

APPROVAL OF MINUTES
EL MONTE CITY COUNCIL REGULAR MEETING
OF SEPTEMBER 5, 2023

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: **6:01 p.m.**

2. ROLL CALL FOR CITY COUNCIL AND AUTHORITY BODIES:

Jessica Ancona, Mayor/Chair – **present**
Martin Herrera, Mayor Pro Tem/Authority Member – **absent**
Marisol Cortez, Councilmember/Authority Member – **present**
Victoria Martinez Muela, Councilmember/Authority Member – **present**
Alma D. Puente, Councilmember/Authority Member – **present**
Richard Rojo, Councilmember/Authority Member – **absent**
Dr. Julia Ruedas, Councilmember/Authority Member – **present**

3. APPROVAL OF AGENDA:

WALK-ON ITEM:

4.7 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Council on Existing Litigation – Louie et al. v. City of El Monte, District Court Case No. 2:20-cv-06809-JAK-SK.

m) Mayor Ancona

s) Councilmember Dr. Ruedas

5-0 (Mayor Pro Tem Herrera and Councilmember Rojo absent)

Mayor Pro Tem Herrera joined the City Council meeting at approximately 6:09 p.m.

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 agendized 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 *agendized* 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 agendized Closed Session matter shall (i) call-in or submit a speaker card in the manner prescribed 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 three (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 Item 4.1 through Item 4.7.

Cathy Eredia – Spoke about the newspaper articles.

Mary Ann Powers – Spoke about the newspaper articles.

MaryAnn Barrios – Spoke about the newspaper articles.

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Richard Thomas – Cited quotes from an article from 2021.

Andre Quintero – Spoke about the newspaper articles.

Julio Ramirez – Spoke about past Councilmembers.

Cosme Jimenez – Spoke about past Councilmembers and the newspaper articles.

Mayor Ancona and the City Council recessed into Closed Session at approximately 6:27 p.m. Councilmember Rojo joined the City Council in Closed Session remotely for the entirety of Closed Session. Mayor Ancona and the City Council reconvened from Closed Session at approximately 7:32 p.m.

Assistant City Attorney Lloyd Pilchen reported out of Closed Session with respect to Items 4.1 through 4.7.

4.1 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation – FEAH, LLC v. City of El Monte, LASC Case No. 20STCP03720.

No reportable action taken.

4.2 Closed Session Pursuant to Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – One (1) Matter.

No reportable action taken.

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

No reportable action taken.

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

No reportable action taken.

4.5 Closed Session Pursuant to Government Code Section 54957 – Public Employee Discipline/Dismissal/Release.

No reportable action taken.

4.6 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; and El Monte Police Mid-Manager’s Association.

City’s Designated Negotiator: Alma Martinez, City Manager and Rigoberto Gutierrez, Human Resources/Risk Management Director.

No reportable action taken.

4.7 Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Council on Existing Litigation – Louie et al. v. City of El Monte, District Court Case No. 2:20-cv-06809-JAK-SK.

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No reportable action taken.

Councilmember Rojo was absent for the remainder of the meeting for just cause as required under AB 2449.

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: Chaplain. Present**
- 6. **FLAG SALUTE: Mateo Hernandez, 7th Grade Student from Baker Elementary School. Present**
- 7. **RECOGNITIONS, HONORS AND COMMUNITY INTEREST PRESENTATIONS:**
 - 7.1 Presentation by the City Council to Mateo Hernandez from Baker Elementary School for Leading the Pledge of Allegiance. **Present**
 - 7.2 Presentation by the City Council to Degas Peters in Earning his Eagle Scout of Honor. **Present**
- 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 matter of interest to the speaker/caller 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/caller 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 or submit a speaker card in the manner prescribed on page 1 of this agenda, above, by or before the General Public Comment portion of the agenda is closed. The City Council shall be under no obligation to entertain comments from speakers/callers who submit cards or call in to speak on matters covered by the section after the General Public Comment portion of the agenda is closed.

Ricardo Padilla – Thanked the City for the continued support and congratulated Councilwoman Ruedas on her Doctorate.

