

APPROVAL OF MINUTES
EL MONTE CITY COUNCIL REGULAR MEETING
OF FEBRUARY 1, 2022

MEETING JOINTLY AND REGULARLY WITH THE EL MONTE HOUSING AUTHORITY; EL MONTE PUBLIC FINANCING AUTHORITY; EL MONTE WATER AUTHORITY; EL MONTE PARKING AUTHORITY; SUCCESSOR AGENCY TO THE FORMER EL MONTE COMMUNITY REDEVELOPMENT AGENCY; HOUSING SUCCESSOR AGENCY; AND, FROM TIME TO TIME, SUCH OTHER BODIES OF THE CITY WHOSE MEMBERSHIP IS COMPOSED EXCLUSIVELY OF THE MEMBERSHIP OF THE CITY COUNCIL

1. CALL TO ORDER: **6:00 p.m.**

2. ROLL CALL FOR CITY COUNCIL AND AUTHORITY BODIES:

Jessica Ancona, Mayor/Chair – **present**
Alma D. Puente, Mayor Pro Tem/Authority Member – **present**
Martin R. Herrera, Councilmember/Authority Member – **present**
Victoria Martinez Muela, Councilmember/Authority Member – **present**
Dr. Maria Morales, Councilmember/Authority Member – **present**

3. APPROVAL OF AGENDA:

m) Mayor Ancona
s) Dr. Morales **5-0**
Item 4.5 was pulled

4. CLOSED SESSION:

The City Council and the various legislative bodies whose membership is composed exclusively of the membership of the City Council will attempt to address and complete all Closed Session business between 6:00 p.m. and 7:00 p.m. If the City Council completes all Closed Session business prior to 7:00 p.m., the City Council will take a short recess and commence all Open Session proceedings promptly at 7:00 p.m. In the event the City Council is unable to address or complete all agendaized Closed Session items by 7:00 p.m., the City Council will hear all such remaining items toward the end of the meeting, immediately following Council Communications. Should any member of the public wish to address the City Council on any *agendaized* Closed Session matter, the City Council shall allow such person to address the City Council on such matter(s) prior to going into Closed Session, provided that all persons wishing to address the Council on an agendaized Closed Session matter shall (i) call-in at the number indicated on page 1 of this agenda, above, prior to the City Council going into closed session; and (ii) be subject to a single speaker time allotment of 3 continuous minutes total per speaker to address the City Council on any or all closed session items of business.

Mayor Ancona invited members of the public to address the City Council on Closed Session Items 4.1 and 4.8. Item 4.5 was pulled.

Mayor Ancona and the City Council recessed into Closed Session at approximately 6:02 p.m. Mayor Ancona and the City Council reconvened from Closed Session at approximately 7:37 p.m.

Assistant City Attorney Richard Padilla reported out of Closed Session with respect to Items 4.1 and 4.8 with the exception of Item 4.5 which was pulled.

4.1 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation – Lopez vs. City of El Monte, USCD Case No. 2:21-cv-00833-ODW-AGR.

Updates were provided by Legal Counsel, general direction given by the City Council, but no final action taken.

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- 4.2 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation – Workers Compensation Appeals Board Case No. ADJ13914131.

Updates were provided by Legal Counsel, general direction given by the City Council, but no final action taken.

- 4.3 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation – Workers Compensation Appeals Board Case No. ADJ12483172.

Updates were provided by Legal Counsel, general direction given by the City Council, but no final action taken.

- 4.4 Closed Session Pursuant to Government Code Section 54956.9(d)(2), (e)(1) – Conference with Legal Counsel Regarding Anticipated Litigation – One (1) Potential Case.

Update was provided by Mr. Pilchen, direction given by the City Council, but no final action taken.

- 4.5 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Existing Litigation – City of El Monte vs. Regency Outdoor Advertising, Inc., et al., LASC Case No. 21PSCV00565.

Item was pulled.

