

APPROVAL OF MINUTES
EL MONTE CITY COUNCIL ADJOURN REGULAR MEETING
OF MARCH 8, 2021

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: **5:33 p.m.**

2. ROLL CALL FOR CITY COUNCIL AND AUTHORITY BODIES:

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

3. APPROVAL OF AGENDA:

m) Mayor Pro Tem Martinez Muela
s) Mayor Ancona **5-0**

4. CLOSED SESSION:

The City Council and the various Authority Bodies whose membership is composed exclusively of the membership of the City Council (collectively, the “Council”) will attempt to address and complete all Closed Session business between 6:00 p.m. and 7:00 p.m. If the Council completes all Closed Session business prior to 7:00 p.m., the 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 agenda items by 7:00 p.m., the 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 Council on any *agenda* Closed Session matter, the Council shall allow such person to address the Council on such matter prior to going into Closed Session, provided that all persons wishing to address the Council on an agenda Closed Session matter shall fill out a speaker card and be subject to a speaker’s time limit of 3 minutes per speaker and further provided that the Council shall be under no obligation to respond to or deliberate upon any specific questions or comments posed by a speaker or take action on any issue raised by a speaker beyond such action as the City Council may be lawfully authorized to take on an agenda Closed Session matter pursuant to the Brown Act (Govt. Code Section 54950 et seq.).

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- 4.1 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: FEAH, LLC vs. City of El Monte, LASC Case No. 20STCP03720.
- 4.2 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: NeroCanna vs. City of El Monte, Los Angeles Superior Court Case No. 20STCP02545.
- 4.3 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: Clade9Ellis Lane, LLC vs. City of El Monte, et al., Los Angeles Superior Court Case No. 20STCP04213.
- 4.4 Closed Session Pursuant to Government Code Section 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: Calimed Baldwin, LLC vs. City of El Monte, Los Angeles Superior Court Case No. 20STCP03134.
- 4.5 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: Nibble This – El Monte, LLC vs. City of El Monte, et al., Los Angeles Superior Court Case No. 20STCP04044.
- 4.6 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: Dronatherapy, Inc. vs. City of El Monte, Los Angeles Superior Court Case No. 20STCP04067.
- 4.7 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: Embiem, LLC vs. City of El Monte, Los Angeles Superior Court Case No. 21STCP00345.
- 4.8 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation Regarding the Following Related Matter: Gateway Four, LP; Gateway Two, LP; Gateway Five, LLC, US Bankruptcy Court Central District, Lead Case No. 1:20-bk-11581-MB.
- 4.9 Closed Session Pursuant to Government Code Section 54956.9(d)(2) and (e)(3) – Anticipated Litigation: One (1) Potential Case.

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- 4.10 Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – All Represented Employees:

Bargaining Units Subject to Negotiations: El Monte General Unit (SEIU Local 721); El Monte Police Mid-Managers Association; El Monte Police Officers Association; and El Monte General Mid-Management Unit (SEIU Local 721).

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

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: **Mayor Pro Tem Martinez Muela**
6. FLAG SALUTE: **Chief of Police, David Reynoso. Present**
7. RECOGNITIONS, HONORS AND COMMUNITY INTEREST PRESENTATIONS:
8. PUBLIC COMMENT REGARDING NON-AGENDIZED MATTERS:

This time has been set aside for persons in the audience to make comments or inquiries on matters within the general subject matter jurisdiction of the City Council, the Housing Authority, the Financing Authority and/or the Water Authority (collectively, the “Council”) that are not listed on this agenda. Although no person is required to provide their name and address as a condition to attending a Council meeting, persons who wish to address the Council are asked to state their name and address. Each speaker will be limited to three (3) continuous minutes. Speakers may not lend any portion of their speaking time to other persons or borrow additional time from other persons.

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.

All comments or queries presented by a speaker shall be addressed to the Council as a body and not to any specific member thereof. No questions shall be posed to any member of the Council except through the presiding official of the meeting, the Mayor and/or Chair. Members of the Council are under no obligation to respond to questions posed by speakers but may provide brief clarifying responses to any comment made or questions posed. The Council may not engage in any sort of prolonged discussion or deliberation with any speaker or group of speakers on matters that are not listed on this agenda.

