



CITY OF CARSON

MINUTES CARSON CITY COUNCIL/ SUCCESSOR AGENCY/HOUSING AUTHORITY CONTINUED REGULAR MEETING DECEMBER 19, 2023 10:00 A.M.

CALL TO ORDER:

The meeting was called to order at 10:04 A.M. by Mayor/Agency Chairman/Authority Chairman Lula Davis-Holmes in the Helen Kawagoe Council Chambers, located at 701 E. Carson Street, Carson, California 90745.

ROLL CALL:

City Clerk/Agency Secretary/Authority Secretary, Dr. Khaleah K. Bradshaw noted the roll:

Council Members/Agency Members/Authority Board Members Present:

Mayor/Agency Chairman/Authority Chairman Lula Davis-Holmes, Mayor Pro Tempore/Agency Vice Chairman/Authority Vice Chairman, Dr. Jawane Hilton, Council Member/Agency Member/Authority Board Member Jim Dear, and Council Member/Agency Member/Authority Board Member Arleen Rojas

Council Members/Agency Members/Authority Board Members Absent:

Council Member/Agency Member/Authority Board Member Cedric Hicks

Also Present:

Monica Cooper, City/Agency/Authority Treasurer; David C. Roberts, Jr., City Manager; Sunny Soltani, City/Agency/Authority Attorney; John Raymond, Assistant City Manager; Robert Lennox, Assistant City Manager Dr.; Tarik Rahmani, Deputy City Manager; Saied Naaseh, Director of Community Development; Arlington Rogers, Director of Public Works; Gary Carter, Director of Information Technology and Security; and William Jefferson, Director of Finance

FLAG SALUTE:

Council Member/Agency Member/Authority Board Member Rojas led the Pledge of Allegiance.

INVOCATION:

Mayor Pro Tempore/Agency Vice Chairman/Authority Vice Chairman, Dr. Hilton gave the invocation.

CLOSED SESSION (Items 1 to 2)

REPORT ON ANY PUBLIC COMMENTS ON CLOSED SESSION ITEMS (CITY CLERK) –
None.

ANNOUNCEMENT OF CLOSED SESSION ITEMS (CITY ATTORNEY)

City Manager Roberts, Jr. announced the Closed Session items.

RECESS:

The meeting was recessed at 10:12 A.M. by Mayor/Agency Chairman/Authority Chairman Davis-Holmes to Closed Session after Memorial Adjournments.

RECONVENE TO OPEN SESSION:

The meeting was reconvened at 11:10 A.M. by Mayor/Agency Chairman/Authority Chairman Davis-Holmes with all members previously noted present.

REPORT ON CLOSED SESSION ACTIONS (CITY ATTORNEY)

City/Agency/Authority Attorney Soltani provided the Closed Session report as follows:

Item No. 1. 2023-0932 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (CITY COUNCIL)

Recommendation: A closed session will be held, pursuant to Government Code Section 54956.9(d)(2) or (d)(3) and (e)(1), because there is a significant exposure to litigation in three cases.

ACTION: Two of the cases involved Carson Goose entity with respect to the two developments that they have in the city and their development agreement with the city regarding their fees. The City Council considered the item and there is consensus to authorize a settlement agreement that will be finalized in the next few days and will be available for public inspection at the City Clerk’s Office once fully executed. The third case had no reportable action which was taken up with Closed Session Item No. 2.

Item No. 2. 2023-0935 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (CITY COUNCIL)

Recommendation: A closed session will be held, pursuant to Government Code Section 54956.9 (d)(4), because the City is considering whether to initiate litigation in one potential case.

ACTION: No reportable action was taken.

Council Member/Agency Member/Authority Board Member Rojas requested this item as public notification. She asked the Mayor and City Council to launch an investigation that involves Council Member Jim Dear and his associates according to Chapter 11 Section 21101 of the Carson Municipal Code that involves interfering, intimidating a victim or witness in the course of their duty as a City Council elected official. It is one side of her request for an investigation. The other involves herself as a peace officer for the State of California and Penal Code Section 136.1 which she read the section.

