

**CITY OF SOUTH EL MONTE
REGULAR CITY COUNCIL MEETING MINUTES
FEBRUARY 25, 2020 6:00 P.M.
COUNCIL CHAMBERS
1415 N. SANTA ANITA AVENUE
SOUTH EL MONTE, CA 91733**

1. ROLL CALL

Mayor Olmos called the meeting to order at 7:02 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, (Recreation Coordinator) Jayson Perez, and (Senior Services Supervisor) Andres Gonzalez.

2. PLEDGE OF ALLEGIANCE

Councilmember Angel led the Pledge of Allegiance.

3. INVOCATION

Pastor Benjamin Garrett, Faith Dominion Church, offered the Invocation.

4. APPROVAL OF THE AGENDA

The City Attorney announced the need to walk on as Urgency Item 9.b., Consider a Five Signature Letter to Metro in Opposition to the Staff Recommendation to Withdraw the SR60 Alternative of the Eastside Extension and Allocate All Measure R Funding Towards Whittier Line, which arose after the agenda was posted and requires action by Thursday's deadline.

Mayor Olmos requested to pull Item 7.f. due to the need for additional information and Councilmember Delgado requested to pull Item 7.g. for discussion.

A motion was made by Delgado, seconded by Angel and carried (5 - 0) to approve the agenda as amended, pull Item 7.f. from the agenda, pull Item 7.g. for discussion, and add to the agenda Urgency Item 9.a.

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

NAYS: None.

5. PRESENTATIONS

a. RECOGNITION OF CITY COUNCIL BY ACTIVE SGV

Ms. Adriana Pinedo and Mr. Edward Wong, Active SGV, presented the City Council with a portrait of the 626 Golden Streets - Streets and Treats event and thanked the City Council and City of South El Monte for their collaboration and involvement in creating a successful event, and provided the event statistics and results from the participant and business survey.

b. **PRESENTATION BY LIFE STEPS FOUNDATION, PROGRAM SUPERVISOR CINDY YU-SHU CHENG**

Supervisor Cindy Yu-Shu Cheng, presented a PowerPoint on the services and impact provided by the Life Steps Foundation which was launched in 1983 to empower people with development disabilities and seniors to live independently in their own communities.

In conclusion, Supervisor Yu-Shu Cheng requested the City's support with promoting and sponsoring the Life Steps Foundation Earth Day 5K Run/Walk on April 18, 2020 at Whittier Narrows Recreation Area-Legg Lake.

6. **PUBLIC COMMENT**

Mayor Olmos opened public comment.

Michael Georgia, South El Monte Resident, spoke against receiving an extension letter rather than a response from the City for his public records request to obtain complaints made regarding his parked vehicle and request to find out the amount of people who have also received the same type of code enforcement violation.

Art Frias, South El Monte Resident, spoke of the lack of communication and staff availability at the Public Safety Center to assist him with a citation he received from the City.

After determining there was no one else wishing to speak, Mayor Olmos closed public comment.

7. **CONSENT CALENDAR**

a. **MINUTES**

Staff seeks City Council approval of the Minutes of the Adjourned Regular and Regular meetings of February 11, 2020.

b. **WARRANTS:**

Authorizing payment of City expenditures for the period of February 12, 2020 through February 25, 2020 totaling \$448,226.08.

c. **CITY MANAGER'S WEEKLY INFORMATIONAL ITEMS**

Report on staff activities beginning the week of February 3, 2020 and ending the week of February 13, 2020.

d. **APPROVE LOCATIONS FOR INSTALLING E-BIKE STATIONS ON CITY PROPERTY**

City Staff has been working with the San Gabriel Valley Coalition of Governments (SGVCOG) and Gotcha Media Holdings, LLC, to identify locations around the City to station E-Bikes. We have identified 6 station sites, two of which are on school property at New Temple Park and Shively Park.

- e. **ADOPT RESOLUTION NO. 20-13, APPROVING A CITY-WIDE SALARY SCHEDULE IN COMPLIANCE WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) REQUIREMENTS**

The City of South El Monte contracts with the CalPERS to provide retirement benefits for its employees. In order to comply with applicable sections of the California Government Code (Government Code), California Code of Regulations (CCR) and the City's contract with CalPERS, as it relates to earnable compensation for purposes of calculating employees retirement benefits, staff is recommending the adoption of a City-wide Salary Schedule. This resolution would not make any changes to salaries for City employees. Instead, it would make available in a single document City salaries already approved by the City Council.

