez, the community has enough gas stations, and it does not fit with the community vision. She requested that CEQA analysis and traffic report conducted for this development.

Jennifer Reiz opposed 7/11 development.

Richard Hernandez read a letter on behalf of Magdi Hanna opposing 7/11 project and talked about how it would affect other businesses within the area.

Richard Hernandez opposed 7/11 project and stated that there are five gas stations within the area, and it is close to the residents.

Jordan Sisson, Representing East Yard Communities, spoke in opposition to 7/11 development and stated that traffic study was insufficient, and the project is too close to the residential site. According to Mr. Sission, there was insufficient information provided to the City Council, and it is all about the funding for this proposed project.

Administrative Services Director and City Clerk Shumway read a letter on behalf of Charles Calderon opposing the proposed project.

Mayor Soria closed Public Hearing on this item.

Director of Economic Development and Planning Jimenez provided an overview of the staff report.

Discussion took place about underground tanks. According to the applicant, there

will be no gas vapor or smell, and the proposed development adhering to all standards. In addition, there were 94 conditions of approval that were met, including the planting of trees, odor elimination, and placing noise barriers.

Councilmember Mendoza recommended that the applicant meets with East Yard Communities and mitigate their concerns. Further discussion took place that in case East Yard Communities or anyone else sues, the applicant indemnified the City, and they would be covering the costs of litigation.

Further discussion took place about clearing up homeless situation and installing additional cameras and lighting. According to the applicant, to date, the property was cleaned up.

Councilmember Mendoza moved, seconded by Mayor Pro Tem Altamirano, to adopt Resolution overturning the Planning Commission's decision to deny Conditional Use Permit ("CUP") No. 528 and Variance No. 18-01 Request to construct a new 7-Eleven convenience store and gasoline service station on a parcel measuring 20,395 square feet and located at 2425 South Atlantic Boulevard in the City of Commerce; and adopting the determination that the proposed project is exempt from environmental review under the California Environmental Quality Act ("CEQA"). The motion carried by the following vote:

Ayes: 3 - Mayor Soria, Mayor Pro Tem Altamirano, and Councilmember Mendoza

Nayes: 1 - Councilmember Rebollo

Recused: - Councilmember Argumedo

SCHEDULED MATTERS

15. Contract Change Order No. 3 to R2Build dba R2B Engineering for Supplying Electrical Power to the Existing CNG Fueling Station Next to the Commerce Refuse-to-Energy Facility

This item was continued to the next regular scheduled Council meeting.

16. Committee and Commission Appointments

Councilmember Rebollo appointed Oski Mignon to Traffic Commission.

17. Organizational Assignments for Councilmembers

Discussion took place about Joint Powers Authority appointment of alternate delegate.

Mayor Soria moved, seconded by Councilmember Rebollo, to appoint Mayor Pro Tem Altamirano as alternate member for Joint Powers Authority. The motion carried by the following vote:

Ayes: 3 - Mayor Soria, Mayor Pro Tem Altamirano, and Councilmember Rebollo

Nayes: 2 - Councilmember Argumedo, and Councilmember Mendoza

ORDINANCES

- 18. Introduction and First Reading of Five (5) Ordinances Approving Five (5) Development Agreements for the Operation of Commercial Cannabis Activities, for Commercial Cannabis Permit Application Nos. 18-005, 18-006, 18-013, 18-043, 18-046; Introduction and First Reading of Six (6) Ordinances Approving Six (6) First Amendments to Development Agreements No. 715, 717, 720, 722, 726, and 731**

Oscar Ruiz, Teamster Representative, spoke in support of cannabis application and stated that cannabis businesses are bringing good jobs to the City of Commerce.

Maria Osnio stated that she is employed by one of the cannabis operators, and they are fully compliant with all the requirements.

Ebony Anderson provided an overview of the staff report.

Discussion took place regarding what means storefront operations and what means delivery businesses.

Mayor Pro Tem Altamirano spoke that this is a regulated business, and asked that the common ground is found and people work together.

Councilmember Mendoza stated that he is not opposed to businesses but wanted to make sure that people have an opportunity to vote on the matter. Councilmember Argumedo agreed with Councilmember Mendoza about allowing residents to vote on the issue and spoke about environmental concerns.

Councilmember Rebollo spoke in support of the businesses that will bring revenue to the City and fund programs and would bring jobs to the community. According to Councilmember Rebollo, regulating the industry is essential.

