

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



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

CITY OF SOUTH EL MONTE

REGULAR MEETING OF THE SOUTH EL MONTE CITY COUNCIL

AGENDA

September 14, 2021, 6:00 PM
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.

To View and/or Participate in Live Meetings, use Zoom link below:
Join Zoom Meeting (View and/or Participate ONLY during PUBLIC COMMENT)

Link: <https://us02web.zoom.us/j/86581711880>

Meeting ID: 865 8171 1880

Or Call In: 1 669 900 6833, when prompted, enter 86581711880#

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 ext. 3280 to leave a voicemail message. All comments received an hour before the scheduled meeting will be read during public comment and made part of the record.

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 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 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
Ph (626) 579-6540 ext. 3280
Cell (626) 274-0412

Paola Lara, Deputy City Clerk
Ph (626) 579-6540 ext. 3220
Cell (626) 374-1998

[Agenda Begins on the Following Page]

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

Councilmember Manuel Acosta

3. INVOCATION

Pastor Benjamin Garrett, Faith Dominion Church, South El Monte

4. PRESENTATIONS

4.a. PRESENTATION BY RUBY ROSE YEPEZ, REPRESENTING VALLE LINDO SCHOOL DISTRICT, PARENT TEACHER ORGANIZATION, IN PARTNERSHIP WITH SAN GABRIEL VALLEY CONSERVATION CORPS ON "GREEN APPLE DAY OF SERVICE"

4.b. PRESENTATION BY DUDEK (CONSULTANT) ON THE GENERAL PLAN UPDATE OF THE HOUSING, SAFETY AND ENVIRONMENTAL JUSTICE ELEMENTS

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. PUBLIC COMMENT

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

7. 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.

7.a. CONSIDERATION OF AMENDMENT AND APPROVAL OF THE REGULAR CITY COUNCIL MEETING MINUTES FOR JULY 27, 2021

Staff is requesting an amendment to the Minutes of the July 27, 2021 Regular City Council Meeting to include City Attorney's announcement that no reportable action was taken by City Council during Closed Session Item 13.a. Conference with Legal Counsel - Existing Litigation.

RECOMMENDED ACTION: Staff recommends City Council approve the Regular City Council Meeting Minutes of July 27, 2021 with the requested amendment.

7.b. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 21-49, APPROVING WARRANTS FOR THE PERIOD OF JULY 28, 2021, THROUGH SEPTEMBER 14, 2021

Authorizing payment of City expenditures for the period of July 28, 2021 through September 14, 2021 totaling \$2,282,192.88.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 21-49, authorizing payment of City expenditures.

7.c. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 21-50, APPROVING AMENDMENT NO. 6 TO AGREEMENT SUBAWARD NUMBER ENP202110 WITH THE COUNTY OF LOS ANGELES FOR THE ELDERLY NUTRITION PROGRAM SERVICES

This Amendment will increase the allocated baseline funding from \$216,000 to \$273,033 resulting in an increase of \$57,033 for Fiscal Year (FY) 2021-22 only. The \$57,033 will be allocated through supplemental California Department of Aging ("CDA") Coronavirus Aid, Relief, and Economic Security Act ("CARES") funding.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 21-51, approving Amendment No. 6 and authorizing the City Manager, or designee, to execute the same.

CONSENT CALENDAR (CONTINUED)

7.d. CONSIDERATION AND APPROVAL OF THE 2021 "CHRISTMAS WISH TOY GIVEAWAY" EVENT DONATION LETTER, AUTHORIZATION TO INCLUDE THE CITY COUNCILMEMBERS' SIGNATURES, AND THE DISTRIBUTION OF LETTERS TO THE SOUTH EL MONTE BUSINESS COMMUNITY

The Community Services Department is requesting approval of the 2021 "Christmas Wish Toy Giveaway" donation letter, authorization to include the City Councilmembers' signatures, and the distribution of donation letters to the South El Monte business community.

RECOMMENDED ACTION: Staff recommends City Council approve the 2021 "Christmas Wish Toy Giveaway" donation letter, authorization to include the City Councilmembers' signatures, and the distribution of donation letters to the South El Monte business community.

7.e. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 21-51, AMENDING RESOLUTION NO. 20-118, AUTHORIZING APPLICATION FOR CALHOME PROGRAM FUNDS, EXECUTION OF RELATED DOCUMENTS AND CITY RECEIPT OF FUNDS

The State of California Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) dated August 31, 2020. The City was successfully awarded \$1,000,000 for the Home Rehabilitation program; however, the City was not successful in the second grant request for Mortgage Assistance and Accessory Dwelling Units. HCD is requiring the City to update its previously adopted Resolution to only include the program funds awarded by HCD.

RECOMMENDED ACTION: Staff recommends City Council Adopt Resolution No. 21-51, Amending Resolution No. 20-118.

CONSENT CALENDAR (CONTINUED)

7.f. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 21-55, AWARDING ENERGY EFFICIENCY-LIGHT EMITTING DIODE (LED) FIXTURE REPLACEMENT RATE AGREEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY (SCE)

The City of South El Monte is planning to upgrade the City street lights to more energy-efficient lighting. The project, in coordination with Southern California Edison Company (SCE), includes converting all the City's street lights from High-Pressure Sodium (HPS) to Light Emitting Diode (LED) lights. The new LED fixtures will provide enhanced lighting at nighttime, and long-term energy and cost savings for the City. The project is anticipated to begin in fall 2021 and be completed by 2024.