- h. **ADOPT RESOLUTION NO. 20-16, APPROVING THE CONTRACT EXTENSION WITH ADVANCED MICROCOMPUTING CONCEPTS (AMC) FOR CLOUD BACKUP SERVICES FOR AN ADDITIONAL THREE YEARS IN AN AMOUNT NOT-TO-EXCEED \$27,000 FOR A TOTAL NOT-TO-EXCEED CONTRACT AMOUNT OF \$45,000, AND APPROVING AN APPROPRIATIONS REQUEST FOR FISCAL YEAR (FY) 2019/20 IN THE AMOUNT OF \$2,250**

On June 14, 2017, the City issued a Request for Proposal (RFP) for cloud backup services and received three proposals by the July 16, 2017 deadline. On March 27, 2018, the City Council awarded a contract to AMC for cloud backup services (Services) for a term of two years in an amount not-to-exceed \$18,000. Staff now seeks to extend the contract with AMC for three additional years, and increase the Contract Sum accordingly.

- i. **ADOPT RESOLUTION NO. 20-17, APPROVING AMENDMENT NO. 1 TO THE AGREEMENT WITH ADVANCED MICROCOMPUTING CONCEPTS (AMC) FOR THE PURCHASE AND INSTALLATION OF MICROSOFT SOFTWARE LICENSES, UPGRADE TO A PLAN WITH ADDED SOFTWARE CAPABILITIES WITH NO INCREASE IN COST, AND TO ADD AN ELEVATED SECURITY PLAN EQUATING TO \$13,248 IN ANNUAL SERVICE COSTS, INCREASING COMPENSATION TERMS FROM \$90,000 TO \$105,456 TO ACCOUNT FOR THE ADDED SECURITY PLAN**

The City's I.T. services provider, AMC, is consistently assessing the City's needs, gauging its usage of respective service products, including Microsoft licenses, and identifying optimal cyber security service plans to better withstand potential cyber security threats. In such, AMC has identified an alternate Microsoft Enterprise Software Plan and an enhanced cyber security service plan that better suits the needs of the City.

- j. **ADOPT RESOLUTION NO. 20-18, APPROVING AMENDMENT NO. 7 TO THE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR THE ELDERLY NUTRITION PROGRAM SERVICES**

On July 1, 2016, a four-year agreement between the County of Los Angeles through its Department of Workforce Development, Aging and Community Services (the "County") and the City of South El Monte (the "City") was entered into to assist with the funding for the City's Elderly Nutrition Program Services (the "Agreement"). This Amendment will increase the allocated baseline funding from \$185,191 to \$229,361 resulting in an increase of \$44,170 for Fiscal Year (FY) 2019-20 only.

A motion was made by Delgado, seconded by Angel and carried (5 - 0) to approve the Consent Calendar with the exception of Items 7.f. and 7.g.

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

NAYS: None.

ITEMS PULLED FROM THE CONSENT CALENDAR

- f. **ADOPT RESOLUTION 20-12, APPROVING BUILDING INSPECTION FEES FOR THE MAYANS PROJECT TO REFLECT THE RATES IN PLACE PRIOR TO OCTOBER 2017 AND TO WAIVE THE DEVELOPMENT FEE AND UTILIZE AN HOURLY RATE ON BOTH ON SITE AND OFF SITE ENGINEERING INSPECTION FEES**

The City Attorney announced technical adjustments need to be made to the resolution and recommended that the item be continued to the next meeting in March.

A motion was made by Delgado, seconded by Angel and carried (5 - 0) to continue Item 7.f. to the next meeting in March.

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

NAYS: None.

- g. **ADOPT RESOLUTION NO. 20-14, APPROVAL OF THE EMPLOYMENT AGREEMENT FOR FINANCE DIRECTOR**

Councilmember Delgado stated his concern is that protocols were not followed with respect to the applicants' lack of education and finance background as required and outlined in the job posting.

The City Attorney stated personnel matters could not be discussed, however, a motion could be made to place the item under Closed Session.

Mayor Olmos agreed that personnel questions should take place in Closed Session and stated the Mayor Pro Tem from the City of South Pasadena spoke highly of the applicant.

A motion was made by Delgado, seconded by Angel to discuss the item in Closed Session.

The City Manager stated the City is in desperate and critical need of a Finance Director, she confirmed the individual meets the minimum requirements working in municipal finance, stated that only five out of the twelve candidates that

applied had municipal finance background, and spoke of the finance and project experience the applicant has and what she can bring to the table.

Councilmember Delgado stated a motion and second is on the floor, and questioned whether the Council or Mayor saw any of the applications' educational background and work experience, as he did not receive that information. Further, contractual issues need to be discussed with respect to the car allowance and educational reimbursement that no other director currently receives, which are the reasons he would like to discuss the matter in closed session.

The City Manager confirmed all the City's executives receive automotive allowance and educational reimbursement in their contracts.

In response to Mayor Olmos' question, the City Attorney clarified the item would have to be placed on the next agenda under Closed Session or a Special meeting can be called to expedite the agreement.

Councilmember Angel withdrew his second to the motion.

Mayor Olmos recommended a Special meeting be called so a new employee can be brought in without having to wait two weeks because the City is in dire need for help.

