

Gloria Olmos, Mayor
Gracie Retamoza, Mayor Pro Tem
Manuel Acosta, Councilmember
Richard Angel, Councilmember
Hector Delgado, Councilmember



Anthony R. Taylor, City Attorney
Rachel Barbosa, City Manager
Donna G. Schwartz, City Clerk

CITY OF SOUTH EL MONTE

REGULAR MEETING OF THE SOUTH EL MONTE CITY COUNCIL

AGENDA

December 8, 2020 at 6:00 PM
City Council Chambers
1415 Santa Anita Avenue
South El Monte, CA 91733

*****SPECIAL NOTICE REGARDING COVID-19*****

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 in response to the COVID-19 pandemic, which authorizes the City Council to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. All requirements of the Brown Act requiring the physical presence of Council Members, staff, or the public as a condition of participation in or quorum for a public meeting have been waived. Public participation will be allowed via the information below.

TELECONFERENCE

Members of the public will have access to listen to and participate in the meeting by calling-in at the information below. Teleconference participation shall be available to the public at the following USA Toll-Free number, 1-888-204-5987, Access Code: 9671457.

LIVE TELECAST

The public may also view a live telecast online at www.cityofsouthelmonte.org/129/City-Council-Agendas-Minutes

GENERAL COMMENT

Members of the public wishing to submit a general comment or a comment on an agenda item, can email dschwartz@soelmonte.org or call (626) 579-6540 to leave a voicemail message. All comments received an hour before the scheduled meeting will be added to the City Council agenda as part of the public comment.

MEETINGS

The City Council holds regular meetings on the second and fourth Tuesday of every month. Regular meetings start at 6 p.m. in the Council Chambers at City Hall, 1415 N Santa Anita Avenue, South El Monte, California. Special and Adjourned Regular meetings start time are to be determined.

POSTING LOCATIONS OF AGENDA AND/OR CANCELLATION NOTICES

Regular and Adjourned Regular meeting agendas will be posted at least 72 hours before the meeting (GC 54954(a)(1)).

Agenda and Cancellation Notices can be viewed online and are also posted at the following three (3) locations: City Hall located at 1415 Santa Anita Avenue, Senior Center located at 1556 Central Avenue and the Community Center located at 1530 Central Avenue, South El Monte, California.

VIEWING OF AGENDA PACKETS

Full agenda packet can be viewed either at www.cityofsouthelmonte.org/129/City-Council-Agendas-Minutes or in the City Clerk's Office during normal business hours Monday through Thursday 7:00 a.m. to 5:30 p.m. Closed on Fridays and major holidays.

ISSUES RELATED TO AGENDA

For issues related to the agenda, including a disability-related accommodation necessary to participate in this meeting, please contact Donna G. Schwartz, CMC, City Clerk at (626) 579-6540 ext. 3280 or (626) 274-0412 Cell or Paola Lara, Deputy City Clerk at (626) 579-6540 ext. 3220 or (626) 522-5341 Cell.

[Agenda Begins on the Following Page]

1. ROLL CALL

Councilmembers: Acosta, Angel, Delgado, Retamoza, and Mayor Olmos

2. INVOCATION

Pastor Ben Garrett, Faith Dominion Church, South El Monte

3. PLEDGE OF ALLEGIANCE

Commander Mark Tavera, Veterans of Foreign Wars, Greater El Monte VFW
Post 10218

4. SINGING OF NATIONAL ANTHEM

Raymundo Monge, South El Monte Resident and Recording Artist

5. APPROVAL OF THE AGENDA AND WAIVER OF FULL READING OF ORDINANCES

By motion of the City Council, this is the time to notify the public of any changes to the agenda, remove items from the consent calendar for individual consideration and/or rearrange the order of the agenda.

6. CERTIFICATION OF ELECTION RESULTS

6.a. CONSIDERATION OF RESOLUTION NO. 20-131, ADOPTING CERTIFICATE OF CANVASS CERTIFYING RESULTS FOR THE CITY OF SOUTH EL MONTE'S GENERAL MUNICIPAL ELECTION HELD TUESDAY, NOVEMBER 3, 2020, AND SECOND READING AND ADOPTION OF ORDINANCE NO. 1250, RELATING TO AND CONTAINING THE PROVISIONS/TEXT OF A SALES TAX MEASURE (MEASURE "ES") APPROVED BY VOTERS AT SAID ELECTION

On Tuesday, November 3, 2020, a General Municipal Election was held in the City of South El Monte consolidated with the Los Angeles County Registrar-Recorder/County Clerk, Elections Division to fill one term of four years for Mayor (currently held by Gloria Olmos), to fill two four year terms for Member of the City Council (currently held by Councilmember Richard Angel and Councilmember Hector Delgado) and to submit to the voters Measure "ES," which is a ¼¢ general sales tax measure.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 20-131, reciting the facts of the November 3, 2020, General Municipal Election, and to conduct second reading and adopt Ordinance No. 1250, containing the provisions/text of Measure "ES".