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Enforcement of Decorum: The Chief of Police, or such member, or members of the Police Department as the Chief of Police may designate, shall serve as the Sergeant-at-Arms of any Council meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the Council or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including, but not limited to, conduct that prevents other members of the public from being heard when it is their opportunity to speak or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting must adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation or age.

9. CITY TREASURER'S REPORT:

10. DEMAND RESOLUTION NO. D-638

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, demands, and payroll totaling \$4,296,900.51 have been examined by the City Treasurer and that warrant numbers 1096592 through 1096789, and the payroll period ending January 31, 2021 inclusive are hereby allowed in the amounts and ordered paid out of the respective funds as set forth.

11. APPROVAL OF MINUTES:

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:

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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

- 12.2 Approval of a City Council Resolution Approving a Subordination Agreement Subordinating Certain City of El Monte Loans in Favor of JPMorgan Chase Bank, N.A. Construction Financing of the Tyler-Valley Metro Housing Project.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and adopt the proposed Resolution approving a subordination agreement subordinating certain City of El Monte loans in favor of JPMorgan Chase Bank, N.A. financing of a Tyler-Valley Metro Housing Project.

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

Resolution No. 10243

- 12.3 Approval of a Resolution Approving the Form of a Letter of Commitment for Entrance into a Lease Agreement By and Between the County of Los Angeles and City of El Monte for the Maclaren Community Park Project Located at 4024 Durfee Avenue to Facilitate the Submittal of an Application for Statewide Park Development and Community Revitalization Program Grant Funds Related to Such Park Project.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Adopt, by three (3) affirmative votes, the proposed Resolution approving the text of a Letter of Commitment and authorizing the City Manager's execution thereof.

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

Resolution No. 10244

- 12.4 Approval of a Resolution of the City Council of the City of El Monte Recognizing March as "Women's History Month."

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

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1. Approve the Resolution of the City Council Recognizing March as “Women’s History Month.”

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Resolution No. 10245

- 12.5 Approval of Request to use Asset Forfeiture Funds for the Purchase of Three (3) New Vehicles for the Police Department.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

If necessary or desired, it is recommended that the City Council:

1. Consider and authorize the use of Asset Forfeiture funds to purchase three (3) new vehicles for staff use in an amount not-to-exceed \$150,000; and
2. Consider and authorize the purchase of the vehicles from the City of El Monte Toyota Dealership (Longo Toyota).

Total Cost: \$150,000

Account No: 259-71-711-8132

Is the cost of this item budgeted? N/A

Asset Forfeiture

13. PUBLIC HEARINGS:

- 13.1 A Public Hearing to Consider an Appeal of Planning Commission Resolution No. 3547 Denying Conditional Use Permit No. 06-19 for the Establishment of an Off-Sale Beer and Wine License Within an Existing Gasoline Station Convenience Market Located at 3266 Santa Anita Avenue.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

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. Adopt, by no less than three (3) affirmative votes, (a) Resolution to reverse the Planning Commission’s decision and approve Conditional Use Permit No. 06-19 to allow the ancillary off-sale of beer and wine at an existing station, subject to conditions of approval, or (b) to uphold the Planning Commission’s decision and deny, without prejudice, Conditional Use Permit No. 06-19.

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

Resolution No. 10246

- 13.2 A Public Hearing to Consider and Approve a Resolution Making Findings Required by Government Code Section 4217.12(a)(1)-(2) to Authorize the Execution of Energy Conservation Service Contracts with Alliance Building Solutions, Inc. on Terms That are in the Best Interest of the City and Related Authorization for the Negotiation of Terms for the Financing of Improvements Contemplated under the same.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Re-Open the public hearing continued from February 16, 2021;
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. If it is the desire of the City Council, approve the attached resolution (i) making findings pursuant to Government Code Section 4217.12(a)(1)-(2) to authorize the finalization and execution of the attached energy service contracts with Alliance Building Solutions, Inc. entitled Installation Agreement and Measurement and Verification Agreement; and (ii) authorizing the negotiation of terms for financing improvements contemplated under both agreements.