Andrea Mackenzie – Spoke about two events that occurred at Florentine Gardens in 2010.

Jose Salazar – Spoke about the event that happened at Florentine Gardens on September 2022.

Francisco Rivera – Spoke about an incident at Florentine Gardens.

Kenneth Mackenzie – Spoke about the incident that occurred at Florentine Gardens on September 2022.

MaryAnn Barrios – Spoke about the newspaper articles.

Cathi Eredia – Spoke about the newspaper articles.

Mary Ann Powers – Spoke about the newspaper articles.

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Pauline Cazares – Spoke about the growth in the City in the past years.

Andre Quintero – Spoke about the newspaper articles.

Betty Song – Spoke about an issue with homeless in vacant properties.

Sandra Meza – Spoke about the lunch trucks.

Marisol Garcia – Spoke about the impact of approving permits for the lunch trucks.

Tony Garcia – Spoke about permits for lunch trucks.

Javier Miranda – Spoke about permits for lunch trucks.

RJ Singh – Thanked Councilwoman Cortez, Councilman Rojo, Alma Martinez and Salvador Mendez for the resolution of an issue.

Julio Ramirez – Spoke about past Councilmembers and about getting help for Mr. Mackenzie.

Melissa – Spoke about the Chaplains prayer and the newspaper articles.

Cosme Jimenez – Spoke about Past Councilmembers.

Irma Zamorano – Spoke about the newspaper articles and about Mr. Mackenzie.

Blanca Gonzalez – Spoke about the food trucks and about the impact the City Manager has had in the City.

Jerry Velasco – Spoke about how he agrees with Pauline Cazares on the growth in the City.

Gabriel Ramirez – Spoke about an incident in Main Street, health care overall, and about restaurants on Main Street.

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

10. DEMAND RESOLUTION NO. D-693

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 \$9,643,083.86 have been examined by the City Treasurer and that warrant numbers 1116220 through 1116807, and the payroll ending August 15, 2023, inclusive are hereby allowed in the amounts and ordered paid out of the respective funds as set forth.

m) Councilmember Puente

s) Councilmember Dr. Ruedas

6-0 (Councilmember Rojo absent)

11. APPROVAL OF MINUTES: Regular Meeting Minutes of January 24, 2023 (Amendment to Item 12.26 to Reflect Final City Council Recommendation and Approval); Regular Meeting Minutes for July 18, 2023; Regular Meeting Minutes for August 1, 2023; Special Meeting Minutes for August 9, 2023; and Special Meeting Minutes for August 14, 2023.

m) Mayor Pro Tem Herrera

s) Councilmember Puente

6-0 (Councilmember Rojo absent)

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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 Dr. Ruedas
s) Councilmember Puente **6-0 (Councilmember Rojo absent)**

12.2 Approval of Purchase Orders with the Bus Doctor 1, 3L Fleet Services, and Valley Brake & Wheel Service for Transit Bus Maintenance Services.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve Purchase Orders with The Bus Doctor 1, 3L Fleet Services, and Valley Brake & Wheel Service for transit bus maintenance services.

Total Cost: \$45,000 – The Bus Doctor 1 Account No: 202-67-576-6335
\$35,000 – 3L Fleet Services
\$35,000 – Valley Brake & Wheel Services
Is the cost of this item budgeted? Yes

m) Mayor Pro Tem Herrera
s) Councilmember Martinez Muela **6-0 (Councilmember Rojo absent)**

12.3 Approval of Recommendation to Purchase Ammunition for Members of the Police Department.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve the expenditure of funds from Account No. 100-71-711-6211 in an amount not-to-exceed \$65,000 for practice ammunition from Dooley Enterprises, and \$35,000 for duty ammunition from San Diego Police Equipment Company; and
2. Consider and approve Dooley Enterprises and San Diego Police Equipment Company as the sole source purchases in accordance with the City's Purchasing Policy.

