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CITY COUNCIL SPECIAL MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
MAY 30, 2024  
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**CALL TO ORDER**

The Special Meeting of the City Council of the City of Industry, California, was called to order by Mayor Cory C. Moss at 1:00 p.m., in the City of Industry Council Chamber, 15651 Mayor Dave Way, California.

**FLAG SALUTE**

The flag salute was led by Mayor Moss.

**AB 2449 VOTE ON EMERGENCY CIRCUMSTANCES (IF NECESSARY)**

There was no need for AB 2449 vote since there were no Council Members taking part remotely. The webcast was then terminated.

**ROLL CALL**

PRESENT: Cory C. Moss, Mayor  
Steve Marcucci, Council Member  
Mark Radecki, Council Member  
Newell W. Ruggles, Council Member

ABSENT: Michael Greubel, Mayor Pro Tem

STAFF PRESENT: Josh Nelson, City Manager; Bing Hyun, Assistant City Manager; James M. Casso, City Attorney; Bianca Sparks, Assistant City Attorney; and Julie Gutierrez-Robles, City Clerk.

**PRESENTATIONS**

There were none.

**CONSENT CALENDAR – NONE**

**ACTION ITEMS**

**7.1 CONSIDERATION OF A LICENSE AGREEMENT FOR ACCESS TO ASSESSOR'S PARCEL NO. 8208-025-943 FOR A COMMUNITY EVENT**

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*RECOMMENDED ACTION:* *Discuss and provide direction to Staff.*

Assistant City Manager Sam Pedroza provided a staff report regarding this urgent License Agreement to the L.A. County Sheriff Museum Association to promote the history of the Sheriff's Department. This event will be set up next week on Wednesday or Thursday with the event on Friday, Saturday and Sunday. Staff is asking Council for the approval to our standard agreement, with an increase in insurance, for the final terms and give the authority to the City Manager along with the City Attorney to finalize the language.

There were no public comments.

MOTION BY MAYOR MOSS, AND SECOND BY COUNCIL MEMBER RADECKI TO APPROVE THE LICENSE AGREEMENT. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: MARCUCCI, RADECKI, RUGGLES, M/MOSS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MPT/GREUBEL

ABSTAIN: COUNCIL MEMBERS: NONE

### **PUBLIC HEARINGS**

8.1 Consideration of Resolution No. CC 2024-26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AFFIRMING THE ASSISTANT CITY MANAGER'S APRIL 5, 2024 INCOMPLETENESS DETERMINATION FOR THE PROPOSED MIXED USE PROJECT LOCATED AT 17201-17301 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND MAKING FINDINGS IN SUPPORT THEREOF

*RECOMMENDED ACTION:* *Open the public hearing and take public testimony; and Adopt Resolution No. CC 2024-26 or provide direction to Staff.*

Before moving forward, City Attorney James M. Casso, asked, for the administrative record, that each member of council ask to be recognized through the Mayor to decipher everyone on the recording who is speaking.

Assistant City Attorney Bianca Sparks said, for the benefit of Council Member Marcucci, to ask, "Madam Mayor, if I may" and then she will acknowledge you.

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Mayor Moss opened the public hearing at 1:08 p.m.

Assistant City Manager Bing Hyun provided general background of the relevant legislation which is commonly known as the "Builder's Remedy", the project chronology and reviewed the submittal requirements from the City's standard application that had not been submitted and that were listed in the incompleteness letters mailed to the applicant.

Bing Hyun then introduced Special Counsel, Barbara Kautz, Goldfarb & Lipman LLP, who explained that the City is not denying or approving or refusing to process the application, but determining whether or not the application is complete. She explained that the applicant's chief comments related to their preliminary application, which will be addressed by Bianca Sparks, but in terms of the completeness letter, each item that staff has requested is on the application form, with their chief objection was saying Valley Vista was required to approve the Construction Waste Management Form, but there is a Construction Waste Management form in the application package, that does not require Valley Vista's approval, which was not filled out and continues to be one of several items missing.

Bianca Sparks provided a brief response and stated that yesterday each Council Member received a letter from Legacy Point's Counsel, that is now on record, which listed several contentions. Bianca Sparks explained that Legacy Point does not have a vested right to pursue the Builder's Remedy because the preliminary application was not complete, that the applicant did not supply the information required to complete this application or the preliminary application within the required timelines, that the preliminary application expired by operation of law and is of no further force or effect, that the appellant was afforded an appeals hearing and their appeal rights are completely intact.

In response to Councilmember Ruggles question, Bing Hyun stated that the Applicant responded on March 7<sup>th</sup> and that their revised application submittal was also incomplete, and that applicant was notified on April 5<sup>th</sup> and that application is still incomplete.

Bianca Sparks stated that the complete development plan application was not filed within that 90-day window, that the preliminary application is null and void.

Councilmember Radecki recognized effort to put information together and make a decision.

Moss thanked both Radecki and Ruggles for their comments.

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Moss asked if anyone in the audience would like to speak.

Michael Shonafelt, land use counsel for Legacy Point, provided general background of Housing Crisis Act of 2019, and stated that Legacy Point made a good faith effort to submit a timely SB 330 preliminary application, nothing in statute allows local governments to declare or deem or otherwise designate a preliminary application to be incomplete, that he believes the SB 330 vested rights persist, that primary issue is a decision by staff to not process a Builder's Remedy application, that there was a peripheral issue of the completeness of the application, that there are certain elements of the required long-form development application that could not be fulfilled anyway such as the Valley Vista form which is outside of the applicant's control, that there fundamental differences on how the statute applies, that he is here to answer any questions with the project principal.