- 4.6 Closed Session Pursuant to Government Code Section 54957 – Discussion Relating to Annual/Routine Performance Evaluation Per Section 8 of City Manager Contract.

General presentation was provided by Legal Counsel and the City's evaluator, but no final action taken.

- 4.7 Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators.

City's Negotiator:
Rick Olivarez, City Attorney

Unrepresented Employee:
City Manager

General presentation was provided by Assistant City Attorney Richard Padilla and the City's evaluator. A copy of a proposed and restated employment agreement for the City Manager is available for anyone who wishes to email the City Clerk's Office.

- 4.8 Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators.

Bargaining Units Subject to Negotiations: El Monte General Unit (SEIU Local 721); El Monte General Mid-Management Unit (SEIU Local 721); El Monte Police Officers Association; El Monte Police Mid-Manager's Association; and All Unrepresented Employees of City Executive Team.

City's Designated Negotiator: Alma K. Martinez, City Manager and John Nguyen, Human Resources/Risk Management Director.

General presentation was provided by Legal Counsel, but no final action taken.

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OPEN SESSION PROCEEDINGS

(Commencing at 7:00 p.m. or as soon thereafter as the City Council reconvene from Closed Session/Short Recess).

5. INVOCATION: City Council. **Mayor Ancona**
6. FLAG SALUTE: City Council. **Mayor Ancona**
7. RECOGNITIONS, HONORS AND COMMUNITY INTEREST PRESENTATIONS: **None**
8. GENERAL PUBLIC COMMENT:

This time has been set aside for members of the public to directly address the City Council on agenda items of business (other than those agenda items as public hearing or closed session items) or on any other item of interest to the speaker that is within the subject matter jurisdiction of the City Council, the Housing Authority, the Financing Authority and/or the Water Authority (collectively, the "Council"). Each speaker will be limited to a single allotment of three (3) continuous minutes total to address the Council on any or all matters covered by this section. As explained more specifically under the Public Hearing portion of this agenda, members of the public wishing to offer comment on items of business agenda items under the Public Hearing portion of the agenda shall have a separate allotment of three (3) continuous minutes per speaker per public hearing item. Except as otherwise provided under the Brown Act (Gov. Code Section 54950 et seq.), the Council may not deliberate or take action upon any matter not listed on this posted agenda but may order that any such matter be placed on the agenda for a subsequent meeting. The Council may also direct staff to investigate certain matters for consideration at a future meeting. Persons wishing to address the Council on matters covered under General Public Comment shall call in at the number indicated on page 1 of this agenda, above, by or before the General Public Comment portion of the agenda is closed. As indicated, above, the Council shall be under no obligation to entertain comments from caller wishing to address matters covered under this section after the General Public Comment portion of the agenda is closed.

Irma Zamorano – Spoke about the City Manager Contract.

Written Comments:

Mary Ann Powers – I don't believe that it would be proper or ethical to consider and approve this item until the citizens have had an opportunity to review this agenda item. The citizens are the ones who will be paying the salary of this employee, and should have an opportunity to read, understand and comment on any changes to the employee contract.

Tom Bertulis – KTUA has been hired by the Southern California Association of Governments (SCAG) to develop the El Monte Vision Zero Action Plan with the aim of eliminating traffic fatalities and serious injuries in the City of El Monte. Currently El Monte averages three deaths and 13.5 severe injuries caused by traffic collisions per year. After an extensive community outreach and stakeholder engagement effort, followed by a technical analysis, we recently submitted the plan, and it is available for viewing. The purpose of the El Monte Vision Zero Action Plan is to explain what Vision Zero is, provide a baseline for transportation safety conditions in El Monte, and then present a path forward to achieve Vision Zero in El Monte. Vision Zero is an entirely new way to approach traffic safety, an approach that focuses on the proactive instead of the reactive and applying traffic safety countermeasures first on several key corridors and then across the network. Local cities such as Los Angeles, Long Beach and Culver City and LA County have all embraced Vision Zero and implemented similar plans. Collisions were quantified and mapped block by block to identify road segments for transportation safety recommendations. Existing characteristics of these "high-injury" road segments were mapped citywide to identify similar roads and intersections that were not identified using the collision-based analysis. The number of lanes, type of medians, and intersection controls were mapped citywide to identify other possible locations for improvements. To maximize measures implemented across the network, Vision Zero recommends effective, low-cost measures that have been tried-and-tested in other cities similar to El Monte. This plan recommends cost-effective transportation safety improvements that can be