Councilmember Delgado stated the City is running on a \$900,000 deficit, looking at bringing somebody in who is an Intern currently making \$72,000 and may now possibly make \$132,000 with an educational background that does not meet the minimum standard. The City is not following its protocol or application process, they can wait another two weeks, and he wants to make sure they do their due diligence in finding the best person.

Councilmember Angel confirmed the City is getting its finances together, moving forward, is in dire need of a Finance Director, need to start somewhere and if it does not work out will go back into the process.

Mayor Olmos confirmed the City is following all policies and procedures, and according to the State Auditor the City has been in trouble since 2014, this issue has been ongoing and they are currently cleaning up what has been inherited.

Councilmember Delgado stated for the record he would like to call for a State audit by the State Controller's office beginning from when the last State audit was conducted.

The City Manager stated the candidate was not an Intern, she has been the Acting Finance Director for the last 7 months in the City of South Pasadena, and every recruitment and selection protocol was followed.

Councilmember Delgado stated the standard practice is that the entire Council receive the background information of all the candidates and he encouraged the Council to do their due diligence and look at the backgrounds.

The City Attorney recommended the meeting be adjourned to the same date as the Special Meeting in order to discuss the matter in Closed Session. Then immediately following the Closed Session, the Resolution and Approval of

the Employment Agreement for Finance Director would be considered and if it is the City Council's pleasure to move forward with this candidate they can decide it that same day or not decide that day, which is in the City Council's discretion.

Councilmember Delgado requested the resumes of all the candidates be provided to the City Council for discussion in Closed Session.

There being no objections, Mayor Olmos so ordered to hold a Special meeting on Thursday, February 27, 2020 at 5:30 p.m. to discuss in Closed Session the Employment Agreement for Finance Director and directed staff to provide the City Council with copies of the candidates' resumes.

8. **PUBLIC HEARINGS** None.

9. **GENERAL BUSINESS**

a. **FACILITY RESERVATION FEE WAIVER AMENDMENT REQUESTED BY SOUTH EL MONTE NATIONAL LITTLE LEAGUE**

The Recreation Coordinator presented the staff report.

In response to Mayor Pro Tem Retamoza's question, the Recreation Coordinator stated the extension request is for two extra weeks, however, staff requested the reservation be for two weeks prior to allow the City time to make any needed maintenance or repairs before the Jets' Program begins on August 1st.

Councilmember Angel stated the Jets turn in their keys if they are done with their season early and Little League may need the snack bar until July 31 if there is a tournament. He recommended that a mutual agreement be made between Little League and the Jets to turn in the keys when they are done with the season and requested their schedules be provided to the Recreation Coordinator.

Art Frias, representing South El Monte Little League, confirmed the keys will be turned in early if there is no tournament and the park will be left in good standing until next season. He requested the City approve their request due to their struggle to raise funds and spoke of the importance of having Little League in the community.

A motion was made by Olmos, seconded by Angel and carried (5 - 0) to approve the fee waiver amendment request by the South El Monte National Little League, appropriate \$5,077.50 from the General Fund budget and extend the usage of New Temple Park Snack Bar until July 31, 2020 if a tournament of championships is held.

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

NAYS: None.

WALK ON ITEM

b. **CONSIDER A FIVE SIGNATURE LETTER TO METRO IN OPPOSITION TO THE STAFF RECOMMENDATION TO WITHDRAW THE SR60 ALTERNATIVE OF THE EASTSIDE EXTENSION AND ALLOCATE ALL MEASURE R FUNDING TOWARDS WHITTIER LINE**

The City Attorney clarified staff's recommendation is to authorize the City Council to sign a letter of opposition.

Mayor Olmos stated a decision was made by the Board of Supervisors to allocate the funding from the San Gabriel Valley towards the Gateway cities and the purpose of the letter is to request to keep the funding in the San Gabriel Valley.

A motion was made by Olmos, seconded by Acosta and carried (5 - 0) to authorize all five Councilmembers to sign the letter in opposition to Withdraw the SR60 Alternative to the Eastside Extension and Allocate All Measure R Funding Towards the Whittier Line.

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

NAYS: None.

10. **COMMITTEE REPORTS, INCLUDING AB 1234 REPORTS**

Councilmember Acosta provided a report on his attendance at the Chamber mixer.

Councilmember Angel provided a report on his attendance at the Chamber Mixer.

Mayor Olmos provided a report on her attendance at the Chamber Mixer, Senior Center Valentine's Day luncheon, Community Farm's luncheon, Homelessness Regional meeting, Sanitation District meeting, and SEAACA meeting.

