



City of Commerce

Meeting Minutes

Tuesday, May 7, 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 5:02 p.m.

1. Pursuant to Government Code §54957.6 the City Council will confer with its labor negotiator, Edgar 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.
2. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(d)(2) and 54956.9(e)(3) Regarding Anticipated/Potential Litigation - Two (2) Matters
3. Pursuant to Government Code §54956.8, the City Council will confer with its real property negotiator, Edgar Cisneros, with respect to real estate negotiations concerning proposed

price and other terms relating to the properties located at:

A. 5555 E. Washington (APN 6335024057), Commerce, CA 90040

B. 5550 Harbor St., Commerce, CA 90040 (6335-025-009), 2300 S. Eastern Ave. (6335-025-010)

C. 5625 Jillson St., Commerce, CA 90040 (6335-025-905)

D. 5555 Jillson St., Commerce, CA Property (APN 6335-025-906)

E. 5736 E. Washington Blvd, Commerce, CA 90040 (APN 6334006038), and 5733 Sheila St., Commerce, CA 90040 (APN 6334006039)

F. Commerce Refuse-to- Energy Authority Facility site located at 5926 Sheila St., Commerce, CA 90040

G. With 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, 5959, 6000, 6003 and 6233 Telegraph Road and 2240 Gaspar Avenue; 2311, 2322 and 2366 Travers Avenue, Commerce, California.

H. 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.

RECONVENE TO OPEN SESSION

City Council/Successor Agency reconvened to Open Session at 6:10 p.m.

ORAL CLOSED SESSION ANNOUNCEMENT

6:00 P.M. - CITY COUNCIL MEETING

CALL TO ORDER

Mayor Soria called regular City Council meeting to order at 6:12 p.m.

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

Mayor Pro Tem Altamirano offered the invocation

APPEARANCES AND PRESENTATIONS

1. Armed Forces Ceremony - A Special Candle Lighting Ceremony Honoring the Five Branches of the Military Service and Memorial Ceremony

Staff performed the ceremony.

2. Introduction of 2019 Miss Commerce and the Court, and Man of Year 2019

Miss Commerce and her Court were introduced.

3. Tree City U.S.A. 2018 Award and Recognition of the Arbor Day 2019 Poster Contest Winners from Bandini Elementary School and Rosewood Park School

Winners of Poster Contest from Bandini Elementary School and Rosewood park School were recognized.

4. Commendation Presented to Lettie Jaramillo for Being Recognized as a 58th Assembly District "Woman of the Year"

Councilmembers and the Mayor presented Commendation to Lettie Jaramillo for being recognized as a 58th Assembly District "Woman of the Year."

PUBLIC COMMENT

Rosendo Corona stated that he has a business located at 4360 East Washington Blvd., and complaint about parking spaces lost with the widening of Washington Blvd.

Randy Munoz opposed cannabis in the City of Commerce and asked that the City Council places this matter on a ballot.

Elisa Padilla spoke in support of cannabis and opposed 7/11 project and asked that the City Council upholds the Planning Commission decision.

Laura Cortez spoke in opposition of 7/11 project on Washington due to proximity to residential area and other gas stations in the area.

item #15 - Public Comment

Gloria Nezahualcoya reminded Council they will leave a legacy of approving the Ordinance that will bring cannabis to the City and urged Council to approve 7-eleven with gas station.

Johncito Peraza, Jocelyn Del Real, Maria Becerra, Sharon Basic, and Richard Hernandez spoke in opposition of the 7/11 gas station project due to the proximity to residential area and safety and environmental concerns.

CONSENT CALENDAR

Councilmember Rebollo moved, seconded by Councilmember Mendoza, to approve the Consent Calendar. The motion carried by the following vote:

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

5. Approval of Warrant Register Nos. 20A, and 20B
6. Approval of Minutes
7. A Proclamation Declaring the Week of May 11-17, 2019, as National Transportation Week
8. Agreement with NCE to Update the City's Pavement Management System
9. Status Update for the Citywide Sign Replacement Project
10. Easy Rides Plus Software Upgrade
11. Proposed Mid-Block Crosswalk Along 2040 Camfield Avenue
12. Agreement with Jason Wold, DBA Wold Amusements, Inc. for Carnival Services
13. Seventh Amendment to the TransTrack Systems, Inc. Maintenance and Support Agreement
14. FY 2018/19 Pavement Rehabilitation Project Construction Contract Documents

PUBLIC HEARING

15. Appeal of the Planning Commission's Decision to Deny Conditional Use Permit No. 528 and Variance No. 18-01

Councilmember Argumedo recused himself from participating on this item due to potential conflict of interest. His residence is located within 500 feet from the proposed project.

Contract Planner Acosta provided overview of the staff report.