Council Member/Agency Member/Authority Board Member Dear gave comments regarding Council Member/Agency Member/Authority Board Member Rojas.

INTRODUCTIONS (MAYOR)

PRESENTATIONS

ORAL COMMUNICATIONS FOR MATTERS LISTED ON THE AGENDA (MEMBERS OF THE PUBLIC) (LIMITED TO ONE HOUR) – None.

APPROVAL OF MINUTES:

Item No. 3. 2023-0939 APPROVAL OF THE FOLLOWING CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY MEETING MINUTES: DECEMBER 5, 2023 (REGULAR)

Item No. 3 was heard after Announcement of Closed Session items.

Recommendation: Approve the minutes as listed.

ACTION: It was moved to approve staff recommendation on motion of Dear, seconded by Hilton and unanimously carried by the following vote:

Ayes: Mayor/Agency Chairman/Authority Chairman Davis-Holmes, Mayor Pro Tempore/Agency Vice Chairman/Authority Vice Chairman, Dr. Hilton, Council Member/Agency Member/Authority Board Member Dear, and Council Member/Agency Member/Authority Board Member Rojas

Noes: None

Abstain: None

Absent: Council Member/Agency Member/Authority Board Member Hicks

CONSENT: (Items 4 to 9)

It was moved to approve Consent Items No. 4 to 9 on motion of Davis-Holmes, seconded by Hilton and unanimously carried by the following vote:

Ayes: Mayor/Agency Chairman/Authority Chairman Davis-Holmes, Mayor Pro Tempore/Agency Vice Chairman/Authority Vice Chairman, Dr. Hilton, Council Member/Agency Member/Authority Board Member Dear, and Council Member/Agency Member/Authority Board Member Rojas

Noes: None

Abstain: None

Absent: Council Member/Agency Member/Authority Board Member Hicks

Item No. 4. 2023-0928 Resolution No. 23-200, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON RATIFYING CLAIMS AND DEMANDS IN THE AMOUNT OF \$2,544,163.45, DEMAND CHECK NUMBERS 170729 THROUGH 170886

ACTION: Item No. 4 was approved on Consent.

Item No. 5. 2023-0929 Resolution No. 23-13-CHA, A RESOLUTION OF THE CARSON HOUSING AUTHORITY RATIFYING CLAIMS AND DEMANDS IN THE AMOUNT OF \$27,347.82, DEMAND CHECK NUMBERS HA-001968 through HA-001972

ACTION: Item No. 5 was approved on Consent.

Item No. 6. 2023-0930 Resolution No. 23-11-CSA, A RESOLUTION OF THE CARSON SUCCESSOR AGENCY RATIFYING CLAIMS AND DEMANDS IN THE AMOUNT OF \$22,002.40, DEMAND CHECK NUMBERS SA-001908 THROUGH SA-001909

ACTION: Item No. 6 was approved on Consent.

Item No. 7. 2023-0927 CONSIDER SENDING A LETTER IN SUPPORT OF THE REQUEST FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT TO THE UNITED STATES ARMY CORPS OF ENGINEERS FOR THE DOMINGUEZ CHANNEL WATERSHED REVITALIZATION PROJECT (CITY COUNCIL)

Recommendation: TAKE a position of SUPPORT and DIRECT staff to transmit a corresponding letter (Exhibit 1)

ACTION: Item No. 7 was approved on Consent.

