

**CITY OF SOUTH EL MONTE
SPECIAL MEETING MINUTES
APRIL 7, 2020 6:00 P.M.
COUNCIL CHAMBERS
1415 N. SANTA ANITA AVENUE
SOUTH EL MONTE, CA 91733**

1. CALL TO ORDER AND ROLL CALL

Mayor Olmos called the meeting to order at 6:01 p.m.

PRESENT: Councilmembers: Acosta, Angel, Delgado, Olmos, and Retamoza.

Also Present: (City Attorney) Anthony R. Taylor, (City Manager) Rachel Barbosa, (City Clerk) Rose Juarez, (Public Works Director) Rene Salas, (Deputy City Clerk) Paola Lara, (Assistant Planner) Ian McAleese, and (Public Works Analyst) Monica Heredia.

Pursuant to Government Code Section 54953, Subdivision (B) and Governor Newsom's Executive Order N-25-20, dated March 12, 2020, and Executive Order N-29-20, dated March 17, 2020, Teleconference Participation Was Utilized By All City Councilmembers and the City Attorney.

2. APPROVAL OF AGENDA

A motion was made by Delgado, seconded by Angel and carried (5 - 0) to approve the agenda.

AYES: Councilmembers: Acosta, Angel, Delgado, Olmos, and Retamoza.

NAYS: None.

3. PUBLIC COMMENTS

Mayor Olmos opened and closed public comments after determining there was no one wishing to speak.

4. CONSIDERATION OF URGENCY ORDINANCE NO. 1244-U ENACTING COMMERCIAL EVICTION PROTECTIONS AND RESIDENTIAL RENT DEFERRALS RELATED TO THE COVID-19 PANDEMIC

The City Attorney read the title of the Ordinance, presented the staff report, and announced the City Council and Public were provided changes to the Ordinance that were based on new rules adopted by the California Judicial Council and read into the record amendments to the Ordinance:

Added a WHEREAS section on Page 3: WHEREAS, on April 6, 2020, the California Judicial Council adopted Emergency Rule 1, which provides the following: (1) Prohibits courts from issuing a summons on a complaint for unlawful detainer (except for public health & safety reasons). (2) Prohibits courts from entering a default or default judgement for restitution in an unlawful detainer action for failure of

a defendant to appear (unless the action is necessary for public health and safety reasons and the defendant has not appeared in the action within the time provided by law, including any applicable executive order). (3) If a defendant has appeared in the action, a court may not set a trial date earlier than 60 days after a request for trial is made unless the court finds that an earlier trial date is necessary to protect public health and safety. Any trial set in an unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days from the initial date of trial; and

Added on Page 5 at the end paragraph (ii): This documentation shall be provided to the landlord no later than 14 days after the date that rent is originally due.

Added Section 6 on Page 7: Judicial Council's April 6, 2020, Order. Nothing herein shall modify a landlord's ability to use the eviction procedures approved by the Judicial Council on April 6, 2020, as provided in Emergency Rule 1, which is incorporated herein by reference and attached hereto as Exhibit 1 - Emergency Rule 1 of the California Rules of Court adopted by the Judicial Council and effective on April 6, 2020.

In response to Councilmember Delgado's question, the City Attorney stated Section 5 of the Ordinance provides extended protections to anyone who resides in a hotel, motel, or similar type of establishment as long as they were living there at the time of the COVID-19 outbreak.

A motion was made by Angel, seconded by Delgado and carried (5 - 0) to adopt Urgency Ordinance No. 1244-U with the amendments read into the record by the City Attorney, enacting commercial eviction protections and residential rent deferrals related to the COVID-19 Pandemic.

AYES: Councilmembers: Acosta, Angel, Delgado, Olmos, and Retamoza.
NAYS: None.

5. **CONSIDERATION OF URGENCY ORDINANCE NO. 1245-U ENACTING EMERGENCY PRICE-GOUGING PROTECTIONS RELATED TO THE COVID-19 PANDEMIC**

The City Attorney presented the staff report.