Mayor Soria opened Public Hearing. There were no additional individuals wishing to address the City Council on this matter. Mayor Soria closed Public Hearing.

Applicant Taylor Megdal with Elliot Megdal & Associates spoke on the item and how it would be beneficial for the neighborhood. Mr. Megdal spoke about gasoline and vapor being regulated and the way it is handled there will be no or minimum emissions possible. According to Mr. Megdal, there will be additional tax revenue for the City, the issue of homeless being at the property would be eliminated. Mr. Megdal stated that this is a perfect location for gas station for the right turn traffic, and only three businesses showed interest in this property such as gas station, Jiffy Lube and mechanic shop. In addition, extensive outreach was conducted with the residents and the majority are supporting the project. There will be additional 1.5 million spent on developing and beautifying the site and that street corner.

Discussion ensued about the community being in support of this development, additional revenue for the City, and whether developer is looking to contribute to Community Benefit Program. According to Mr. Megdal, there were 660 signatures collected in support of this project, and there will be donations for the school and Community Benefit Program.

Councilmember Rebollo stated that she is not in support of this development. Discussion took place whether the art piece could be changed, and the applicant agreed to design a new one. In addition, it was recommended that instead of palm trees, cypress trees are used. Further discussion took place whether the applicant is using organized labor. Mayor Pro Tem Altamirano suggested to look into having electric charging station at the location.

Mendoza spoke about granting conditional use permit and variance. Assistant City Attorney Copado stated that that recommendations are on page 5, there is a reference to April 16, 2019 and April 30th meetings when this item was agendized,

and the item was continued and staff provided partial presentation at one of the meetings.

Councilmember Mendoza moved, seconded by Mayor Pro Tem Altamirano, to grant the appeal, overturn the Planning Commission's decision to deny CUP No. 528 and Variance No. 18-01 and approve CUP No. 528 and Variance No. 18-01, and direct staff to prepare a resolution overturning the Planning Commissions' denial including findings of fact for the City Council consideration at the April 16, 2019 City Council meeting. 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

16. Caltrans Presentation and Update for the I-710 Freeway Widening Project Above Washington Boulevard

This item was heard after the consent calendar.

Eric Manjivar, PIO for Caltrans, provided a presentation regarding upcoming closures to complete construction of the widening of I-710 bridge and also how information would be disseminated. Discussion took place about noise mitigation, safety and flammable materials.

17. 2019 Youth Education and Service (Y.E.S.) Leadership and Mentoring Program Update

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

Director of Human Resources Pappo provided an overview of the staff report. Discussion took place whether the City could accommodate the rest of the applicants to participate in YES program. City Manager Cisneros stated that it would be difficult to accommodate and find jobs for all participants, and also it creates a lot of work for Human Resources Department to process all YES program participants.

Following discussion, it was a consensus among the City Council to increase the number to 100 and 10 alternates that were already selected would be

automatically enrolled in the program.

Councilmember Rebollo moved, seconded by Councilmember Mendoza, to increase number of participants to 100 for 2019 Commerce Summer Youth Education and Service (Y.E.S.) Leadership & Mentoring Program. The motion carried by the following vote:

Ayes: 4 - Mayor Soria, Councilmember Argumedo, Councilmember Mendoza, and Councilmember Rebollo

Recused: Mayor Pro Tem Altamirano

18. Protecting Approved California-Style Games in our Cardroom

City Manager Cisneros provided an overview of the staff report. Discussion ensued.

Councilmember Rebollo moved, seconded by Councilmember Argumedo, to approve Resolution calling on the Attorney General of the State of California and his affiliated agencies to cease any and all actions that would harm revenues the City of Commerce depends upon and has so for nearly two decades through approved California-Style games, to fund vital community programs and public safety services. The motion carried by the following vote:

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

19. Overview of State Regulatory Impacts on Card Club Revenues and Requesting Approval for Special Assessment for California Cities for Self-Reliance Joint Powers Authority

City Manager Cisneros provided a brief overview of the staff report.

Councilmember Argumedo moved, seconded by Councilmember Rebollo, to approve an assessment of \$33,000 for California Cities for Self-Reliance Joint Powers Authority specific to public relations, lobbying and legal services. The motion carried by the following vote:

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

20. Committee and Commission Appointments

There was a consensus among the City Council to re-appoint all the existing commissioners.

