

APPROVAL OF MINUTES
EL MONTE CITY COUNCIL REGULAR MEETING
OF OCTOBER 17, 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 – **present**
Marisol Cortez, Councilmember/Authority Member – **present**
Victoria Martinez Muela, Councilmember/Authority Member – **absent**
Alma D. Puente, Councilmember/Authority Member – **present**
Richard Rojo, Councilmember/Authority Member – **present**
Dr. Julia Ruedas, Councilmember/Authority Member – **present**

3. APPROVAL OF AGENDA:

m) Mayor Ancona

s) Councilmember Rojo

6-0 (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 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 4.5.

Mayor Ancona and the City Council recessed into Closed Session at approximately 6:02 p.m. Councilmember Martinez Muela joined the City Council in Closed Session for the entirety of Closed Session.

At 7:02 p.m. City Clerk Gabriel Ramirez announced that the City Council would reconvene the Regular City Council meeting in approximately 15 minutes.

Mayor Ancona and the City Council reconvened from Closed Session at approximately 7:17 p.m.

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

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

No final 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 final reportable action taken.

- 4.3 Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators.

Property Location:
10450 Valley Boulevard, El Monte (APN 8578-016-025)

Name of Party City is Negotiating with:
TDF, LP

City's Representative in Negotiations:
Alma K. Martinez, City Manager; Betty Donovanik, Community & Economic Development Director; and Lloyd Pilchen, Assistant City Attorney.

Under Discussion:
Terms of an Agreement.

No final reportable action taken.

- 4.4 Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators.

Property Location:
Assessor Parcel Nos. 8565-020-014, 8565-020-024

Name of Party City is Negotiating with:
Maxson Warehouse Partners LLC

City's Representative in Negotiations:
Alma K. Martinez, City Manager; Betty Donovanik, Community & Economic Development Director; and Lloyd Pilchen, Assistant City Attorney.

Under Discussion:
Price and terms of payment.

No final reportable action taken.

- 4.5 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 final reportable action taken.

Councilmember Martinez Muela left after Closed Session.

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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: Chaplain. **Present**

6. FLAG SALUTE: Carlos Miramontes, 7th Grade Student from Gidley School. **Present**

7. RECOGNITIONS, HONORS AND COMMUNITY INTEREST PRESENTATIONS:
 - 7.1 Presentation by the City Council to Carlos Miramontes from Gidley School for Leading the Pledge of Allegiance. **Present**

 - 7.2 Presentation by the City Council to the National Association of Latino Elected and Appointed Officials (NALEO) for their Contributions in Ensuring the Nation’s Latino Elected and Appointed Officials are Effective Advocates for the Communities They Serve. **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.

Senator Susan Rubio – Provided the City Council with a legislative update.

President Ricardo Padilla – Spoke about the safety of students and urged the City Council to support the School Resources Officer contracts.

Am Bowes – Provided the City Council with an update from the Library.

Francisco Rivera – Spoke about an incident that took place on June 28, 2023.

Andrea MacKenzie – Spoke about an incident that took place on June 28, 2023.

Kenneth MacKenzie – Indicated that the City Council should not accept contributions in order to avoid compromise and conflict of interest.

Julio M. Ramirez – Spoke about the Homekey motels.

Marco Hernandez – Spoke about the food truck extension ordinance and issues faced because of the existing food trucks.

Jesse Fierro – Spoke about various items.

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Tony Garcia – Spoke about the food truck extension ordinance. Thanked the City Council for the support provided.

Javier Mirando – Spoke about the food truck extension ordinance. Spoke about issues faced because of the existing food trucks.

Marisol Soto – Spoke about the food truck extension ordinance and requested to not allow the lunch trucks to come into the City.

Gabriel Ramirez – Spoke about an incident that took place at Arceo Park.

Cosme Jimenez – Spoke about Mayor Pro Tem Herrera.

Written Public Comment:

Claire Simonich – Implementation of the Superior Court’s new bail policy, the Pre-Arrestment Release Protocols.