Jamie Casso stated that this hearing is not about the project or the merits of the project, but regarding the appeal of staff's decision that the preliminary application was incomplete and the formal application also was found to be incomplete.

In response to Councilmember Ruggles questions of whether he believes the application is complete besides the Valley Vista form and, under SB 330, a preliminary application would not have to be totally complete, Michael Shonafelt stated we can conform or respond to a reasonable request to complete it and believes there is a continuing right to complete it and to work with the City on that, there is no completeness provision in the statute.

Bianca Sparks cited Government Code 65941.1 stating that an applicant for a housing development project, as defined in Paragraph 3 of Subdivision B of Section 65905.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the project to the City.

In response to Mayor Moss' questions, Jamie Casso and Bianca Sparks further explained the purpose of the appeal hearing and Builder's Remedy.

In response to Councilmember Ruggles' questions, Michael Shonafelt stated that a notice of incompleteness was not received for the preliminary application and reviewed submittal and notice dates.

In response to Mayor Moss' and Radecki's questions about the list of completeness items, Michael Shonafelt stated that if Valley Vista approval could not be obtained, then the application would never receive a completeness determination.

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Bing Hyun stated that the missing item is a construction waste management plan form which does not require Valley Vista to sign and asks for their waste diversion plan.

Bianca Sparks stated that an attachment to the December 14, 2023 letter provides a Preliminary Notice of Project Inconsistencies.

In response to Mayor Moss asking for closing comments, Michael Shonafelt stated that if he had known earlier of the submittal requirements for the Valley Vista form it would have been a different situation, that he disagreed with staff's position.

In response to Jamie Casso's request for confirmation that no councilmembers reviewed any other documents other than what was provided in the Council packet, there was no contact with anybody at Legacy Point outside of Mr. Shonafelt this afternoon during the public hearing, and that none have inspected the property that is at issue with regard to the application, all councilmembers answered affirmatively to confirm that none of those circumstances occurred.

Mayor Moss closed the public hearing at 1:50 p.m.

There were no public comments.

**MOTION BY COUNCIL MEMBER RADECKI, AND SECOND BY MAYOR MOSS TO ADOPT RESOLUTION NO. CC 2024-26. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:**

AYES:	COUNCIL MEMBERS:	MARCUCCI, RADECKI, RUGGLES, M/MOSS
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	MPT/GREUBEL
ABSTAIN:	COUNCIL MEMBERS:	NONE

Mayor Moss asked to bring forward Item No. 10, City Manager Reports, Item No. 11, AB 1234 Reports, and Item No. 12, City Council Communications prior to Closed Session. There were no objections.

### **CITY MANAGER REPORTS**

There were none.

### **AB 1234 REPORTS**

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There were none.

**CITY COUNCIL COMMUNICATIONS**

There were none.

**CLOSED SESSION**

City Clerk Gutierrez-Robles announced there was a need for Closed Session as follows:

There were no public comments.

9.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property:	8208-027-900, 901, 902, 906, 907, and 918
Agency Negotiators:	Joshua Nelson, City Manager James M. Casso, City Attorney
Negotiating Parties:	El Encanto Healthcare & Habilitation Center
Under Negotiation:	Price and terms of payment

9.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property:	1 Industry Hills Parkway, City of Industry, CA, 91744 also known as Assessor Parcel Numbers (portion of) 8247-014-900, (portion of) 8247-013-908, 8262-001-900, 8262-001-902, (portion of) 8262-011-930, 8262-011- 931, 8262-012-270, 8262-012- 271, 8262-012-272, 8262-012-273, (portion of) 8262-012-274, (portion of) 8262-012-275, 8262-012-276,(portion of) 8262- 015-900, (portion of) 8262-015-901, 8262-015-902, 8262-015-904, (portion of) 8262-015-905, 8263-008-270, 8263- 008-271, 8263-008-904 and 8263-027- 270
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Agency Negotiators:	Joshua Nelson, City Manager
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Negotiating Parties: James M. Casso, City Attorney  
Majestic Industry Hills, LLC, a Delaware limited liability company  
Under Negotiation: Price and terms of payment

9.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code Section 54956.8:

Property: 1548 S Azusa Avenue; 8265-004-045  
Agency Negotiators: Joshua Nelson, City Manager  
James M. Casso, City Attorney  
Negotiating Parties: 1600 Azusa SB One LLC, 1552 Azusa One LLC,  
1552 Azusa Two LLC, 1552 Azusa Three LLC  
Under Negotiation: Price and terms of payment

Mayor Moss, recessed the meeting into Closed Session at 1:52 p.m.

Mayor Moss reconvened the meeting at 3:02 p.m.

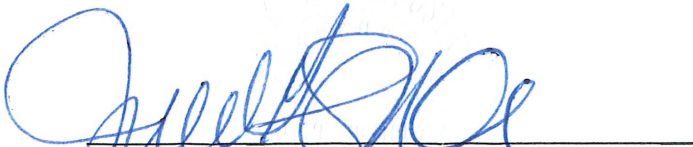
City Attorney Casso reported out of Closed Session. All members of the Council were present except for Mayor Pro Tem Greubel.

With regard to Closed Session Item Nos. 9.1, 9.2 and 9.3, direction was given to Agency Negotiators. No final action taken.

Nothing further to report at this time.

**ADJOURNMENT**

There being no further business, the City Council adjourned at 3:03 p.m.

  
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JULIE GUTIERREZ-ROBLES  
CITY CLERK

  
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CORY C. MOSS  
MAYOR