



City of Commerce

Meeting Minutes

Tuesday, November 19, 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 5:07 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 5:08 p.m.

1. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1). One (1) case: *Commerce City Employees Association, Federation of State, County & Municipal Employees Local 773 v. City of Commerce*, PERB No. LA-CE-1310-M.
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. 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.*
5. 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. Property located at 6364 Zindell Street, Commerce CA (APN 6357-015-900 and 6357-019-304)
6. CITY COUNCIL CONFERENCE REGARDING PUBLIC EMPLOYEE RECRUITMENT/EMPLOYMENT/APPOINTMENT pursuant to Government Code 54957 (b) (1)
Employee Titles: 1) Director of Economic Development and Sustainability and 2) Director of Parks and Recreation.

RECONVENE TO OPEN SESSION

City Council/Successor agency reconvened to Open Session at 6:00 p.m.

ORAL CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Copado reported on Closed Session items:

Closed Session convened at 5:17 p.m.

Item #1- Special Council provided an update to City Council. No final action was taken on this item.

Items #2, #3, and #4 and #5.A and # 5.B - staff provided an update to the City

Council and no reportable action was taken on these items.

Item 5.C. - staff provided an update, and the City Council provided further direction to staff. No reportable action was taken on this item.

Item #6 - an update was provided to the City Council. Assistant City Attorney stated that the item related to the appointment of the Director of Economic Development and Sustainability is on the regular City Council agenda for action.

The City Council appointed Greg Alanis as the Director of Parks and Recreation Department with the starting date of December 9, 2019, at step 3.

6:00 P.M. - CITY COUNCIL MEETING

CALL TO ORDER

Mayor Soria called meeting to order at 6:03 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. Presentation of Certificate of Recognition to Employee of the Quarter - Jose Manuel Guillen

Mayor and Councilmembers presented a Certificate of Recognition to Employee of the Quarter Jose Manuel Guillen.

PUBLIC COMMENT

Sharon Basic asked why light in the parking lot in Teen Center is always on.

Isaac Martinez asked that more stoplights implemented in the City, and especially identified Jardin and Gaspar Avenue, and some other intersections.

Dave Rodriguez spoke about crime in Veteran's park. Mr. Rodriguez recommended installing cameras on light poles and implementing electronic license plate readers. Mr. Rodriguez complained about a lack of parking on Gage avenue and Agra Avenue and asked that corner red curb is removed.

CONSENT CALENDAR

Councilmember Rebollo asked to remove item #5 from Consent Calendar for discussion.

Item #5 - Councilmember Rebollo stated that it is good that issues that periodically arise are addressed and asked to implement provision that commissioners upon their resignation or removal return business cards, and their jackets that identify them as commissioners as it is misleading when they are no longer commissioners.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to adopt Resolution amending current guidelines relating to City Commissions, Committees, and Boards by clarifying attendance requirements, and therefore, superseding and rescinding Resolution No. 2017-116. The motion carried by the following vote:

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

Mayor Pro Tem Altamirano moved, seconded by Councilmember Rebollo, to approve the Consent Calendar minus item #5. 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. 9A and 9B
3. Approval of Minutes
4. Request for Proposal for a Comprehensive Operational Analysis of the City's Transit Fixed Route and Dial-A-Ride Services
5. Appointment and Membership in City Commissions, Committees, and Boards

6. Retainer Agreement with Remy Moose Manley LLP to Provide Legal Representation to Defend the City Against Legal Challenges to the City's Certification of the Citadel Expansion Final Environmental Impact Review
7. Agreement Between the County of Los Angeles and The City of Commerce for Census 2020 Education and Outreach Activities
8. Agreement with HdL Software LLC for Business License Tax Administration Services
9. Amending the Director of Economic Development and Sustainability Job Specification

PUBLIC HEARING

10. Appeal of the Planning Commission's Decision to Approve Plot Plan No. 992 and Conditional Use Permit No. 533

Mayor Soria opened Public Hearing.