Item No. 8. 2023-0934 CONSIDER APPROVAL OF CONTRACT SERVICES WITH LOMA MEDIA FOR STATE OF THE CITY COMPREHENSIVE DOCUMENTATION OF CITY PROJECTS AND INFRASTRUCTURE DEVELOPMENTS, AND APPROVAL OF RESOLUTION NO. 23-202 "A RESOLUTION OF THE CITY OF CARSON CITY COUNCIL AMENDING THE FISCAL YEAR 2023-2024 BUDGET IN THE SPECIAL EVENTS FUND" (CITY COUNCIL)

Recommendation: TAKE the following actions:
1. AWARD and APPROVE a Contract Services Agreement with Loma Media for videography production for an amount not to exceed of \$31,000. (Exhibit No. 1)
2. AUTHORIZE the Mayor to execute the Contract following approval as to form by the City Attorney.
3. WAIVE further reading and ADOPT Resolution No. 23-202, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING THE FY 2023/2024 BUDGET IN THE SPECIAL EVENTS FUND "

ACTION: Item No. 8 was approved on Consent.

Item No. 9. 2023-0941 CONSIDER RESOLUTION NOS. 23-189 AND 23-190 INCREASING THE MINIMUM WAGE FOR CITY OF CARSON EMPLOYEES PURSUANT TO CALIFORNIA STATE LAW (CITY COUNCIL)

Recommendation: 1. WAIVE further reading and ADOPT Resolution No. 23-189, "A RESOLUTION OF THE CITY COUNCIL CITY OF CARSON CALIFORNIA, AMENDING THE SALARY RANGES FOR AFSCME 809 UNCLASSIFIED, PART-TIME, HOURLY CLASSIFICATIONS TO INCREASE THE HOURLY MINIMUM WAGE TO \$16.00, EFFECTIVE JANUARY 1, 2024."
2. WAIVE further reading and ADOPT Resolution No. 23-190, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON CALIFORNIA, AMENDING THE SALARY RANGES FOR UNCLASSIFIED, PART-TIME, UNREPRESENTED, HOURLY CLASSIFICATIONS TO INCREASE THE HOURLY MINIMUM WAGE TO \$16.00, EFFECTIVE JANUARY 1, 2024."

ACTION: Item No. 9 was approved on Consent.

DISCUSSION: (Item 10)

Item No. 10. 2023-0944 CONSIDERATION OF ONLY LOCAL UNCONTESTED APPOINTMENTS TO THE CITY'S COMMISSIONS, COMMITTEES, AND BOARDS, AND CITY AFFILIATED ORGANIZATIONS BY MAYOR AND CITY COUNCIL AND CONSIDER ALL (CONTESTED AND UNCONTESTED) APPOINTMENTS TO ALL COMMISSIONS EXCEPT PLANNING COMMISSION, ECONOMIC DEVELOPMENT COMMISSION AND ENVIRONMENTAL COMMISSION (CITY COUNCIL)

City Clerk/Agency Secretary/Authority Secretary, Dr. Bradshaw noted that it was brought to her attention that staff is looking to notify commissioners with excessive absences and will move forward to vacate them and confirm the names of the two Youth Commissioners and one Human Relations Commissioner.

Mayor/Agency Chairman/Authority Chairman Davis-Holmes requested staff to notify the Council Members of their appointees' excessive absences.

Recommendation: TAKE the following actions:
1. CONSIDER and only APPOINT uncontested members to the City Commissions, Committees, and Boards;
2. CONSIDER and APPOINT all (contested and uncontested) members to all commissions except Planning Commission, Economic Development Commission and Environmental Commission;
3. CONSIDER and APPOINT members to City Affiliated Organizations;

4. DIRECT the City Clerk to notify all affected appointments of this action in writing;
5. IF APPLICABLE, DIRECT the City Clerk to post and publish in accordance with the Maddy Act.

ACTION: No appointments were made.

SPECIAL ORDERS OF THE DAY: (Items 11)

Item No. 11. 2023-0937 PUBLIC HEARING TO CONSIDER INTRODUCTION OF ORDINANCE NO. 23-2311 ADOPTING AN ECONOMIC DEVELOPMENT BENEFIT AGREEMENT WITH THE CARSON RECLAMATION AUTHORITY, A CALIFORNIA JOINT POWERS AUTHORITY, AND CAM-CARSON, LLC, A LIMITED LIABILITY COMPANY, TO PROVIDE AN ECONOMIC DEVELOPMENT SUBSIDY FOR THE DEVELOPMENT OF A PORTION OF THE FORMER CAL-COMPACT LANDFILL, 20400 SOUTH MAIN STREET, CARSON; AND, RESOLUTION NO. 23-201, A RESOLUTION AMENDING THE AUTHORITY'S BUDGET FOR FISCAL YEAR 2023-2024 AND APPROPRIATING THE FUNDS FROM THE CITY'S GENERAL FUND RESERVES

Item No. 11 was heard after Item No. 2.