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

Resolution No. 10247

14. **REGULAR AGENDA:**

- 14.1 Consider and Approve a Resolution Adopting Mid-Year Budget Adjustments for the General Fund and Other Funds for Fiscal Year 2020-2021.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and adopt a Resolution amending the City of El Monte's Operating and Capital Budget for Fiscal Year 2020-21 by increasing appropriations in the General Fund by \$3.8 million; Special Revenue Funds by \$16.1 million; and the Water and Sewer Funds by \$730,720.

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

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**Break at 7:14 p.m.
Return at 7:25 p.m.**

**m) Dr. Morales
s) Councilmember Puente 4-1 (Mayor Pro Tem Martinez Muela No)**

- 14.2 Consideration and Approval of a Request to Purchase a New Managed Detection and Response Security Service.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Approve the purchase for a new managed detection and response security service in the amount not-to-exceed \$55,000 annually from Del Secure Works.

Total Cost: \$55,000 (Annually) Account No: 100-24-261-6111
Is the cost of this item budgeted? Yes

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

- 14.3 Consideration and Approval of Appointment of Two (2) City Councilmembers to CDBG, HOME, and ESG Advisory Group in Accordance with the City of El Monte's Citizen Participation Plan.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Receive presentation from staff; and
2. Appoint two (2) City Councilmembers to the Advisory Group in accordance with the City of El Monte's Citizen Participation Plan.

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

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

Advisory Group Councilmembers:

1. Councilmember Herrera
2. Councilmember Puente

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- 14.4 Transmittal of the City Manager’s Report on Municipal Broadband for the City of El Monte, California; and Consideration and Adoption of a Resolution Declaring the Need for Citywide High-Speed Broadband and Authorizing Transmittal of a Letter Memorializing Support of State Legislation Regarding Broadband Deployment.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Receive presentation from staff;
2. Pose questions to staff; and
3. Receive and file the Municipal Broadband Report;
4. Direct staff to release a Request for Proposals (“RFP”) for technology consulting services; and
5. Consider and adopt a Resolution in support of State Legislation regarding broadband deployment, by no less than three (3) affirmative votes.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Resolution No. 10248

m) Mayor Ancona

s) Dr. Morales

5-0

1. Put together proposal

2. Establish Ad Hoc Committee

3. See if we can come into more money if not wait until FY 2021-2022

- 14.5 Consideration and Approval to Award of a Construction Contract to Alfaro Communications Construction, Inc. for the Santa Anita Avenue and McGirk Avenue Traffic Signal and Intersection Improvement Project – CIP No. 802 for a Not-to-Exceed Amount of \$521,400.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve a Construction Contract with Alfaro Communications Construction, Inc. for the Santa Anita Avenue and McGirk Avenue Traffic Signal and Intersection Improvement Project – CIP No. 802 for a not-to-exceed amount of \$521,400 which includes the contract amount of \$453,363 plus an approximate fifteen percent (15%) contingency of \$68,037;
2. Authorize an increase in appropriations in the amount of \$80,000 in Measure R Funds; and
3. Authorize the City Manager, or her designee, to execute a Construction Contract with Alfaro Communications Construction, Inc.

Total Cost: \$521,400

Account No: 205-67-802-8221 - \$150,000
Gas Tax Fund
212-67-802-8221 - \$146,400

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Measure R Fund
275-67-802-8221 - \$225,000
Traffic Signal Impact Fee

Is the cost of this item budgeted? Yes

m) Councilmember Herrera
s) Councilmember Puente

4-1 (Mayor Ancona No)

15. CITY ATTORNEY'S AGENDA: **No material submitted.**

16. CITY MANAGER'S AGENDA:

16.1 City Council Direction on the Following City Contracts:

i. Towing Contract;

The City Council would like to obtain a copy of the performance evaluation of the current companies. Direction was given by the City Council to go out to RFP for the Towing Contract. The City Council would like to examine the RFP packet before it goes out.

ii. Transportation Contract; and

Direction was given by the City Council to bring this item back to the City Council in the form of a contract amendment.

iii. Lobbyists Contract.