In response to Councilmember Acosta's question, the City Attorney stated under the Penal Code both the Sheriff's Department and Code Enforcement can issue a citation for price-gouging and the District Attorney or City Attorney would prosecute.

The City Attorney read the title of the Ordinance.

A motion was made by Delgado, seconded by Retamoza and carried (5 - 0) to adopt Urgency Ordinance No. 1245-U, enacting emergency price-gouging protections related to the COVID-19 Pandemic.

AYES: Councilmembers: Acosta, Angel, Delgado, Olmos, and Retamoza.
NAYS: None.

6. **CONSIDERATION OF RESOLUTION NO. 20-33 WAIVING FORMAL BIDDING PROCEDURES AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE AGREEMENTS AND DOCUMENTATION FOR THE FINANCING, PROCUREMENT, AND IMPLEMENTATION OF EQUIPMENT TO UPGRADE THE**

**CITY'S TECHNOLOGY INFRASTRUCTURE FOR A TOTAL PROJECT AMOUNT
NOT TO EXCEED \$130,000 DUE TO THE COVID-19 PANDEMIC**

The Public Works Analyst presented the staff report.

In response to Mayor Olmos' question, the Public Works Analyst stated there may be sufficient funds in this years' fiscal budget year to purchase versus financing, including approximately \$80,000 for the equipment. The overall savings by paying the vendor and AMC for the implementation phase would be \$13,000-\$14,000 over a five year period.

In response to Councilmember Delgado's question, the Public Works Analyst stated the Interim Finance Director identified \$40,000 in the budget for technology upgrades as well as other potential saving costs within software licensing under the Information Technology budget. The Public Works current budget is also being assessed to identify any other savings to complete the cost for the equipment in the current fiscal year.

In response to Councilmember Acosta's question, the Public Works Analyst stated the need to waive the formal bidding procedures is in response to the COVID-19 pandemic, some staff are working remotely and some cannot because the City does not have the infrastructure for them to do so. There are also vendors who have product in stock and will be made available to the City as soon as a determination is made.

In response to Councilmember Angel's questions, the Public Works Analyst stated restitution will be sought for laptops that were procured for staff working remotely and in direct response to COVID-19, however, the City was already prepared to make this purchase so it would not be eligible under the COVID-19 public assistance.

Mayor Olmos reopened public comments.

Sandra Armenta, on behalf of Senator Susan Rubio, extended Senator Rubio's assistance to the City Council and City to address any needs due to COVID-19.

In response Mayor Olmos' request for assistance to obtain a Grant to purchase computers and technology infrastructure, Ms. Armenta confirmed she would advise Senator Rubio of the City's request.

After determining there was no other else wishing to speak, Mayor Olmos closed public comments.

In response to Councilmember Angel's question, the City Attorney stated Section 3 of the Resolution can be revised to authorize the City Manager to make the purchase from available funds in the full amount or give the City Manager discretion to enter into a five-year lease.

Mayor Olmos stated if the City is fiscally sound she is in support of the City Manager having the discretion to make the decision to either enter into a a five-year lease or purchase the equipment.

The City Manager stated the Interim Finance Director feels confident that the cost can be afforded in the current approved fiscal year budget and indicated purchasing

may help expedite the process versus the time frame to lease the product and complete the agreements.

A motion was made by Angel, seconded by Delgado and carried (5 - 0) to adopt Resolution No. 20-33, waiving formal bidding procedures and with the amendment to Section 3 as follows: The City Council hereby authorizes the City Manager to make the purchase from available funds in the full amount, to execute, subject to approval and amendment by the City Attorney, appropriate agreements and documentation for the financing, procurement, and implementation of equipment to upgrade the City's technology infrastructure for a total project amount not to exceed \$130,000.

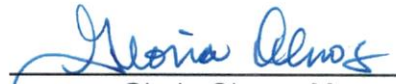
AYES: Councilmembers: Acosta, Angel, Delgado, Olmos, and Retamoza.

NAYS: None.

7. **ADJOURNMENT**

There being no further business coming before this body, Mayor Olmos adjourned the meeting at 6:35 p.m.



Rose Juarez, City Clerk

Gloria Olmos, Mayor