9. CITY TREASURER’S REPORT: **None**

10. DEMAND RESOLUTION NO. D-696

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 \$6,025,406.02 have been examined by the City Treasurer and that warrant numbers 1117518 through 1117997, and the payroll ending September 30, 2023, inclusive are hereby allowed in the amounts and ordered paid out of the respective funds as set forth.

**m) Councilmember Puente
s) Councilmember Rojo**

6-0 (Councilmember Martinez Muela absent)

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) Mayor Ancona
s) Mayor Pro Tem Herrera**

6-0 (Councilmember Martinez Muela absent)

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- 12.2 Receive and File the City Clerk’s Quarterly Listing of Contracts Filed in the City Clerk’s Office Between July 1, 2023 and September 30, 2023.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Receive and file the Report.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

m) Mayor Ancona

s) Mayor Pro Tem Herrera

6-0 (Councilmember Martinez Muela absent)

- 12.3 A Second Reading of an Ordinance Adopting a Military Equipment Policy Governing the Use of Military Equipment Pursuant to Assembly Bill 481.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Ratify the proposed Ordinance by second reading by no less than four (4) votes.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Ordinance No. 3029

m) Mayor Ancona

s) Mayor Pro Tem Herrera

6-0 (Councilmember Martinez Muela absent)

- 12.4 Consideration and Approval of a Memorandum of Understanding Between the City of El Monte and Los Angeles County Metropolitan Transportation Authority for Collecting and Reporting Data for the Federal Transit Administration’s National Transit Database for Report Year 2021.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve a Memorandum of Understanding between the City of El Monte and Los Angeles County Metropolitan Transportation Authority for voluntary reporting of Fiscal Year 2020-21 financial and statistical transit and paratransit data for the Federal Transit Administration’s National Transit Database; and
2. Adopt a Resolution authorizing the City Manager to sign all required documentation to receive Prop A Discretionary Incentive Program funds for voluntary reporting of the City’s Fiscal Year 2020-21 financial and statistical transit and paratransit for the FTA’s NTD.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

m) Councilmember

s) Mayor Pro Tem Herrera

6-0 (Councilmember Martinez Muela absent)

- 12.5 Consideration to Approve a Resolution Ordering the Public Street Vacation of a Portion of Gateway Promenade, a Portion of Pioneer Way, and a Portion of Santa Fe Drive, Making Requisite Findings in Accordance with Streets and Highways Code Section 8300 Et Seq., and Directing the Recordation of Notice of Such Street Vacation to Allow for the Lot Line Adjustment of 10568 Gateway Promenade.

RECOMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

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It is recommended that the City Council:

1. Approve the proposed Resolution ordering the public street vacation of a portion of Gateway Promenade, a portion of Pioneer Way, and a portion of Santa Fe Drive, El Monte, making requisite findings in accordance with Streets and Highways Code Section 8300 et seq., and directing the recordation of notice of such street vacation to allow for lot line adjustment of 10568 Gateway Promenade.

Total Cost: N/A Account No: N/A
Is the cost of this item budgeted? N/A
Resolution No. 10486

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

- 12.6 Consideration and Approval of a Contract Services Agreement with Gordon Termite Control, Inc. to Provide Pest Control Services on a Monthly Basis and As-Needed for a Term of Two (2) Years for \$24,500 Per Year.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve a Contract Services Agreement with Gordon Termite Control, Inc. for pest control services for a term of two (2) years for \$24,500 per year; and
2. Authorize the City Manager, or her designee, to execute a Contract Services Agreement with Gordon Termite Control, Inc.

Total Cost: \$24,500 Account No: 100-67-673-6111 - \$20,000
Is the cost of this item budgeted? Yes 242-65-051-6111 - \$ 4,500

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

- 12.7 Consideration and Adoption of a Resolution of the City Council of the City of El Monte, California, in Support of Israel as it Defends Itself in the War Launched by Hamas.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and adopt the attached Resolution in Support of Israel.