Total Cost: \$100,000 Account No: 100-71-711-6211
Is the cost of this item budgeted? Yes

m) Councilmember Dr. Ruedas
s) Councilmember Puente **6-0 (Councilmember Rojo absent)**

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- 12.4 Approval of Recommendation to Use Asset Forfeiture Funds for the Purchase of Beanbag Projectiles and 40MM OC Projectiles for Use by Patrol and the Special Weapons and Tactics Team.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve the appropriation of Asset Forfeiture funds from Account No. 259-71-711-6211 to purchase 350 Deftec 12-gauge beanbag projectiles, and fifty (50) Deftec 40mm sponge, Oleoresin Capsicum (OC) projectiles for use by Patrol Officers and the Special Weapons and Tactics Team in patrol and tactical operations, for an amount not-to-exceed \$4,000;
2. Consider and approve the purchase of the projectiles from Adamson Police Products; and
3. Consider and approve the presentation of this purchase and identification of the funding source before the local governing body (Honorable Mayor and City Council) as following the guidelines set forth in State of California Assembly Bill 481 pertaining to the acquisition or intended use of military type equipment.

Total Cost: \$4,000

Account No: 259-71-711-6211

Is the cost of this item budgeted? N/A

Asset Forfeiture

m) Councilmember Dr. Ruedas

s) Councilmember Puente

6-0 (Councilmember Rojo absent)

- 12.5 Approval of Recommendation to Authorize the Mayor to Sign on Behalf of the City Council a Letter to Congresswoman Grace Napolitano (CA-31) Urging Her to Support the EPA in Its Enforcement Efforts to Address Groundwater Contamination.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and vote to authorize the Mayor to sign on behalf of the City Council a letter to Congresswoman Grace Napolitano (CA-31) urging her to support the EPA in its enforcement efforts to address groundwater contamination.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

m) Councilmember Dr. Ruedas

s) Councilmember Puente

6-0 (Councilmember Rojo absent)

- 12.6 Adoption of a Resolution Approving the El Monte Organizational Conflict of Interest Policy for Design-Build Projects.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve a Resolution adopting the El Monte Organizational Conflict of Interest Policy for Design-Build Projects.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Resolution No. 10479

m) Mayor Pro Tem Herrera

s) Councilmember Puente

6-0 (Councilmember Rojo absent)

With the following edits:

To approve the Design-Build policy for this project.

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13. PUBLIC HEARINGS:

13.1 A Public Hearing to Consider and Approve an Urgency Ordinance Enacting an Interim 90-Day Moratorium Extension on the Establishment of New Food Truck Licenses and the Expansion of Existing Food Truck Routes (Mobile Vendor Cooking, Non-Cooking, and Ice Cream) Within the City of El Monte.

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 five (5) affirmative votes, the proposed Urgency Ordinance.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Urgency Ordinance No. 3028

**m) Mayor Ancona
s) Councilmember Puente
Open P.H.**

6-0 (Councilmember Rojo Absent)

**m) Mayor Ancona
s) Councilmember Puente
Close P.H.**

6-0 (Councilmember Rojo Absent)

**m) Mayor Ancona
s) Mayor Pro Tem Herrera
Urgency Ordinance No. 3028**

6-0 (Councilmember Rojo Absent)

14. REGULAR AGENDA:

14.1 Consideration and Approval of a Purchase Agreement for Automated Reading Meter Registers from Metron-Farnier.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve the purchase of 400 automated reading meter registers from Metron-Farnier for a not-to-exceed amount of \$94,950.

Total Cost: \$94,950

Account No: 600-67-677-8221

Is the cost of this item budgeted? Yes

**m) Councilmember Puente
s) Councilmember Dr. Ruedas**

6-0 (Councilmember Rojo absent)

14.2 Consideration and Approval of a Purchase Order with Maintex for Janitorial Supplies on an As-Needed Basis for an Amount of \$130,000.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

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1. Consider and approve a Purchase Order with Maintex for janitorial supplies on an as-needed basis for a not-to-exceed amount of \$130,000.