11. **CORRESPONDENCE**

a. **CORRESPONDENCE FROM EPIPHANY CATHOLIC SCHOOL REQUESTING SPONSORSHIP FOR THEIR 60TH DIAMOND GALA CELEBRATION ON MARCH 21, 2020**

A motion was made by Angel, seconded by Retamoza and carried (5 - 0) to approve the sponsorship request from Epiphany Catholic School for the Annual Diamond Gala at the \$500 Flapper Level.

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

NAYS: None.

12. **COUNCILMEMBERS' AGENDA**

a. **COUNCILMEMBER RICHARD ANGEL**

1. **Corrugated Buildings on Potrero and Rush**

The Public Works Director confirmed the existing Ordinance that allows 25 years for corrugated buildings to be redone has lapsed. The corrugated metal buildings on Rush Street are the most visible, however, there are additional buildings in the City that fall within those guidelines which Code Enforcement is working to identify and will contact the property owners.

2. **Food Truck at 1954 Central Avenue**

The Public Works Director confirmed the temporary use permit lapsed in December after being granted a one month extension in November to allow for the submittal of revisions to the drawings, however, nothing has been received since March or April of 2019. Staff has attempted to contact the business owner and their designer of the restaurant drawings, the next step will be to send a letter to set up a meeting.

In response to Councilmember Angel's question, the Public Works Director confirmed the food truck is still operating and staff will look into how often they are operating.

Councilmember Angel stated the restaurant has been under renovations for three or four years, the market is now open, and the corrections to the drawings should have already been completed by the property owner.

In response to Councilmember Delgado's request to find out if the store owner is in charge of the restaurant, who owns the restaurant and who is renovating the restaurant, the Public Works Director confirmed staff has contacted the property owner, the beauty salon, restaurant and market are owned by three different business owners and the issue with the drawings is with the business owner of the restaurant.

In response to Councilmember Angel's question, the Public Works Director stated the restaurant business owner also owns the food truck, and was aware of the expiration of the permit extension and also aware of the revisions, however, the City has not received any updates on the last revisions to the drawings.

In response to Mayor Pro Tem Retamoza's question, the Public Works Director confirmed the temporary use permit expired in December 2019, however, he is not aware if any correspondence advising them about the expiration or renewal was provided.

In response to Councilmember Delgado's question, the Public Works Director stated no notice of the permit expiring was sent, however, he called several times as temporary use permits are managed by the Planning Department and cannot be processed online.

Councilmember Angel stated the restaurant business owner has been aware of this for over a year and the City should request they either bring it forward or not be allowed to park the food truck.

The Public Works Director confirmed staff will follow up with a letter and ensure they respond.

The City Manager stated she had directed staff to hold off on issuing a letter until verbal contact was made with the owner to inform him of the letter and give the opportunity to submit the drawings, however, if staff has not able to make contact they will move forward with the written notice.

b. **MAYOR GLORIA OLMOS**

1. **Discussion on Safety Measures Regarding Solicitors**

Mayor Olmos stated there is an individual soliciting in the City who is being deceitful by stating the purpose of the petition is to improve schools, help seniors, children, and community, when it is really to allow cannabis in the City, her advise to the public is to read the document before placing their signature on the petition.

13. **CLOSED SESSION**

a. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Discussion of potential for initiation of litigation pursuant to Government Code Section 54956.9(d)(4) - 2 potential cases.

The City Attorney announced the City Council would recess to closed session to discuss the item listed on the agenda.

The City Council recessed to closed session at 8:10 p.m. and reconvened to open session at 8:44 p.m.

The City Attorney announced the City Council discussed the item listed on the agenda and there was no reportable action taken.

14. **RECESS COUNCIL MEETING**

The City Council meeting was recessed at 8:44 p.m. and reconvened at 8:46 p.m.

The City Attorney recommended that, consistent with the Special Meeting to be held on Thursday at 5:30 p.m., the meeting be adjourned to Thursday February 27, 2020 at 6:00 p.m., to discuss Items 7.f. and 7.g.

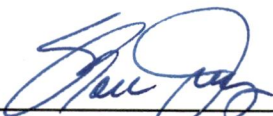
A motion was made by Angel, seconded by Delgado and carried (5 - 0) to adjourn the meeting to Thursday, February 27, 2020 at 6:00 p.m. to discuss Items 7.f. and 7.g.

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

15. **ADJOURNMENT**

There being no further business coming before this body, Mayor Olmos adjourned the meeting at 8:48 p.m. to February 27, 2020, at 6:00 p.m.

In memory of Patriotic Commissioner, former Community Services Commissioner and Long Time South El Monte Resident Yolanda Del Rio; South El Monte High School, Senior Wrestler Lisabeth Roman Chavez, former Planning Commissioner and Long Time South El Monte Resident Arthur "Art" Jimenez; Long Time South El Monte Resident Eleanor Christine Alvarez; Long Time South El Monte Resident Frank Medina.



Rose Juarez, City Clerk



Gloria Olmos, Mayor