7. OATH OF OFFICE TO BE TAKEN BY RE-ELECTED MAYOR AND MEMBERS OF THE CITY COUNCIL

7.a. RE-ELECTED COUNCILMEMBER - HECTOR DELGADO

Oath of Office to be Administered by Congresswomen Judy Chu.

7.b. RE-ELECTED COUNCILMEMBER - RICHARD ANGEL

Oath of Office to be Administered by Richard Angel Jr.

7.c. RE-ELECTED MAYOR - GLORIA OLMOS

Oath of Office to be Administered by Pastor Gary Clouse.

8. COMMENTS BY RE-ELECTED MAYOR AND MEMBERS OF THE CITY COUNCIL

9. PRESENTATIONS

9.a. SENATOR SUSAN RUBIO TO PROVIDE REMARKS TO NEWLY RE-ELECTED MAYOR AND MEMBERS OF THE CITY COUNCIL

9.b. SHERIFF'S DEPARTMENT REPORT FOR THE MONTH OF OCTOBER 2020

City Council to receive a report from the Sheriff's Department and discuss matters concerning law enforcement in the City.

9.c. CODE ENFORCEMENT AND PUBLIC SAFETY DEPARTMENT REPORT FOR THE MONTH OF NOVEMBER 2020

City Council to receive a report from Staff on code enforcement and public safety activities in the City.

10. PUBLIC COMMENT

Speakers may provide public comment on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. Each speaker may speak for up to five minutes. With respect to non-public hearing agenda items, speakers shall provide their comments at this time. With respect to public hearing agenda items, speakers are encouraged to speak during the public hearing if they want their comments to be included in the record of the public hearing. Unless a majority of the Council objects, the Mayor may provide to speakers more or less time to speak. Any documents for review should be presented to the City Clerk for distribution.

11. CONSENT CALENDAR

Items on the consent calendar are considered to be routine and customary and are enacted by a single motion with the exception of items previously removed by a member of the City Council during "Approval of the Agenda" for individual consideration. Any items removed shall be individually considered immediately after taking action on the Consent Calendar.

11.a. REGULAR CITY COUNCIL MEETING MINUTES - NOVEMBER 10, 2020

Staff seeks Council approval of the Minutes for the Regular City Council Meeting of November 10, 2020.

RECOMMENDED ACTION: Staff recommends City Council approve the Regular City Council Meeting Minutes of November 10, 2020

11.b. CONSIDERATION OF RESOLUTION NO. 20-125, APPROVING WARRANTS FOR THE PERIOD OF NOVEMBER 11, 2020 THROUGH DECEMBER 8, 2020

Authorizing payment of City expenditures for the period of November 11, 2020 through December 8, 2020 totaling \$1,877,559.77

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 20-125, authorizing payment of City expenditures.

11.c. CONSIDERATION OF RESOLUTION 20-126, AUTHORIZING THE CITY MANAGER TO USE MEASURE M FUNDS AS A MATCH OF \$38,000 AS REQUIRED FOR THE AWARDED GRANT CONTRACT WITH CALTRANS FOR FISCAL YEAR (FY) 2020-21 CALTRANS SUSTAINABLE TRANSPORTATION PLANNING, SUSTAINABLE COMMUNITIES GRANT

The City has been notified that a Caltrans Planning grant in the amount of \$301,002 has been awarded to the City for the Rosemead Boulevard Corridor Enhancement Plan that requires a City match of funds in the amount of \$38,998. These funds will be allocated from Measure M local return funds.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution 20-126, authorizing the City Manager to use Measure M funds as a match resource in the amount of \$38,000 as required for the awarded grant contract with Caltrans for fiscal year (FY) 2020-21 Caltrans Sustainable Transportation Planning, Sustainable Communities Grant

11.d. **CONSIDERATION OF RESOLUTION NO. 20-127, APPROVING AN AGREEMENT WITH DUDEK FOR CONSULTING SERVICES TO UPDATE THE HOUSING ELEMENT AND PREPARE SAFETY AND ENVIRONMENTAL JUSTICE ELEMENTS OF THE CITY'S GENERAL PLAN**

A consultant is needed to complete an update to the Housing Element of the City's General Plan and create the Safety, and Environmental Justice elements. Staff issued a Request for Proposals for consulting services, and upon review of the submissions and interviews of the participating firms, Dudek has been selected as the responsive, low-bid consultant to complete these services.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 20-127, approving an agreement with Dudek for conducting an update to the Housing Element, and creation of the Safety and Environmental Justice Elements, for an amount not to exceed \$199,995.

11.e. **CONSIDERATION OF RESOLUTION NO. 20-128, DENOUNCING XENOPHOBIA AND ANTI-ASIAN PACIFIC ISLANDER (API) SENTIMENT ARISING DUE TO FEARS OF THE COVID-19 PANDEMIC AND AFFIRMING THE CITY'S COMMITMENT TO THE WELL-BEING AND SAFETY OF ASIAN AMERICAN COMMUNITIES**

The resolution declares the City's commitment to the safety and well-being of the API community in South El Monte.