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implemented citywide, focusing on areas with potential for high-severity crashes, to achieve zero traffic-related deaths and serious injuries. Ten priority road segments were identified through analysis, stakeholder, community and City staff input to provide examples of these cost-effective treatments. A draft copy of the Vision Zero Plan is available on the City's website, the Public Works Engineering Counter, and City Clerk's office for final review and comment. The final comment period will end 2/8/22 and we hope to bring the final report before the City Council for approval on 2/15/22 to further its traffic safety goals.

9. CITY TREASURER'S REPORT: **None**

10. DEMAND RESOLUTION NO. D-658

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID.

THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES RESOLVE AS FOLLOWS: SECTION 1. That the attached list of claims and demands totaling \$1,402,386.01 have been examined by the City Treasurer and that warrant numbers 1103651 through 1103737 inclusive are hereby allowed in the amounts and ordered paid out of the respective funds as set forth.

m) Mayor Pro Tem Puente
s) Dr. Morales **5-0**

11. APPROVAL OF MINUTES: Adjourned Regular Meeting Minutes of December 14, 2021; Adjourned Regular Meeting Minutes of January 11, 2022; Special Meeting Minutes of January 20, 2022; and Special Meeting Minutes of January 25, 2022.

m) Dr. Morales
s) Councilmember Herrera **5-0**

12. CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered to be routine in nature and may be enacted by one motion approving the recommendation listed on the Agenda. One or more items may be removed from the Consent Calendar so that they may be discussed, considered, and voted upon individually by the Council. A matter may be removed from the Consent Calendar and taken up separately by way of a seconded motion of any member of the Council with the approval of a majority of the Council quorum.

12.1 Waiver of Full Reading of Ordinance(s).

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Approval to waive full reading (except title) of all ordinances appearing on the City Council agenda as authorized under Government Code Section 36934, unless otherwise directed by the City Council.

Total Cost: N/A Account No: N/A
Is the cost of this item budgeted? N/A

m) Mayor Ancona
s) Dr. Morales **5-0**

12.2 Approval of a 30-Day Resolution Regarding the Conduct of Teleconference Meetings of the City Council and Other City Bodies Under the Modified Rules Set Forth Under Government Code Section 54953(E) and Other Applicable Provisions AB 361.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

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It is recommended that the City Council:

1. Consider possible adoption of a Resolution authorizing City legislative bodies to hold remote teleconference meetings subject to modified Brown Act requirements during a declared state of emergency in accordance with Assembly Bill 361.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Resolution No. 10331

m) Councilmember Herrera

s) Dr. Morales

5-0

- 12.3 Approval of a City Council Resolution and a Successor Agency Resolution Approving a Termination and Release Agreement to Terminate a Restated Owner Participation Agreement Dated March 1, 2007 with Gunderson Auto Group and GSL Development.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and adopt a Resolution approving the Termination and Release Agreement and authorizing further actions allowing the development and placement of retail food establishments on parcels located at the northeast corner of Santa Anita Avenue and Brockway Street.

It is recommended that the City Council as the Governing Board of the Successor Agency to the Former El Monte Community Redevelopment Agency:

1. Consider and adopt a Resolution approving the Termination and Release Agreement and authorizing further actions allowing the development and placement of retail food establishments on parcels located at the northeast corner of Santa Anita Avenue and Brockway Street.