Direction was given by the City Council to continue on a month-to-month and then bring back a report from staff on the work done by the Contractor.

16.2 City Council Direction Regarding the City's Website.

Direction was given by the City Council to continue on a month-to-month with no addition to contract. The Mayor, the City Manager and the City Attorney's office to meet and discuss next steps for this item at a later date.

m) Dr. Morales
s) Mayor Ancona

5-0

at 9:35 p.m.

m) Mayor Pro Tem Martinez Muela

s) Mayor Ancona

Motion to Extend Past 10:00 pm.

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At 9:36 p.m.

m) Dr. Morales

s) Councilmember Puente

**to recess the adjourn regular meeting
and go into concurrent Special Meeting.**

16.3 City of El Monte Budget Priority Survey.

16.4 City Council Direction Regarding Re-Opening City Hall.

17. WRITTEN COMMUNICATIONS:

18. COUNCIL COMMUNICATIONS/REPORTS:

18A. Mayor Ancona

18A.1 Update on Citywide Broadband Accessibility.

18A.2 Discussion Regarding Energy Efficiency Projects.

18A.3 Discussion on Virtual Job Fair.

18A.4 Update on Arts in Public Places.

18A.5 Reimplementation of Ad Hoc Committees.

18A.6 Filling Vacancies on Commissions and Committees.

18A.7 Request for Reports from Measure EM Committee.

18A.8 Discussion on Freeway Onramp Clean Up.

18A.9 Update on Flavored Tobacco Ban.

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- 18B. Mayor Pro Tem Martinez Muela
 - 18B.1 Discussion and Action Regarding a Resolution of the City Council Calling for a State Audit for High Risk Local Governments.
 - 18B.2 Discussion and Direction Regarding Bi-Annual Ethics Certification for City Officials.
 - 18B.3 Discussion and Direction Regarding City of El Monte Water System.
 - 18B.4 Discussion and Direction Regarding City-Wide Employee Survey of Workplace Satisfaction and Recommendations.

- 18C. Councilman Herrera
 - 18C.1 Discussion to Consider Seeking State Budget Allocation for Pioneer Park.
 - 18C.2 Discussion to Consider Creation of Standing Committees of the City Council.
 - 18C.3 Discussion to Consider Creation of Ethics Task Force.
 - 18C.4 Discussion to Consider the Creation of an Ad Hoc Committee of the City Council Pertaining to the Street and Mobile Vendors.

- 18D. Councilwoman Dr. Morales
 - 18D.1 Update Regarding the Park Master Plan, Maclaren Park and Lambert Park-Phase 1.
 - 18D.2 Cost of State Audit.
 - 18D.3 Update Regarding the Citywide Broadband Accessibility.
 - 18D.4 Update Regarding Crime Stats and Special Training from the El Monte Police Department.
 - 18D.5 Update Regarding Citywide Street Repairs and the Three (3) Year CIP Progress Report.

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18D.6 Discussion Regarding Campaign Finance Reform.

18D.7 Discussion Regarding District Elections.

18D.8 Discussion Regarding Updating the General Plan.

18D.9 Discussion Regarding the Development of a Climate Action Plan.

18D.10 Discussion and Action Regarding Support for HERO Pay for Grocery Workers.

18E. Councilwoman Puente

18E.1 Cost of State Audit.

18E.2 Update on Street Vendors Best Practices.

18E.3 Discussion Regarding Polling the Community on Top Budget Priorities.

18E.4 Discussion Regarding Coordination with Los Angeles County Regarding COVID-19 Vaccine Distribution.

18E.5 Discussion Regarding Efforts to Provide Transportation for Seniors to Vaccination Sites.

19. ADJOURNMENT:

**m) Mayor Ancona
s) Dr. Morales
at 11:41 p.m.**

The next Regular Meeting of the City Council will be held on **March 16, 2021** 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.

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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