

APPROVAL OF MINUTES
EL MONTE CITY COUNCIL ADJOURN REGULAR MEETING
OF JANUARY 11, 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: **6:02 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 – **absent**
Dr. Maria Morales, Councilmember/Authority Member – **present**

3. APPROVAL OF AGENDA:

WITH THE FOLLOWING EDITS/CHANGES TO THE AGENDA:

SPECIALLY ADDED CLOSED SESSION ITEM:

4.4 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.

m) Mayor Ancona
s) Mayor Pro Tem Puente **4-0 (Councilmember Martinez Muela absent)**

4. CLOSED SESSION:

The City Council and the various legislative 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 agendaized Closed Session 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 *agendaized* Closed Session matter, the Council shall allow such person to address the 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 fill out a speaker card and be subject to a single speaker time allotment of 3 continuous minutes total per speaker to address the 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 through 4.4.

Mayor Ancona and the City Council recessed into Closed Session at approximately 6:04p.m. Councilmember Martinez Muela joined the City Council in Closed Session at approximately 6:08 p.m. Mayor Ancona and the City Council reconvened from Closed Session at approximately 7:00 p.m.

Assistant City Attorney Richard Padilla reported out of Closed Session with respect to Items 4.1 through 4.4.

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- 4.1 Closed Session Pursuant to Government Code Section 54956.9(d)(2) and 54956.9(e)(3) – Conference with Legal Counsel – Anticipated Litigation – One (1) Matter.

Presentation was provided to the City Council, direction was provided, but no final action.

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

Presentation was provided to the City Council, direction was provided, but no final action.

- 4.3 Closed Session Pursuant to Government Code Section 54957.6 – Conference with Legal Counsel – 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.

Presentation was provided to the City Council, direction was provided, but no final action.

- 4.4 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.

Presentation was provided to the City Council, direction was provided, but no final action.

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

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Council may also direct staff to investigate certain matters for consideration at a future meeting.

Judy Lan – Complaint against Police Officer.

Armando Herman – Spoke about the Los Angeles Police Department. Spoke about Item 14.4.

Cosme Jimenez – Spoke about the last City Council meeting. Spoke about Police Department salaries. Spoke about a stop sign on the corner where he lives.

Gabriel Ramirez – Spoke about an incident that took place on January 1st at his home. Spoke about the last City Council meeting.

Julio Ramirez – Spoke about the last City Council meeting. Spoke about bathrooms at Mariposa Park being closed. Thank the Police Department for helping out with the incident that took place on January 1st at his home.

Andre Quintero – Thanked the Council for their service. Folks that are coming here are not helping to contribute to the overall dialogue.

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

10. DEMAND RESOLUTION NO. D-655

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 \$7,583,461.41 have been examined by the City Treasurer and that warrant numbers 1102741 through 1103226, and the payroll period November 16, 2021 through December 15, 2021 inclusive are hereby allowed in the amounts and ordered paid out of the respective funds as set forth.

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

11. APPROVAL OF MINUTES: **None**

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) Councilmember Martinez Muela
s) Dr. Morales **5-0**

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12.2 Receive and File the Development Impact Fees Annual Report.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Receive and file the annual report on receipt and use of Development Impact Fees (Assembly Bill 1600).

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

**m) Councilmember Martinez Muela
s) Dr. Morales**

5-0

12.3 Approval of a Resolution Authorizing the Submittal of a Grant Application for the Floodplain Management, Protection, and Risk Awareness Grant Program for the Garvey Avenue Grade Separation Drainage Improvement Project.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Adopt a Resolution authorizing a proposal for funding from the Department of Water Resources and designating the City Manager to execute the Agreement and any Amendments there to, for the Garvey Avenue Grade Separation Drainage Improvement Project, CIP 884.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Resolution No. 10327

**m) Councilmember Martinez Muela
s) Dr. Morales**

5-0

12.4 Approval of a 30-day Resolution Regarding the Conduct of Teleconferenced 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 of AB361.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Receive presentation from staff;
2. Pose questions to staff;
3. Discuss and provide direction to staff on the options outlined for the conduct of meetings of the City Council and other legislative bodies of the City, subject to the Brown Act, as modified by Assembly Bill 361; and
4. 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 for a limited period of 30 days.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Resolution No. 10328

**m) Councilmember Martinez Muela
s) Dr. Morales**

5-0

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13. PUBLIC HEARINGS:

Members of the public wishing to address the Council on any item of business agendized under this Public Hearing portion of the agenda are asked to submit a speaker card for each Public Hearing item of business they wish to address the Council on. Each speaker will be allotted three (3) continuous minutes per Public Hearing item. Members of the public are asked to submit speaker cards to the City Clerk or the Sergeant-of-Arms before the Council's approval of the agenda, if possible. The Council is under no obligation to recognize a speaker who submits a speaker card for a particular Public Hearing item of business after the public comment portion of the public hearing for that item has closed.