Total Cost: \$130,000 Account No: 100-67-626-6211 - \$82,000
100-67-678-6211 - \$30,000
202-67-579-6211 - \$10,000
Is the cost of this item budgeted? Yes 203-67-576-6211 - \$ 8,000

m) Mayor Ancona
s) Councilmember Dr. Ruedas **6-0 (Councilmember Rojo absent)**

- 14.3 Consideration and Approval of Purchase Orders with Autozone and Spragues Ready Mix for Automotive Supplies and Ready-Mix Concrete.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve purchase orders with Autozone and Spragues Ready Mix for automotive supplies and ready-mix concrete.

Total Cost: \$30,000 Account No: 100-67-676-6335 - \$15,000
Is the cost of this item budgeted? Yes 212-67-681-6211 - \$15,000

m) Mayor Ancona
s) Councilmember Puente **6-0 (Councilmember Rojo absent)**

- 14.4 Consideration and Approval of Recommendation to Accept Funding from the Mountain View School District for the Youth Sports and After School Program Contract Year 2023-2024.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Authorize the City of El Monte Parks, Recreation and Community Services Department, to accept funding from the Mountain View School District for the Youth Sports and After School Program for Contract Year 2023-2024;
2. Authorize the City Manager, or her designee, to sign all necessary documents to execute grant documentation; and
3. Authorize an appropriation in the amount of \$1,498,053.06 for the Youth Sports and After School Program Fund for Fiscal Year 2023-2024 fiscal budget; and the use of County funds for reimbursement for this budget appropriation.

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

m) Mayor Ancona
s) Councilmember Martinez Muela **6-0 (Councilmember Rojo absent)**

- 14.5 Consideration and Adoption of a Resolution Updating the Citywide Classification and Compensation Plan and Repealing and Replacing Resolution No. 10464.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve the attached Resolution establishing an updated Citywide Classification and Compensation Plan, effective September 5, 2023; and
2. Amend the FY 2023/24 Comprehensive Budget of the City of El Monte in the amount of \$1,194,700 by authorizing an increase in appropriation in the amount of \$1,037,000 in the City's General Fund and \$157,700 in the City's Retirement Fund.

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Total Cost: \$1,194,700
Is the cost of this item budgeted? No

Account No: Multiple

Resolution No. 10480

**m) Mayor Pro Tem Herrera
s) Councilmember Puente**

**5-1 (Councilmember Martinez Muela no and
Councilmember Rojo absent)**

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

16. CITY MANAGER'S AGENDA: **None**

17. WRITTEN COMMUNICATIONS: **None**

18. COUNCIL COMMUNICATIONS/REPORTS:

18A. Mayor Ancona

Mayor Ancona reminded everyone of the State of the City this coming Saturday at 10:00 am. Has not seen a sponsored add regarding the State of the City.

City Manager Alma Martinez provided the Mayor with an update regarding the State of the City's advertisement.

18A.1 Discussion and Direction on an Electronic Communication Policy for City Officials Including Executive Staff.

18B. Mayor Pro Tem Herrera

18C. Councilwoman Cortez

18D. Councilwoman Martinez Muela

18D.1 Update and Status of the Coordinating Council Meeting.

Wanted to receive status from staff regarding what the plans are for the Coordinating Council meeting coming up next week. Wanted to know what has been done for this.

Assistant City Manager Amber Servin provided the City Council with an update regarding what has been done regarding the upcoming Coordinating Council meeting.

18D.2 Update on Treatment of Nonprofit Organizations.

18D.3 Discussion on Fixing Our Baseball and Softball Fields.

18D.4 Status of Fire Department Negotiations.

18E. Councilwoman Puente

18F. Councilman Rojo

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18G. Councilwoman Dr. Ruedas

18G.1 Update Regarding Children's Day Parade.

Requested an update from the City Manager regarding the Children's Day Parade.

City Manager Alma Martinez advised that the City has met with the Superintendents regarding the scheduling of the Children's Day Parade.

Assistant City Manager Amber Servin provided the City Council regarding the consensus date that was agreed upon by the School Districts and the City.

19. ADJOURNMENT:

Meeting adjourned at 12:00 a.m.

The next Regular Meeting of the City Council will be held on **September 19, 2023** 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.

Gabriel Ramirez, City Clerk
City of El Monte

APPROVED:

Jessica Ancona, Mayor
City of El Monte