City Clerk/Agency Secretary/Authority Secretary, Dr. Bradshaw gave the Public Hearing report.

Mayor/Agency Chairman/Authority Chairman Davis-Holmes declared the Public Hearing open at 11:16 A.M.

City Manager Roberts, Jr. presented the item.

Assistant City Manager Raymond gave a report.

City/Agency/Authority Attorney Soltani addressed the public report as to the economic benefits that comes from the project. She cited Section 206B of the City Charter and addressed how the Economic Development Benefit Agreement is set.

City/Agency/Authority Treasurer Cooper asked the following three questions:

- 1) Are the funds going to be transferred to an escrow account or the existing Carson Reclamation Authority (CRA) account? The city does not have an established escrow account and is not a quick process to establish.

City/Agency/Authority Attorney Soltani stated that she agrees that creating an escrow account is difficult but Assistant Authority Counsel Danny Aleshire is already working on it with Executive Director John Raymond. Executive Director John Raymond stated that Fidelity National is the escrow account holder.

- 2) Will the Mayor and City Council require an audit of the funds until the expiration of the contract?

City/Agency/Authority Attorney Soltani said yes there will be an audit. \$11 million will be automatically earmarked and CAM-Carson cannot seek reimbursement until the buffer is complete.

- 3) Referred to the Measure R and Measure M bond funds - Are we going to transfer some of those funds over to the Carson Reclamation Authority (CRA) to assist in the 157-acre project?

City/Agency/Authority Attorney Soltani said Measure R funds have been committed to this project. The cost of the roads is approximated \$38 million and the Measure R bonds have been committed to that.

City/Agency/Authority Attorney Cooper inquired when the Measure M funds will be transferred.

Assistant City Manager Raymond stated the Measure M funds are with a bond trustee. He stated his understanding of how to draw the funds from the bond trustee.

City/Agency/Authority Treasurer Cooper inquired about the timeframe of when the funds will be drawn from the General Fund to the Escrow Account.

City/Agency/Authority Attorney Soltani responded that the process should start now as soon as the Economic Development Agreement is approved because it is part of the component of renegotiating the deal with CAM-Carson to finalize the documents. Although the funds will not be touched until after March 1, 2024, the transfer is critical to show that the funding is available for CAM-Carson to come back to the project.

Assistant City Manager Raymond clarified there are two transfers. The first transfer is from the city to the CRA account within two days of the execution of the agreement. The second transfer which is transfer from the CRA into the escrow and timing is around the close of escrow which is anticipated to be March 2024. It has to be demonstrated there is money if the CRA has the money for the process to go forward. It is still in a CRA account then escrow account at closing.

City/Agency/Authority Attorney Soltani stated if the City Council approves the Economic Development Agreement, she and Assistant City Manager Raymond will set up a meeting with City/Agency/Authority Treasurer Cooper to walk through the process.

There being no persons wishing to speak, Mayor/Agency Chairman/Authority Chairman Davis-Holmes declared the Public Hearing closed at 11:47 A.M.

Council Member/Agency Member/Authority Board Member Dear inquired why the City does not have an agreement with the escrow company for the \$23,000,000. Assistant City Manager Raymond stated the agreement is with CAM-Carson and CRA. The city puts the money into a CRA account.