[NO PUBLIC HEARINGS SCHEDULED FOR MEETING OF JANUARY 11, 2022]

14. REGULAR AGENDA:

14.1 Consideration and Approval of a Resolution Regarding Paying and Reporting the Value of Employer Paid Member Contributions (EPMC) to the California Public Employees' Retirement System (CALPERS).

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve the attached Resolution to repeal and replace Resolution No. 10316, adopted on November 16, 2021, in order to correct a technical error related to the elimination of the City's EPMC payments for certain membership categories in certain years.

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

Resolution No. 10329

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

14.2 Consideration and Approval of an Increase to the Purchase Order with Maintex by \$62,000 for a New Purchase Order Total of \$92,000.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve an increase to the Purchase Order with Maintex by \$62,000 for a new not-to-exceed Purchase Order amount of \$92,000.

Total Cost: \$62,000 Account No: 100-67-626-6211 - \$40,435
100-67-678-6211 - \$13,480
General Fund
202-67-576-6211 - \$4,715
Prop A
203-67-576-6211 - \$3,370
Prop C
Is the cost of this item budgeted? Yes

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

14.3 Consideration and Approval of Request of TDF, LP (Pacific Towers Affordable Senior Citizen Rental Housing Project) for Approval by the City of TDF, LP's Proposed Refinancing Including Fannie Mae Subordination Agreement for the Pacific Towers Project.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

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It is recommended that the City Council:

1. Authorize the proposed Refinancing for the Pacific Towers Project to proceed in accordance with the conditions set forth in the proposed City Council Resolution;
2. Authorize the Mayor and the City Manager to execute the Refinancing documents as referenced in the proposed City Council Resolution on behalf of the City, together with such technical and conforming changes as recommended by the City Manager and the City Attorney;
3. Authorize the Mayor and the City Manager to execute the appropriate form of amendment to the promissory note payable by TDF, LP to the City as Successor Agency under the Special Project Construction Reserve Loan as such amendment to the promissory note shall be prepared by the City Attorney in a form consistent with the Refinancing and the proposed City Council Resolution;
4. Authorize the Mayor and the City Manager to execute Reconveyances on the Long-Term Loan and the GAP Loan made by the City as Successor Agency to TDF, LP, which are to be paid off from the Refinance as such Reconveyances shall be prepared by the City Attorney in a form consistent with the Refinancing and the proposed City Council Resolution;
5. Authorize the Mayor and the City Manager to approve and execute such ancillary loan refinancing documents as may be approved by the City Manager and the City Attorney in order to cause the Refinancing of the Pacific Towers Project to be accomplished in accordance with the conditions set forth in the proposed City Council Resolution; and
6. Adopt the attached City Council Resolution which confirms Recommended Actions 1-5, above, inclusive.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Resolution No. SA-82

m) Mayor Pro Tem Puente

s) Dr. Morales

5-0

- 14.4 Consideration and Approval of the Award of a Construction Contract to Best Contracting Services Inc. for the Roof Replacement at the Homekey Program M Motel Site.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Approve the award of a Construction Contract to Best Contracting Services, Inc. in the amount of \$480,000 for the roof replacement at the Homekey Program M Motel Site; and
2. Authorize the City Manager, or her designee, to execute the Contract and approve change orders that may be necessary during the construction to cover any unforeseen conditions in an amount not-to-exceed 15% of the construction contract.

Total Cost: \$480,000

Account No: HCD CDBG-CV

Is the cost of this item budgeted? Yes

m) Mayor Pro Tem Puente

s) Councilmember Herrera

5-0

- 14.5 Consideration and Approval of Recommendation to Reject all Bids Received on January 3, 2022 for the Homekey Program Phase II: Rehabilitation of the M Motel Site; and Authorize Staff to Readvertise and Publish the Notice of Inviting Bids.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

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1. Approve to reject all bids received on January 3, 2022 for the Homekey Program Phase II: Rehabilitation of the M Motel Site; and
2. Authorize staff to re-advertise and publish the Notice of Inviting Bids.

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

m) Mayor Ancona
s) Mayor Pro Tem Puente **5-0**

- 14.6 Consideration and Approval of a Resolution of Intention to Commence a Potential Transition from At-Large to District-Based Elections for the City Council Pursuant to Elections Code Section 10010.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve a Resolution of intention to commence a potential transition from at-large to district-based elections for the City Council pursuant to Elections Code Section 10010.