Total Cost: N/A

Account No.: N/A

Is the cost of this item budgeted? N/A

Resolution No. 10332

Resolution No. SA-83

m) Mayor Pro Tem Puente

s) Dr. Morales

4-0 (Councilmember Martinez Muela absent)

13. PUBLIC HEARINGS:

Members of the public wishing to address the Council on any item of business agenda under this Public Hearing portion of the agenda are asked to call in at the number indicated on page 1 of this agenda, above, by or before the time at which the City Council closes the public comment portion of each public hearing matter listed under this section. The City Council shall be under no obligation to entertain comments from speakers who call in after the public comment portion of the public hearing matter they wish to speak on has been closed. Each speaker will be allotted three (3) continuous minutes per Public Hearing item.

- 13.1 A Public Hearing to Consider and Adopt Substantial Amendment #1 to the City of El Monte Fiscal Year 2021-2022 Department of Housing and Urban Development (HUD) Annual Action Plan.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Open the public hearing;

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2. Receive presentation from staff;
3. Pose questions to staff;
4. Allow members of the public to offer comment;
5. Pose follow up questions to staff;
6. Close the public hearing;
7. Adopt a Resolution (Attachment 1) approving Substantial Amendment #1 to the FY 2021-2022 Annual Action Plan;
8. Authorize the reallocation of \$2,681,871 in CDBG funds in accordance with the projects listed in the Substantial Amendment #1;
9. Authorize an increase in appropriation in the amount of \$206,085 in the CBDG Fund 220 for the FY 2021-2022 fiscal budget to specified expenditure account numbers detailed in Substantial Amendment #1 (220-XX-XXX-XXX); and authorize the use of CDBG funds for this supplemental budget appropriation to the municipal budget;
10. Authorize an increase in appropriation of \$119,581.48 in the ESG Fund 253 for the FY 2021-22 fiscal budget to specified expenditure account numbers detailed in Substantial Amendment #1 (253-XX-XXX-XXXX); and authorize the use of ESG funds for this supplemental budget appropriation to the municipal budget; and
11. Authorize the City Manager, or her designee to make all conforming modifications and edits, and to execute all implementing documents required by HUD.

Total Cost: General Fund - \$0 Account No: CDBG and ESG

CDBG Budget Increase - \$206,085
 (Unprogrammed CDBG & CDGB PI Fund)
 ESG Budget Increase - \$119,581.48
 (PY 2018 and 2020 ESG Carryover)
 Is the cost of this item budgeted? N/A

Resolution No. 10333

- | | |
|--------------------------------------|------------|
| m) Mayor Ancona | |
| s) Mayor Pro Tem Puente | 5-0 |
| Open P.H. | |
| m) Mayor Ancona | |
| s) Dr. Morales | 5-0 |
| Close P.H. | |
|
 | |
| m) Dr. Morales | |
| s) Mayor Ancona | 5-0 |
| Approve Items 8, 9, 10 and 11 | |
|
 | |
| m) Mayor Ancona | |
| s) Dr. Morales | |
| Approve Resolution No. 10333 | 5-0 |

- 13.2 A Public Hearing to Consider and Approve General Plan Amendment (GPA) No. 01-21 for the 2021-2029 Housing Element Update, GPA No. 02-21 for the Public Health and Safety Element Update and GPA No. 03-21 for Other Element Updates and to Adopt an Addendum to the Comprehensive General Plan and Zoning Code Update Final Environmental Impact Report (EIR).

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Open the public hearing;
2. Receive presentation from staff;
3. Pose questions to staff;
4. Allow members of the public to offer comment;
5. Pose follow-up questions to staff;
6. Close the public hearing; and
7. Approve the Proposed Resolution and addendum by no less than three (3) votes (Attachment 1 – Draft City Council Resolution).