Richard Hernandez spoke in support of this development.

Robert Taylor, Executive Director of the Industrial Council, spoke in support of the storage facility at that property.

Mayor Soria closed Public Hearing.

Manny Acosta provided an overview of the staff report.

Brett Henry, Applicant, opposed the appeal and justified each point identified on the appeal application.

Councilmember Argumedo asked whether the applicant tried to contact the appellant, and Mr. Henry stated that they reached out, but there was no response. The appellant was not present for the Hearing.

Councilmember Argumedo stated that the project has been reviewed and approved and thanked the applicant for bringing a good project for the community. Councilmember Mendoza also spoke in support of this project and specifically for remediating the site, and planting trees as requested.

In response to Councilmember Rebollo's questions regarding how many jobs

would be brought to the area, Mr. Henry stated that three or four jobs would be permanent but hundreds of people will be employed during the construction, and also the City would benefit from taxes once this site is developed. The valuation of this project is estimated at twenty million dollars once completed plus retail tax. According to Mr. Henry, since the site is so narrow, only 120 feet and 2,000 feet long, this is the best project for this land, and that the City staff was very supportive of this project since the beginning.

Discussion took place about cost for storage units and RV storage, and also how much the City would generate in taxes. Further discussion took place about the cost of remediation, and Mr. Henry stated that the estimated cost is about one million dollars.

Applicant Brett Henry stated that the appeal points identified in the letter are all wrong, and that staff worked with the applicant throughout the project were very supportive.

David Press, attorney representing applicant, stated that grounds for upholding the appeal should be provided. The appellant has not even appeared for the hearing, and the comments raised do not relate to the actual appeal. Assistant City Attorney Copado clarified that issues can be raised whether the appellant is present or not.

Mayor Soria read the options provided for the appeal.

Councilmember Argumedo moved, seconded by Councilmember Mendoza, to deny the appeal and affirm the Planning Commissioner's decision to approve CUP No. 533 and Plot Plan No. 992. Direct staff to prepare resolution affirming the Commissions' approval including findings of fact for the City Council's consideration at the July 30, 2019, Planning Commission meeting. The motion carried by the following vote:

Ayes: Councilmembers Argumedo and Mendoza (2)

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

Mayor Soria moved, seconded by Councilmember Rebollo, to overturn the Planning's COMmission's decision to approve the CUP No. 533 and Plot Plan No. 992 and deny CUP No. 533 and Plat Plan No. 992. Direct staff to prepare a resolution overturning the Planning Commission's approval including

findings of fact for the City Council's consideration at the upcoming City Council meeting. 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

11. Ordinance Amending Municipal Code, Title 12 Home Occupation Permits, Sections 19.39.820 Initiation and 19.39.830 Proceedings - First Reading

Mayor Soria Opened Public Hearing. There were no individuals wishing to speak on this item. Mayor Soria closed Public Hearing.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to continue this item to December 3, 2019 City Council meeting. The motion carried by the following vote:

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

SCHEDULED MATTERS

12. Approval of Costs Associated with Traffic Control and Public Safety for the Citadel Black Friday Event

Public Works and Development Services Director Hernandez provided an overview of the staff report.

Discussion took place about patrolling residential areas and possibly recording the traffic areas and intersections utilizing drones in order to address issues better next year. Discussion took place on the traffic control and detour on Eastern.

Councilmember Rebollo moved, seconded by Mayor Pro Tem Altamirano, to adopt Resolution approving expenses associated with traffic control and public safety for the increase of commuters as a result of the Citadel's Thanksgiving Weekend Sales Event. The motion carried by the following vote:

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

13. Commerce Water System - Authorizing Staff to Develop and Release of Request for Proposals for Sale of System

Deputy Director of Public Works Operations Nila provided an overview of the staff report.

Discussion took place about Proposition 218 and the process associated with it. In

the past during the last water rate increase, protests from residents were minimum.

Discussion took place about options available and whether the provision can be added regarding the potential water increases being regulated. Councilmember Argumedo voiced his opposition for the sale of the water system, and recommended maintaining control of the infrastructure.