Total Cost: N/A Account No: N/A
Is the cost of this item budgeted? N/A
Resolution No. 10487

m) Mayor Ancona
s) Councilmember Dr. Ruedas **6-0 (Councilmember Martinez Muela absent)**
Table to next meeting

13. PUBLIC HEARINGS:

- 13.1 A Public Hearing to Consider and Approve for First Reading an Ordinance Approving an Ordinance Amending Certain Provisions of Chapter 10.08 (Speed Limits) of Title 10 (Vehicles and Traffic) of the El Monte Municipal Code Relating to Speed Limits on City Streets.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

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1. Open the public hearing;
2. Receive brief presentation from City staff and pose questions to City staff;
3. Receive public comment, if any;
4. Close the public hearing;
5. Adopt the attached Ordinance approving the amendments to the El Monte Municipal Code relating to speed limits on City streets; and
6. Approve the 2023 City of El Monte Engineering and Traffic Survey.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

Ordinance No. 3030

m) Mayor Ancona

s) Councilmember Dr. Ruedas

6-0 (Councilmember Martinez Muela absent)

Open P.H.

Cosme Jimenez – Spoke about the speed limits, recommended a meeting for the traffic department.

Julio Ramirez – Spoke about traffic issues that exist in El Monte.

m) Mayor Ancona

s) Councilmember Puente

6-0 (Councilmember Martinez Muela absent)

Close P.H.

m) Mayor Pro Tem Herrera

s) Councilmember Puente

6-0 (Councilmember Martinez Muela absent)

Ordinance No. 3030

14. **REGULAR AGENDA:**

- 14.1 Consideration and Approval to Award a Three-Year Professional Services Agreement to CASC Engineering and Consulting for NPDES Program Management Support Services for an Amount of \$196,275 each Fiscal Year for a Total of \$588,825; and Approve an Optional Two (2) Year Extension for an Amount of \$193,646 each Fiscal Year for an Additional \$387,292 for a Total Not-to-Exceed Amount of \$976,177.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve a Professional Services Agreement with CASC Engineering and Consulting for three (3) fiscal years at \$196,275 each year for a total of \$588,825 for NPDES Program Management Services; and
2. Authorize the City Manager, or her designee, to execute the Agreement and the optional two-year extensions for an additional \$387,292 at \$193,636 each year for a total not-to-exceed Agreement amount of \$976,117.

Total Cost: \$976,117

Account No: 283-67-677-6115

Is the cost of this item budgeted? Yes

Storm Drain Fund

m) Councilmember Rojo

s) Councilmember Dr. Ruedas

5-0 (Councilmembers Martinez Muela and Puente absent)

- 14.2 Consideration and Approval of Amendment No. 1 to the On-Call Professional Services Agreements with NV5, Inc., Transtech, Cannon, JMDiaz, Inc.; Willdan Engineering, and Bureau Veritas North American for Plan Check Services.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

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It is recommended that the City Council:

1. Consider and approve Amendment No. 1 to the On-Call Professional Services Agreements with NV5, Inc., Transtech, Cannon, JMDiaz, Inc., Willdan Engineering, and Bureau Veritas North America to increase the original agreement annual amount for an additional amount of \$50,000 for Plan Check Services, increasing the original annual amount of \$75,000 to \$125,000; and
2. Authorize the City Manager, or her designee, to execute Amendment No. 1 to the Professional Services Agreements

Total Cost: \$625,000

Account No: 100-67-610-6111

Is the cost of this item budgeted? Yes

m) Mayor Ancona

s) Councilmember Dr. Ruedas

5-0 (Councilmembers Martinez Muela and Puente absent)

- 14.3 Consideration and Approval of an Increase to the Purchase Order with Northgate Gonzalez Markets LLC, Inc. in the Amount of \$28,330 for Snack/Produce Supplies on As-Needed Basis and Employee Appreciation Turkey Giveaway for a Total Not-to-Exceed Amount of \$53,330.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve the increase to the Purchase Order with Northgate Gonzalez LLC Inc. in the amount of \$28,330 for snacks/produce on as needed basis and employee appreciation turkey giveaway for a total not-to-exceed amount of \$53,330.