City/Agency/Authority Attorney Soltani elaborated because city staff does not have the expertise to review the complex invoices as they come in. We have the arrangement that it is a 50/50 they

have put in a certain amount of money. The CRA will have a Construction Manager on site for the Lenardo Road and everything else. There are expert people who will be reviewing the invoices and processing them. That is the way the deal has been restructured with CAM-Carson. To have the City be the one trying to manage the account just creates another layer of complexity because then the city has to hire a consultant also to be familiar how it gets done. It has to have experts reviewing all the documents.

Council Member/Agency Member/Authority Board Member Dear stated the city gives up \$23,000,000 of taxpayer's money to help build the road which was not in the plan which came up recently. He also inquired about the other funding of \$17,000,000.

City/Agency/Authority Attorney Soltani stated Faring has an obligation to pay \$12.5 million towards the road, their pro rata fair share. They also agreed to an additional \$7.5 million in case of runovers and if there are no runovers they will just pay the \$7.5 million to the CRA. CAM-Carson will not be contributing any monies towards the road and that was part of the deal when they came back to the project. The deal was restructured that they are now responsible for all the costs of completing the remedial systems and completing all the embankments, items that previously the CRA was going to be responsible for and in exchange for that they got rid of the responsibility they had for the road which was negotiated and approved by the City Council and the CRA. The road is a critical part of any development happening in that area. If the road is not there you cannot start vertical construction on the sites because it would require hazwoper workers. It will make all the developments economically infeasible for the developers. CAM-Carson has been very clear that as part of coming back to the project, they need to have this economic subsidy. They need to have a component of the road schedule. They were given the schedule of the road and discussed with their team.

Council Member/Agency Member/Authority Board Member Dear inquired about Stamps Drive. City/Agency/Authority Attorney Soltani stated it is part of the infrastructure and both roads are budgeted to be built.

Assistant City Manager Raymond addressed Lenardo Drive and Stamps Drive (Del Amo Boulevard to Lenardo Drive). The rest of Stamps Drive is part of the Carson 96 project, private utility corridor. He discussed other work to be completed.

Mayor/Agency Chairman/Authority Chairman Davis-Holmes noted the mall will generate \$5 million of sales tax for the city.

Mayor Pro Tempore/Agency Vice Chairman/Authority Vice Chairman, Dr. Hilton offered comments in support of the item.

Council Member/Agency Member/Authority Board Member Rojas offered comments in support of the item.

Recommendation: TAKE the following actions:
1. OPEN the public hearing;
2. TAKE public testimony and accept any written and/or oral communications;
3. CLOSE the public hearing; AND
4. WAIVE further reading and introduce for first reading Ordinance

No. 23-2311, entitled "AN ORDINANCE OF THE CITY COUNCIL OF CITY OF CARSON, CALIFORNIA ADOPTING AN ECONOMIC DEVELOPMENT BENEFIT AGREEMENT WITH THE CARSON RECLAMATION AUTHORITY AND CAM-CARSON, LLC"

5. APPROVE Resolution No. 23-201, A RESOLUTION OF THE CITY OF CARSON CITY COUNCIL AMENDING THE FISCAL YEAR 2023-24 BUDGET IN THE GENERAL FUND, IN THE AMOUNT OF \$26,000,000.

6. AUTHORIZE the Mayor to execute all documents in a form acceptable to the City Attorney.

ACTION: It was moved to 1) Waive further reading and introduce Ordinance No. 23-2311, as read by title only, 2) Approve Resolution No. 23-201, as read by title only, 3) Add audit rights to the Escrow Account for the City of Carson at the request of City Treasurer Cooper with the consent of City Attorney Soltani for the City of Carson, and 4) Authorize the Mayor to execute all documents in a form acceptable to the City Attorney on motion of Hilton, seconded by Rojas.

During discussion of the motion, Council Member/Agency Member/Authority Board Member Dear stated he was reluctant to vote for the item because of reasons particularly what was outlined today. It is an additional taxpayer's subsidy on top of a 40-year taxpayer commitment of 100% of 1% of the sales tax. IKEA was 10 years and has been paid since 2012. He expressed concern that it is going to be Carson taxpayer's money, city funds into a project that was not planned to put \$23,000,000 into. His view is that it triggers a Project Labor Agreement which should be in place because this is city taxpayer's public money. There is an ordinance and agreement that a Project Labor Agreement is in place when city taxpayer's money is invested (\$23,000,000).