21. Rescheduling of May 21, 2019, Regular City Council Meeting

Administrative Services Director & City Clerk Shumway provided a brief overview

of the staff report.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to approve rescheduling of the May 21, 2019, regular City Council meeting to May 28, 2019. The motion carried by the following vote:

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

ORDINANCES

22. Adoption and Second Reading of Twenty Two (22) Ordinances Approving Twenty Two (22) Development Agreements for the Operation of Commercial Cannabis Activities, for Commercial Cannabis Permit Application Nos. 18-002, 18-003, 18-004, 18-009, 18-010, 18-017, 18-018, 18-019, 18-026, 18-027, 18-028, 18-030, 18-036, 18-047, 18-052, 18-059, 18-064, 18-066, 18-069, 18-074, 18-086, and 18-094

Mayor Soria opened Public Comment for this item.

Richard Hernandez opposed cannabis and approving so many development applications.

Anthony Mohammed, and Cliff Thomas opposed the large number of cannabis businesses being approved for the City and spoke about harmful effects of cannabis.

Urs Sporri opposed cannabis for the City.

Angela Furness talked about proposed business being close to scientology church and asked that the City Council worked together with the community.

Cliff Posner suggested that the matter is placed on a ballot.

Joel Beaton opposed cannabis facilities, and asked to reject application 18-086.

Christine Cook spoke on behalf of the Commerce Tringle Association, and stated that most members of that association are in opposition, and proposed project and it also violates their CCNR rules.

Robin Boyers, Davide Grassi, Foster Tompkins spoke in opposition of cannabis in the City of Commerce and danger of drugs.

Robert Garcia, Kames Webber, Jackie McGowan, and Rodger Casey spoke in support of cannabis ordinance and benefits it would bring to the City of Commerce.

Robert Condon stated that only 20% of the grown cannabis is consumed in California, and opposed cannabis in Commerce.

Derek McCaffey spoke in opposition of cannabis.

Carlos Quimenez spoke in support of cannabis and those businesses would bring good paying jobs for the community.

Maryam Salcedo, Richard Fear, Ann Flores, and Camila Gonzalez, Sharon Basic, Jesus Cervantes spoke in opposition of cannabis and so many facilities being allowed in the City.

Kelly Elvin spoke about dangerous effects of the drugs. According to Mr. Irvin, CEQA law has been changed starting July 1, 2019 and that is why a push for these agreements to be approved before that.

Stephanie Larson stated that she is employed by cannabis industry and spoke in support of these businesses being in the City of Commerce.

City Manager Cisneros provided a brief overview of the staff report. Discussion took place.

Mayor announced a brief recess at 9:55 pm. City Council returned from recess at 10:16 pm.

In response to Councilmember Mendoza citing section of the Municipal Code that the ordinance could only be read by title only if the majority Council approves it, Assistant City Attorney Copado stated that the ordinance that implemented that section was amended between 1960 and 1964, and that this section is not applicable as the state law goes above local law and that was passed in 1993 and 1994. According to state law, the majority is not required for the Ordinance being read by title only.

Assistant City Attorney Copado recommended that the motion is made to read the Ordinance by title only, and/or alternative motion is to read in entirety.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to read the ordinance by title only, adopt Twenty Two (22) Ordinances approving Twenty Two (22) Development Agreements for the Operation of Commercial Cannabis Activities, for Commercial Cannabis Permit Application Nos. 118-002, 18-003, 18-004, 18-009, 18-010, 18-017, 18-018, 18-019, 18-026, 18-027, 18-028, 18-030, 18-036, 18-047, 18-052, 18-059, 18-064, 18-066, 18-069, 18-074, 18-086 and 18-094; approving findings consistent with Government Code Section 65867.5; approve the Conditions of Approval. Director of Administrative Services and City Clerk Shumway read the Ordinances by title only. 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

23. Introduction and First Reading of Ordinance Approving Development Agreement for the Operation of Commercial Cannabis Activities, for Commercial Cannabis Permit Application No. 18-023

Ebony Anderson, Anderson and Associates, provided an overview of the staff report.

Applicant spoke about the company. Discussion ensued.

Mayor Pro Tem Altamirano moved, seconded by Councilmember Rebollo, to read the Ordinance by title only, and introduce for First Reading Ordinance approving Development Agreement for the Operation of Commercial Cannabis Activities, for Commercial Cannabis Permit Application No. 18-023; approving findings consistent with Government Code Section 65867.5; approve the Conditions of Approval; and finding the Development Agreement is exempt from further CEQA review and direct staff to prepare and file corresponding Notice of Exemption. 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

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

All Councilmembers wished everyone Happy Mother's Day, and reported that everyone attended Cinco de Mayor celebration.

Councilmember Rebollo congratulated Assemblywoman Garcia for ending sales tax for menstrual products in addition, the Governor is signing into law using taxes from cannabis industry for education purposes.

Mayor Soria asked staff to allow at United Family of Bristow evens to provide sodas and other drinks besides water.

Councilmember Rebollo reported that another Water Polo team member is going to National Camp thankful to donations from individuals.

ADJOURNMENT

Meeting adjourned at 10:27 pm.