RECOMMENDED ACTION: Staff recommends the City Council adopt Resolution No. 20-128 denouncing xenophobia and anti-API sentiment and all microaggressions and hate crimes.

11.f. **CONSIDERATION OF RESOLUTION NO. 20-129, AUTHORIZING THE ALLOCATION OF \$150,000 FROM GENERAL FUNDS, REIMBURSABLE FROM A GRANT FROM CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT (HCD), TO ENTER INTO A NEW CONTRACT FOR THE EXTENSION OF A LAND MANAGEMENT SYSTEM FOR AN ADDITIONAL THREE YEARS, THE SCANNING OF PHYSICAL PERMITS, AND SUPPLEMENTAL FUNDING FOR THE HOUSING ELEMENT UPDATE**

The City of South El Monte is receiving a reimbursement grant from California Housing and Community Development ("HCD") in the amount of \$150,000 for an additional three years of a Land Management System ("LMS") and to cover the costs related to scanning physical permits to help streamline the processing of housing permits, as well as helping fund the City's Housing Element update.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 20-129, authorizing the allocation of \$150,000 from general fund balance and authorizing the City Manager to enter into a contract for the extension of three years of a Land Management System, the scanning of physical documents, and supplemental funding of the Housing Element update.

11.g. **CONSIDERATION OF RESOLUTION NO. 20-130, APPROVING AND ADOPTING THE STATE MANDATED CAMPAIGN CONTRIBUTION LIMITS SET BY ASSEMBLY BILL 571 (AB 571)**

Beginning on January 1, 2021, Assembly Bill 571 (AB 571) imposes default campaign contribution limits upon city elected offices and certain regulations relating to campaign funds for cities with no local campaign contribution limit, but also permits cities to enact their own local campaign contribution limits as explained further in this staff report.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 20-130, approving and adopting the campaign contributions set by the State, maintaining the status quo of no local ordinance and defaulting to the State requirements of AB 571.

12. **GENERAL BUSINESS**

12.a. **ACCEPT CITY CLERK'S CERTIFICATION OF SIGNATURES SUBMITTED IN SUPPORT OF AN INITIATIVE MEASURE TO PERMIT/REGULATE CERTAIN CANNABIS BUSINESSES, REGULATE PERSONAL CANNABIS USE, AND IMPOSE A 6% EXCISE TAX ON THE RETAIL SALES OF CANNABIS/EDIBLES; AND, PURSUANT TO ELECTIONS CODE SECTION 9215, ADOPT THE INITIATIVE MEASURE BY ORDINANCE, OR SUBMIT THE INITIATIVE MEASURE TO THE VOTERS AT A GENERAL OR SPECIAL ELECTION, OR ORDER A REPORT ON THE INITIATIVE MEASURE PURSUANT TO ELECTIONS CODE SECTION 9212, OR PROVIDE OTHER DIRECTION TO STAFF**

A citizen initiative to allow certain cannabis businesses within the City, regulate personal use of cannabis, and to establish a maximum 6% excise tax on the retail sale of cannabis and edibles ("Measure") was received by the City Clerk's Office on April 14, 2020 by Mr. Wilhans Ili. The City Attorney's Office did not prepare the contents of the Measure. The Measure was prepared by its proponents and their attorneys, and not by the City. Pursuant to the Elections Code, a ballot title and summary was prepared by the City Attorney's Office and provided to the initiative proponents. In the intervening time, the proponents gathered signatures for potential qualification of the Measure. The City Clerk has determined that the Measure contains the requisite number of signatures.

Consequently, this sets off a chain of events that the City Council must determine and carry out pursuant to the Elections Code.

Therefore, the City Council must now accept the City Clerk's Certification of Sufficiency for the Measure by adopting the attached resolution, and determine whether to adopt the initiative, submit the initiative to the voters at either a general or special election, or order a report on the initiative in order to gather more information, as further described in this report.

RECOMMENDED ACTION: Staff recommends City Council:

- 1. Adopt a Resolution accepting the City Clerk's Certification of Sufficiency for the Measure (Attachment C); and**
- 2. Adopt an Ordinance which will adopt the Measure without alteration (Option 1; Attachment D) OR**
- 3. Submit the Measure without alteration to the voters at a general municipal election on November 8, 2022, by approving the appropriate resolutions (Option 2A; Attachments E through G) OR**
- 4. Submit the Measure without alteration to the voters at a special municipal election, determine the date of the special municipal election, and adopt the appropriate resolutions (Option 2B; Attachments H through K) OR**
- 5. Order a report on the Measure pursuant to Elections Code Section 9212 (Option 3) OR**
- 6. Provide other direction to staff.**

13. ADJOURNMENT Tuesday, January 12, 2021, 5:30 P.M.

I Donna G. Schwartz, hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted not less than 72 hours at City of South El Monte City Hall, Senior Center and Community Center and made available at www.cityofsouthelmonte.org on this 3rd day of December 2020.