Total Cost: \$28,330

Account No: Various

Is the cost of this item budgeted? Yes

m) Mayor Ancona

s) Councilmember Rojo

6-0 (Councilmember Martinez Muela absent)

- 14.4 Consideration and Approval of a Contract Change Order to R Dependable Const Inc. to Increase the Contract Amount from \$2,173,000 by an Additional \$666,253 and Approve a Contingency Amount of \$124,938 for a Total Not-to-Exceed Amount of \$2,964,191 for the Rehabilitation of the Homekey Program Budget Inn Site.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Approve a Change Order to R Dependable Const, Inc. to increase the contract amount from \$2,173,500 by an additional \$666,253 to undertake additional improvements for the Homekey Program Budget Inn Site;
2. Allocate a contingency in the amount of \$124,938 for a total contract amount not-to-exceed \$2,964,191; and
3. Authorize the City Manager, or her designee, to execute the Change Order and approve additional unforeseen work within the approved contingency amount that may be necessary during construction.

Total Cost: \$791,191

Account No: HCD CDBG-CV (214)

Is the cost of this item budgeted? Yes

Homekey Enterprise (216)

m) Councilmember Puente

s) Mayor Pro Tem Herrera

6-0 (Councilmember Martinez Muela absent)

Break at 8:56 p.m.

Return at 9:02 p.m.

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- 14.5 Consideration and Approval of Amendment to Existing Agreement for City Attorney Services.

RECOMMENDATION OF BUSINESS ITEM UNDER CONSIDERATION:

It is recommended that the City Council:

1. Consider and approve the Amendment to existing Agreement for City Attorney Services, in accordance with Government Code Sections 53262, 54953(c)(3) and 54956(b); and Authorize the City Manager to make nonmaterial changes and execute all implementing documents.

Total Cost: N/A

Account No: N/A

Is the cost of this item budgeted? N/A

**m) Councilmember Puente
s) Mayor Pro Tem Herrera
5 Year CPI and reevaluate after
the 5 Years**

6-0 (Councilmember Martinez Muela absent)

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

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

17. WRITTEN COMMUNICATIONS: **None**

18. COUNCIL COMMUNICATIONS/REPORTS:

18A. Mayor Ancona

18A.1 Discussion and Update on Lambert Park Gym.

18A.2 Update on Project Labor Agreement.

Mayor Ancona – Requested an update on the Project Labor Agreement.

City Manager Martinez – Provided the City Council with an update regarding a meeting that took place.

Assistant City Attorney Richard Padilla – Also provided additional update informing the City Council that the City is waiting for their attorney to provide an updated agreement.

18A.3 Update on Pioneer Park Funding.

Mayor Ancona – What are the next steps for this park. This is high priority to get this park restored.

City Manager Martinez – Provided the City Council with information she received from a former City Manager and explained that DTSC may not allow the motto that Landified may be suggesting.

18 A.4 Update on Emergency Preparedness Procedures.

18A.5 Discussion on Communications with Mayor and City Councilmembers.

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Mayor Ancona – Requested that calendar events communications be sent in a timely manner.

18A.6 Update on the Chamber of Commerce Contract.

18A.7 Discussion on Updating Term of Mayor Pro Tem Appointment.

Mayor Ancona – Wants to come up with a solution to give everyone an opportunity to serve as a Mayor Pro Tem during their four (4) year term.

18A.8 Discussion on Establishing Term Limits for City Elected Positions.

18B. Mayor Pro Tem Herrera

18C. Councilwoman Cortez

18D. Councilwoman Martinez Muela

18E. Councilwoman Puente

18F. Councilman Rojo

18G. Councilwoman Dr. Ruedas

18G.1 Update Regarding Operation Sparkle District 3.

Councilmember Dr. Ruedas – Requested an Operation Sparkle event at District 3 in the upcoming weeks, November.

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19. ADJOURNMENT:

At 9:25 p.m.

m) Mayor Ancona

s) Councilmember Rojo

Adjourn the meeting

6-0 (Councilmember Martinez Muela absent)

The next Regular Meeting of the City Council will be held on **November 7, 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