Total Cost: N/A Account No: N/A

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Is the cost of this item budgeted? N/A

Resolution No. 10334

m) Mayor Ancona
s) Dr. Morales 5-0
Open P.H.

Ted Jimenez – Provided a background on labor unions and spoke about the importance of keeping jobs local in the community.

m) Mayor Ancona
s) Dr. Morales 5-0
Close P.H.

m) Mayor Ancona 5-0
s) Dr. Morales

14. REGULAR AGENDA:

Break at 9:25 p.m.
Return at 9:33 p.m.

At 9:33 p.m.

m) Mayor Pro Tem Puente
s) Dr. Morales 3-2 (Mayor Ancona and Councilmember
Martinez Muela No)
Continue the meeting past
10:00 p.m. with items 14.3, 14.4,
14.5, 16.1 in order including Council
Communication Items 14.1 and 14.2
tabled

Secondary Motion

m) Councilmember Martinez
s) Mayor Ancona 2-3 (Mayor Pro Tem Puente, Councilmembers
Herrera, and Dr. Morales)
Continue the meeting past
10:00 p.m. through Council
Communication and take Item
16.1 out of order

- 14.1 Consideration and Approval of a Professional Services Agreement for Raftelis to Provide Technical and Preparation Services for the Sewer Rate Study for a Not-to-Exceed Amount of \$100,068.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve a Professional Services Agreement for Raftelis to provide technical and preparation services for the Sewer Rate Study for an Agreement amount of \$90,971 plus a ten percent (10%) contingency amount of \$9,097 for a total not-to-exceed amount of \$100,068; and
2. Authorize the City Manager, or her designee, to execute the Agreement with Raftelis.

Total Cost: \$100,068 Account No: 650-67-693-6111

Is the cost of this item budgeted? Yes Sewer Fund

Item tabled.

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- 14.2 Consideration and Approval of a Bench List of Firms for Housing Consultant Services and Approval of a Master Professional Services Agreement with the Three (3) Selected Firms.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

- 1. Approve the selection of three (3) firms, Avant Garde, Inc., RSG, Inc., and Ramona Property Managers, Inc. to serve on the City of El Monte's bench list of Housing Consultants for on-call housing administration, technical assistance, affordable housing, and property management services; and
- 2. Authorize the City Manager, or her designee, to execute a Master Professional Services Agreement with the three (3) selected consulting firms.

Total Cost: \$120,100	Account No:	HCD CDBG-CV (Fund 214)1 PHLA (Fund 215) Homekey (Fund 216) CDBG & CDBG-CV (Fund 220) HOME & HOME ARP (Fund 221) ESG & ESG-CV (Fund 253) Housing Assets (Fund 227)
Is the cost of this item budgeted? Yes		

Item tabled.

- 14.3 Consideration and Approval of a Guaranteed Income Pilot Program and the Release of a Request for Qualifications to Appoint a Firm to Manage the Pilot Program's Administration.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

- 1. Approve a Guaranteed Income Pilot Program;
- 2. Approve the release of a Request for Qualifications to appoint a firm to manage the Pilot Program's administration; and
- 3. Authorize the City Manager, or her designee, to execute all documents related to the Pilot Program.

Total Cost: \$765,000	Account No:	APRA
Is the cost of this item budgeted? Yes		

m) Mayor Pro Tem Puente
s) Councilmember Herrera **5-0**

- 14.4 Consideration and Possible Approval of City Manager Employment Agreement.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

Pending final Closed Session discussion and deliberation, it is recommended that the City Council:

- 1. Approve an amended and restated employment agreement with City Manager Martinez to be made available to the public before consideration of this agenda item. The salient terms of the employment agreement will be disclosed to the public before approval of this item; and
- 2. Authorize the Mayor to execute the amended and restated City Manager Employment Agreement on behalf of the City.

Total Cost: N/A	Account No:	N/A
Is the cost of this item budgeted? N/A		

Mary Ann Powers – Spoke about the City Manager Contract and the community not having enough time to review the contract. Spoke about the community median/average income for the community. Requested additional time to review the contract.

