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CITY COUNCIL REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
MARCH 9, 2023  
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**CALL TO ORDER**

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor Cory C. Moss at 9:05 a.m., in the City of Industry Council Chamber, 15651 Mayor Dave Way, California.

**FLAG SALUTE**

The flag salute was led by Mayor Cory C. Moss.

**ROLL CALL**

PRESENT: Cory C. Moss, Mayor  
Cathy Marcucci, Mayor Pro Tem  
Michael Greubel, Council Member  
Mark Radecki, Council Member  
Newell W. Ruggles, Council Member

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.

**PUBLIC COMMENTS**

Mr. Herman spoke for three minutes about his first amendment freedom of speech rights, to include the tolerance of all unpleasant forms of speech. He spoke about his opposition to government policies/leadership and provided documents for the record.

**CONSENT CALENDAR**

Council Member Ruggles asked for a Staff Report on Item Nos. 5.3, 5.5 and 5.6.

Mr. Herman spoke for three minutes in opposition of the Consent Calendar.

**5.1 CONSIDERATION OF THE REGISTER OF DEMANDS FOR MARCH 9, 2023**

*RECOMMENDED ACTION:* Approve the Register of Demands and authorize the appropriate City Officials to pay the bills.

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**5.2 CONSIDERATION OF THE MINUTES OF THE OCTOBER 27, 2022 REGULAR MEETING, NOVEMBER 10, 2022 SPECIAL MEETING, AND THE JANUARY 26, 2023 REGULAR MEETING**

*RECOMMENDED ACTION:*

*Approve as submitted.*

**5.3 PRESENTATION OF THE FY 2022-23 MID-YEAR BUDGET REPORT, AND CONSIDERATION OF RESOLUTION NO. CC 2023-10, APPROVING AND ADOPTING THE CITY'S FY 2022-2023 PROPOSED MID-YEAR BUDGET AMENDMENTS AND THE FY 2022-23 PROPOSED MID-YEAR BUDGET AMENDMENTS FOR THE CAPITAL IMPROVEMENT PROGRAM BUDGET**

*RECOMMENDED ACTION:*  
10.

*Adopt Resolution No. CC 2023-*

Director of Finance, Yamini Pathak provided a staff report and was available to answer any questions.

**5.4 CONSIDERATION OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MUSEUM MANAGEMENT CONSULTANTS, FOR MUSEUM STRATEGY PLANNING SERVICES, EXTENDING THE TERM TO JUNE 30, 2023**

*RECOMMENDED ACTION:*

*Approve Amendment No. 2.*

**5.5 CONSIDERATION OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MUNIENVIRONMENTAL, LLC, FOR ENVIRONMENTAL AND RECYCLING CONSULTING SERVICES, EXTENDING THE TERM THROUGH APRIL 30, 2026, REVISING THE RATE SCHEDULE, AND INCREASING COMPENSATION BY \$990,000.00**

*RECOMMENDED ACTION:*

*Approve Amendment No.3.*

Assistant City Manager, Bing Hyun provided a staff report. Council Member Newell Ruggles asked if additional work was needed after the term of this amendment, would we have to initiate a new agreement or could we do an additional extension? Bing Hyun said we could do an additional extension if needed.

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**5.6 CONSIDERATION OF AWARD OF CONTRACT NO. CITY-1488, 2021-2022 ANNUAL PAVEMENT REHABILITATION FY22, TO LCR EARTHWORK & ENGINEERING, CORPORATION, IN AN AMOUNT NOT TO EXCEED \$1,284,015.00, AND ADOPT NOTICE OF EXEMPTION REGARDING SAME (MP 21-04)**

*RECOMMENDED ACTION:* Award the Contract to LCR Earthwork & Engineering, Corporation in the amount of \$1,284,015 and adopt a Notice of Exemption for the project.

Director of Engineering James Cramsie, from CNC Engineering provided a staff report and was available to answer any questions.

Mr. Herman spoke for three minutes in opposition to the Consent Calendar.

MOTION BY COUNCIL MEMBER RADECKI, AND SECOND BY COUNCIL MEMBER GREUBEL TO APPROVE THE CONSENT CALENDAR. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

**ACTION ITEMS**

**6.1 DISCUSSION AND DIRECTION REGARDING AB2449**

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

City Manager Josh Nelson provided a slide presentation explaining a third alternative to teleconferencing that was approved in 2022 by the Governor. Since the State is no longer in a state of emergency, AB361 is no longer applicable. AB2449 began January 1, 2023, and sunsets December 31, 2025. City Manager Nelson explained the provisions under AB2449. Should a Council Member wish to participate remotely, with "just cause" or an "emergency situation", unlike the traditional requirement under the Brown Act to join remotely, the Council Member would not need to make their location known to the public. After an explanation, questions and answers were discussed, Mayor Moss said she was in favor of this quick fix especially since it cannot be abused, due to AB2449

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and its limitations. The other Council Members agreed. City Manager Nelson said he would move forward with this and have something in place by the next meeting on March 23<sup>rd</sup>.

Mr. Herman spoke for three minutes in opposition to Item No. 6.1.

Direction was given, no vote was necessary.

**CLOSED SESSION**

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

7.1 PUBLIC EMPLOYMENT PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957(b)(1)  
TITLE: CITY TREASURER

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

Property: Assessor Parcel Numbers 8262-015-901, 8262-012-274  
and 8262-012-275

Agency Negotiators: Josh Nelson, City Manager  
James M. Casso, City Attorney  
Negotiating Parties: Beach Street Development LLC  
Under Negotiation: Price and terms of payment

7.3 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(d)(1)  
Case: *City of Industry v. San Gabriel Valley Water & Power, et al., and related cross actions*  
Superior Court of California, County of Los Angeles  
Case No. 19STCV10150

Mr. Herman spoke for three minutes in opposition to Closed Sessions.

Mayor Moss recessed the meeting into Closed Session at 9:38 a.m.

Mayor Moss reconvened the meeting at 11:00 a.m.

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City Attorney Casso reported out of Closed Session. All members of the Council were present.

With regard to Closed Session Item No. 8.1, this item to be held over until the next meeting.

With regard to Closed Session Item No. 8.2, direction was given to the Agency Negotiators, no final action taken.

With regard to Closed Session Item No. 8.3, direction was given to the City Attorney's office, no final action taken. Nothing further to report at this time.

**CITY MANAGER REPORTS**

There were none.

**AB 1234 REPORTS**

There were none.

**CITY COUNCIL COMMUNICATIONS**

There were none.

**ADJOURNMENT**

There being no further business, the City Council adjourned at 11:01 a.m.

  
  
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JULIE GUTIERREZ-ROBLES  
CITY CLERK

  
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CORY C. MOSS  
MAYOR