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

Resolution No. 10330

m) Dr. Morales
s) Councilmember Herrera **3-2 (Mayor Ancona and Councilmember**
Approve Resolution No. 10330 **Martinez Muela No)**
include a timeline.

Secondary Motion
m) Mayor Ancona
s) Councilmember Martinez Muela
Adopt Resolution No. 10330 without
a timeline.

- 14.7 Nomination, Consideration, and Approval of Appointments of Members to the Planning Commission, the El Monte Sewer Service Charge and Water Service Oversight Committee "Enterprise Fund Committee", the Transactions and Use Tax Fiscal Oversight Committee "Measure EM Committee", and the Arts in Public Places Committee.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council in accordance with the requirements of Government Code Section 40605 consider and approve the appointment of:

1. One (1) member to the Planning Commission:

Pablo Tamashiro

2. One (1) member to the Enterprise Fund Committee:

No nominations made at this time

3. One (1) member to the Measure EM Committee:

No nominations made at this time

4. Three (3) members plus two (2) Planning Commissioners to the Arts in Public Places Committee:

Rafael Gonzalez
Amy Wong
Nora Torres

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April Dawn Tamashiro

Lauren Badajos

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

15. CITY ATTORNEY'S AGENDA: **None**

16. CITY MANAGER'S AGENDA:

16.1 Discussion Regarding Vacancy on Metro San Gabriel Valley Service Council.

m) Mayor Ancona

s) Councilmember Martinez Muela

**To Nominate Mayor Ancona to the
Metro San Gabriel Valley Service Council.**

17. WRITTEN COMMUNICATIONS: **None**

18. COUNCIL COMMUNICATIONS/REPORTS:

18A. Mayor Ancona

Would like to start continue with the tradition of being supportive of the reorganizations and honoring an outgoing board president.

A few meetings ago we had [inaudible] stop by showing their interest in taking part in Project Homekey Round 2. It came to my attention that they did actually seize an opportunity here in our City with County Dollars. We will see another project homekey potentially coming our way.

18A.1 Discussion on Covid-19 Protocols in Surrounding Governmental Agencies.

18B. Mayor Pro Tem Puente

As I took stock over the break about my first year on this Council one of the things that stuck out for me how long our meetings can run. I am wondering if there are some protocols, policies that we can implement as a body to make sure we are adhering to efficiency that we are making proper use of our time. My question is to you Mr. City Attorney and certainly with the agreement of my colleagues that you bring forward some suggestions as to what you have seen in other cities to make sure we are being the most efficient.

City Attorney to bring back at next City Council meeting policies for city council meetings.

18B.1 Discussion Regarding Transitional Module Housing.

Will be presented in some capacity when the Housing Element and Safety Element. An update will be provided on February 1st.

18B.2 Update Regarding Universal Income.

Will be presented in some capacity when the Housing Element and Safety Element. An update will be provided on February 1st.

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18C. Councilman Herrera

Noticed that on Garvey it is particularly dark in comparison to other parts of the City. Can Public Works take a look Garvey particularly west of Santa Anita, specifically between Santa Anita and Central.

18D. Councilwoman Martinez Muela

Wished everyone a happy New Year. Hopes that everyone is staying safe and healthy. Congratulated new Superintendent of Mountain View School District Raymond Andry also thanked Dr. Lillian Maldonado French.

18D.1 Discussion and Action Regarding City Sponsored Events for 2022.

Need to set a date for a special meeting to approve certain budget items to move the City forward with City Sponsored Events.

Have a tentative schedule of events and costs and the opportunity to bring back things like the back-to-school resource fair. Bring back at the February 1st meeting.

18E. Councilwoman Dr. Morales

18E.1 Discussion on Citywide Climate Action Plan:

- Green Jobs
- Alternative Sources of Energy/Fueling
- Overall Environmental Justice
- SB1383 Implementation – State Grant Due February 1, 2022.

Seeks support from her colleagues on having a discussion on a Citywide Action Plan. Noticed that several cities throughout Southern California have already moved in that direction. We need to be mindful of our carbon footprint.

There is a grant due on February 1, 2022, even if we miss that opportunity that at the very least this item can be placed for at least conversation for staff to explore what a climate action plan would look for the City.

Mayor Pro Tem in support of this item.

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19. ADJOURNMENT:

m) Mayor Ancona

s) Mayor Pro Tem Puente

5-0

Adjourn at 9:50 p.m.

The next Regular Meeting of the City Council will be held on **January 25, 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