Mayor Soria spoke about challenging times, diversifying the revenue, and regulating the industry. Mayor Soria also added that cannabis operators are supporting organized labor.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to waive full reading and Introduce for first reading by title only five (5) Ordinances approving five (5) Development Agreements for Commercial Cannabis Development Agreement Application Nos. 18-005, 18-006, 18-013, 18-046, and 18-053; to waive full reading and Introduce for first reading by title only six (6) Ordinances approving six (6) First Amendments to Development Agreements for Development Agreement Nos. 715, 717, 720, 722, 726, and 733 and approve the findings consistent with, and pursuant to, Government Code Section 65867.5; and determine that those ordinances are exempt from further CEQA review. The motion carried by the following vote:

Ayes: 3 - Mayor Soria, Mayor Pro Tem Altamirano, and Councilmember Rebollo

Nayes: 2 - Councilmember Argumedo, and Councilmember Mendoza

19. Ordinance Amending Title 19 (Zoning), Chapter 19.13.030 of the Commerce Municipal Code Increasing the Allowable Height and Floor Area Ratio for Commercial Public Facility Zone - Second Reading

Mayor Soria opened public comment. There were no individuals wishing to address the City Council on this item.

Mayor Pro Tem Altamirano moved, seconded by Councilmember Rebollo, to waive full reading of an Ordinance, read by title only and adopt Ordinance amending Title 19, Table 19.13.030 A (Development Standards – Public Facility Zone) in Section 19.13.030 of the Commerce Municipal Code. The amendment would increase the allowable height and floor area ratio (FAR) for Commercial Public Facility (CPF) Zone that are not adjacent to residentially zoned properties to unlimited and 1.5:1. Director of Administrative Services and City Clerk Shumway read the title of the Ordinance. The motion carried by the following vote:

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

20. Ordinance Amending Title 12 (Home Occupation Permits), Sections 19.39.820 (Initiation) and 19.39.830 (Proceedings) Streamlining Home Occupation Permit Process by Removing the Need for a Public Hearing, and Providing Clearer Regulations Specifying Allowed and Prohibited Uses -Second Reading

Mayor Soria opened public comment. There were no individuals wishing to address City Council on this item.

Mayor Pro Tem Altamirano moved, seconded by Councilmember Rebollo, to adopt Ordinance amending Title 12 (Home Occupation), Sections 19.39.820 (Initiation) and 19.39.830 (Proceedings) streamlining home occupation permit process by removing the need for a Public Hearing, and providing clearer language regarding the type of uses that are and are not appropriate as home occupations. Administrative Services Director and City Clerk Shumway read the title of the ordinance. The motion carried by the following vote:

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

21. Urgency Ordinance Amending Title 15 (Buildings and Construction) of the Municipal Code by Adopting by Reference the 2020 Los Angeles County Building Code (Title 26), Electrical Code (Title 27), Plumbing Code (Title 28), Mechanical Code (Title 29), Residential Code (Title 30), Green Building Standards Code (Title 31) and Existing Building Code (Title 33)

Director of Economic Development and Planning Jimenez provided a brief overview of the staff report.

Councilmember Rebollo moved, seconded by Councilmember Mendoza, to read by title only and waive further reading of and adopt Urgency Ordinance Amending Title 15 (Building and Construction) of the Commerce Municipal Code by adopting by reference the 2020 Electrical, Plumbing, Mechanical, Residential, Green Building, and Building Code of the Los Angeles County Building Code with certain amendments, additions and deletions thereto. Director of Administrative Services and City Clerk Shumway read the title of the ordinance. 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

Councilmember Argumedo reported that he attended Annual Tree Lightening Ceremony, Tiny Pajama Party at Bandini Park, Boxing Room dedication ceremony for Alfonzo Marquez, and Children's Holiday library event.

Councilmember Rebollo reported that she attended Tree Lightening Ceremony, Exide Advisory meeting and announced upcoming Library program.

Councilmember Mendoza spoke about flight that occurred at the Contract Cities. Councilmember Mendoza reported that he attended Third Annual Boyle Heights Christmas parade, and announced that he had 15 year wedding anniversary.

Mayor Pro Tem Altamirano spoke about the fight. Mayor Pro Tem Altamirano reported that he attended Alfonzo Marquez boxing dedication room event, CREA meeting, Tree Lightening Ceremony and the Children's Christmas party at the Commerce Casino.

Mayor Soria stated that his daughter had Quinceanera. Mayor Soria reported that he attended dance program, Holiday Cheer program at the Commerce Casino, and he went to Sacramento to speak against regulations for gaming.

ADJOURNMENT

Meeting adjourned at 9:06 p.m. in memory of Commerce employee Sigrid Hudson.