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Pauline Cazarez – Spoke in support of the new contract for City Manager Alma Martinez.

Cosme Jimenez – Spoke about salaries for certain employees.

Gabriel Ramirez – Not in favor of the new contract for the City Manager. Spoke about the community not having enough time to review the contract.

**m) Mayor Ancona
s) Councilmember Martinez Muela
Table the item** **2-3 (Mayor Pro Tem Puente,
Councilmembers Herrera and Dr. Morales No)**

**m) Dr. Morales
s) Mayor Pro Tem Puente** **3-2 (Mayor Ancona and Councilmember
Martinez Muela No)**

14.5 Consideration and Approval of a Resolution Modifying and Implementing Rules and Procedures for the Orderly Conduct of City Council Meetings.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Receive the presentation of staff; and
2. If desired, approve the attached Resolution.

Total Cost: N/A Account No: N/A
Is the cost of this item budgeted? N/A

Resolution No. 10335

**m) Mayor Ancona
s) Councilmember Martinez Muela
To Table the Meeting of
February 15, 2022** **5-0**

15. CITY ATTORNEY'S AGENDA:

16. CITY MANAGER'S AGENDA:

16.1 ACFR Presentation.

**m) Councilmember Martinez Muela
s) Mayor Ancona
Table the Item** **3-2(Councilmembers Herrera and
Dr. Morales No)**

17. WRITTEN COMMUNICATIONS:

18. COUNCIL COMMUNICATIONS/REPORTS:

18A. Mayor Ancona

18B. Mayor Pro Tem Puente

18C. Councilman Herrera

18D. Councilwoman Martinez Muela

18D.1 Discussion and Action on Smoke Free Outdoor Ordinance, Discussed March 2021.

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18D.2 Discussion and Action Regarding Directing City Management to Hire an Assistant City Manager, Public Information Officer and Establish a Purchasing Department, Discussed April 2021.

18D.3 Discussion and Action Regarding Citywide Employee Survey of Workplace Satisfaction and Recommendations, Discussed February 2021.

18D.4 Update on Federal and State Funding for Project Homekey – Report Requested.

18D.5 Update on Funding for All Park Renovations – Report Requested.

18E. Councilwoman Dr. Morales

18E.1 Discussion on Community Based Policing and Crime Statistics/Updates.

19. ADJOURNMENT:

Adjourn in Memory of Mr. Emilio Noriega, Long Time Resident of El Monte. Mr. Noriega was 98 years old and lived in El Monte for over 50 years. He was a World War II Veteran/Flag Staff Sergeant. He is survived by two of his children and many grandchildren.

Without object the meeting was adjourned at 11:50 p.m.

The next Regular Meeting of the City Council will be held on **February 15, 2022** at 6:00 p.m. This Agenda will be posted on the City's website, www.ci.el-monte.ca.us, and physically posted no less than 72 hours prior to the start of the subject regular meeting. Although it is the City's practice and desire to electronically post a copy of this Agenda along with supporting material as part of its website posting, the size or formatting of certain supporting materials may render their website posting infeasible. Nevertheless, all supporting materials related to any item on this Agenda, that is made available to the members of the council may be inspected by members of the public at the City Clerk's Office located at 11333 Valley Boulevard, El Monte, Monday through Thursday, 7:00 am – 5:30 pm. For more information, please call the City Clerk's Office at 626-580-2016.

All public meetings and events sponsored or conducted by the City of El Monte are held in sites accessible to persons with disabilities. Requests for accommodations may be made by calling the office of the City Clerk at (626) 580-2016 at least three (3) working days prior to the event, if possible. This Agenda and copies of documents distributed at the meeting are available in alternative formats upon request.

Catherine A. Eredia, City Clerk
City of El Monte

APPROVED:

Jessica Ancona, Mayor
City of El Monte