The motion was unanimously carried by the following vote:

Ayes: Mayor/Agency Chairman/Authority Chairman Davis-Holmes, Mayor Pro Tempore/Agency Vice Chairman/Authority Vice Chairman, Dr. Hilton, Council Member/Agency Member/Authority Board Member Dear, and Council Member/Agency Member/Authority Board Member Rojas

Noes: None

Abstain: None

Absent: Council Member/Agency Member/Authority Board Member Hicks

City/Agency/Authority Attorney Soltani stated that she would like to file a validation action and requested the second reading of Ordinance No. 23-2311 take place before the end of the year. Meeting to be adjourned to December 28, 2023 at 2:00 P.M. to meet before the Carson Reclamation Authority Meeting on December 28, 2023 at 3:00 P.M.

ORDINANCE SECOND READING – None.

MEMORIAL ADJOURNMENTS

This item was heard after Item No. 10.

City Clerk/Agency Secretary/Authority Secretary, Dr. Bradshaw stated there were no Memorial Adjournment Requests received.

ORAL COMMUNICATIONS FOR MATTERS NOT LISTED ON THE AGENDA (MEMBERS OF THE PUBLIC) – None.

COUNCIL MEMBER REQUESTS TO ADD ITEMS TO FUTURE AGENDAS

Council Member/Agency Member/Authority Board Member Dear asked about the status of his request for the anti-street take over ordinance which he believes staff is still working on.

Mayor/Agency Chairman/Authority Chairman Davis-Holmes stated staff is working on his request.

ORAL COMMUNICATIONS (COUNCIL MEMBERS)

Mayor Pro Tempore/Agency Vice Chairman/Authority Vice Chairman, Dr. Hilton reported/announced the following:

- Wished everyone Happy Holidays and Merry Christmas
- Thanked everyone for attending The Color Purple screening; thanked Council Member Rojas and Council Member Dear for attending
- Thanked everyone for their support

Council Member/Agency Member/Authority Board Member Dear reported/announced the following:

- Wished everyone Merry Christmas and Happy Holidays
- Shared that Carson has not been conducive to the holiday spirit but he believes next year it will be
- Wished everyone Happy New Year

Council Member/Agency Member/Authority Board Member Rojas reported/announced the following:

- Wished everyone Happy Holidays
- Congratulated the Mayor for a successful Toy Drive with KJLH 102.3 and singing with Stevie Wonder
- Wished Council Member Hicks well wishes and a speedy recovery

Mayor/Agency Chairman/Authority Chairman Davis-Holmes reported/announced the following:

- Thanked everyone for attending the annual Toy Giveaway
- Thanked everyone for attending the Tree Lighting Ceremony
- Thanked Stevie Wonder for attending the Toy Giveaway
- Authorized December 26, 2023 and January 2, 2024 as city holidays
- Wished everyone Merry Christmas and Happy New Year

ANNOUNCEMENT OF UNFINISHED OR CONTINUED CLOSED SESSION ITEMS (AS NECESSARY) – None.

RECESS TO CLOSED SESSION – None.

RECONVENE TO OPEN SESSION – None.

REPORT OF ACTIONS ON UNFINISHED OR CONTINUED CLOSED SESSION ITEMS – None.

ADJOURNMENT

The meeting was adjourned at 12:02 P.M. by Mayor/Agency Chairman/Authority Chairman Davis-Holmes to Thursday, December 28, 2023, at 2:00 P.M. to be held at the Helen Kawagoe Council Chambers, Carson City Hall, located at 701 E. Carson Street, Carson, California 90745.

Lula Davis-Holmes
Mayor/Agency Chairman/Authority Chairman

ATTEST:

Dr. Khaleah K. Bradshaw
City Clerk/Agency Secretary/Authority Secretary