Councilmember Rebollo moved, seconded by Mayor Soria, to adopt Resolution authorizing staff to develop and release a Request for Proposals for the potential sale of the system without water rights. 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

14. Presentation Regarding User Fees and Development Impact Fees

Assistant City Manager Domic provided a power point presentation.

Councilmember Rebollo left Council Chambers at 9:26pm.

Discussion took place on how to recover the fees and address necessary repairs, and what would be an appropriate rate and maybe phasing out the increase gradually. No action was taken on this item. It was informational only.

15. Traffic Measures Along Eastern Avenue, Sydney Drive, Duncan Avenue, McBride Avenue, and Noakes Street

Melissa Demerichi, Transtech Representative, provided an overview of the staff report.

Discussion took place.

Councilmember Rebollo moved, seconded by Councilmember Argumedo, to adopt Resolution recommending traffic measures, including speed cushions along the segments of Eastern Avenue, Sydney Drive, Duncan Avenue, McBride Avenue, and Noakes Street, and stop signs at the intersection of Eastern Avenue at Noakes Street and McBride Avenue at Noakes Street. The motion carried by the following vote:

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

ORDINANCES

16. Urgency Ordinance Adopting the Tenant Protection Act of 2019 Relating to

the Prohibition of No-Fault Terminations of Tenancy and Evictions and
Limiting Rent Increases for Residential Real Property Through December
31, 2019

This item was heard after item #15.

Mayor Soria opened public comment.

Armondo Wong and Ubaldo Jimenez stated that the rent increased by \$300, and right after that, they received eviction notice to vacate the property within three months.

Jessica Preto stated that half of the residents in Commerce are renters and suggested that the Ordinance is approved, but stronger Ordinance introduced for regulating rent increases.

Laura Cortez read a statement on behalf of another resident in opposition to rent increases and also spoke in favor of lower rent increases that are regulated.

Javier Beltran, Managing Attorney for Legal Aid Foundation of Los Angeles, stated that moratorium was in place but expired, and urged to pass this urgency Ordinance to cover that gap between moratorium expiration date and current date, but also establish own rent control for the City of Commerce.

Assistant City Attorney Copado provided an overview of the staff report. According to Assistant City Attorney Copado, tenants could use this Ordinance if approved as a defense against eviction from their landlord.

In response to Councilmember Rebollo, whether this Ordinance would apply to renters that do not have written agreement, Assistant City Attorney Copado responded affirmatively.

Further discussion took place about enforcement of the Ordinance should any of landlords do not comply with the law, and also this Ordinance applying retroactively to those tenants that already received eviction notices.

Assistant City Attorney Copado stated that Title 1 of the Municipal Code, Section 1.12.110 addresses the enforcement provisions for any ordinance passed by the City Council. Following discussion, it was a consensus among the City Council to include enforcement provision into the Ordinance.

Councilmember Rebollo moved, seconded by Councilmember Argumedo, to adopt The City Council will consider for adoption an Urgency Ordinance

adopting the Tenant Protection Act of 2019 relating to the prohibition of no-fault terminations of tenancy and evictions and limiting rent increases for residential real property through December 31, 2019.. 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 Mendoza thanked Commerce Casino for Clippers Game. Councilmember Mendoza reported that he attended Tree Lightening Ceremony, and Veteran's Day celebration, and volleyball games in Veteran's park.

Councilmember Argumedo reported that he attended Clippers Night, Tree Lightening ceremony at Citadel, Veteran's Day celebration, Arts and Craft event in Bandini park, and Movie Night at El Captain Movie Theatre.

Mayor Pro Tem Altamirano thanked Commerce Casino for Clipper Game and talked about street racing.

Mayor Soria reported that he attended Water Polo on Saturday, and wished everyone Happy Thanksgiving and wished Mayor Pro Tem Altamirano Happy birthday.

ADJOURNMENT

Meeting adjourned at 9:48 p.m.