RECOMMENDED ACTION: Staff recommends City Council adopt Resolution No. 21- 55, approving an LS-1 Option E agreement with SCE for replacement of 41 High Pressure Sodium (HPS) street lights with Light Emitting Diode (LED) street lights; authorizing the City Manager or designee to execute agreement between the City of South El Monte and SCE (Attachment B); and authorizing SCE to replace the remaining 1,401 street lights located within the boundaries of City of South El Monte which are managed by the County of Los Angeles.

PUBLIC HEARINGS ON NEXT PAGE...

8. PUBLIC HEARINGS

8.a. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 21- 52, APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (CUP NO. 21-07) ALLOWING FOR A TYPE 47 LICENSE FOR ON-SALE OF BEER, WINE, AND DISTILLED SPIRITS IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AND OPERATING KARAOKE AT 1725 DURFEE AVENUE AND OPERATING AS KRUDOS

The applicant, Mike Iniguez ("Applicant"), applied to upgrade their Type 41 on-sale beer and wine license to a Type 47 on-sale general alcohol use ("Project") at 1725 Durfee Avenue, South El Monte, California 91733 ("Property"). The Property consists of one parcel having an area of approximately 19,748 square feet (0.45 acres) and one existing building consisting of three units measuring approximately 3,001, 1,722, and 2,476 square feet. On December 17, 2019, the Planning Commission approved a Conditional Use Permit to allow for a Type 41 on-sale beer and wine license with karaoke as a secondary use to a restaurant. The restaurant has been operating since February 2020 in their current space. Planning Commission approved Resolution No. 21-07 on August 17, 2021 allowing the Applicant to upgrade their Type 41 license to a Type 47 on-sale general alcohol.

RECOMMENDED ACTION: Staff recommends City Council:

1. Conduct a public hearing;
2. Take public testimony: and
3. Adopt Resolution No. 21-52, approving the decision of the Planning Commission to approve CUP 21-07.

PUBLIC HEARINGS (CONTINUED)

8.b. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 21- 53, IMPLEMENTING A RESIDENTIAL AND COMMERCIAL WASTE MANAGEMENT SERVICES RATE ADJUSTMENT FOLLOWING NOTICED MAJORITY PROTEST HEARING

In recent years, State laws and regulations pertaining to the collection of solid waste, recyclables, yard waste, and other compostables have been amended and become more stringent. Recently, the City of South El Monte had to adopt a new Ordinance to comply with SB 1383 regulations, which will go into effect beginning January 2022. On July 13, 2021, the City adopted Ordinance No. 1253 which includes provisions and enforcement mechanisms that will ensure residents and property owners, as well as the City's franchisee, comply with the state law requirements concerning solid waste and recycling. As a result, the City and its franchised waste hauler, Arakelian Enterprises, Inc., DBA "Athens" will need to modify their services/operations for collection of organic waste and recyclables to meet the requirements of SB 1383.

SB 1383 enacts the most comprehensive and complex set of revisions to solid waste management laws seen in at least the last 30 years, which will require substantial capital outlays by Athens. As a result of SB 1383's substantial impact upon the cost of providing solid waste and recycling services, an adjustment to the collection service rates is called for. To this end, on June 28, 2021, the City issued a written notice to all property owners in the City in compliance with Cal. Const. Art. XIID ("Proposition 218") notified them of the rate proposal and the right to "protest" at this duly-noticed public hearing.

Pursuant to the notice and the proposed rate structure, as of January 1, 2022, only residential refuse and recycling service accounts will be affected, with a basic rate of \$5.97/month for regular 96-gallon cart service and \$5.30/month for regular 64-gallon cart service. There is a senior, low-volume discount equaling \$4.72/month for three 35-gallon cart service. Other optional and add-on residential services are priced as shown in Attachment A hereto. The basic residential rates reflected in Attachment A are subject to an annual Consumer Price Index (CPI) adjustment, which inflationary adjustment shall not continue for more than a period of five (5) years without further Proposition 218 proceedings. At this time, no other ratepayer categories are impacted.

RECOMMENDED ACTION: Staff recommends City Council consider:

1. Conduct a "majority protest" public hearing as required by Proposition 218; and
2. Adopt Resolution No. 21-53 to approve the proposed refuse and recycling service rate structure attached to the Resolution hereto as Attachment A.

9. GENERAL BUSINESS

9.a. **CONSIDERATION AND ADOPTION OF RESOLUTION NO. 21- 54 TO APPROVE AMENDMENT NO. 6 TO THE AGREEMENT WITH ARAKELIAN ENTERPRISES, INC. DBA ATHENS SERVICES (ATHENS), FOR WASTE/RECYCLING SERVICE ENHANCEMENTS REQUIRED TO COMPLY WITH SENATE BILL 1383 REGULATIONS AND IMPLEMENTATION OF APPROVED MAXIMUM RATE SCHEDULE**

In recent years, State laws and regulations pertaining to the collection of solid waste, recyclables, yard waste, and other compostables have been amended and become more stringent. Recently, the City of South El Monte had to adopt a new Ordinance to comply with SB 1383 regulations, which will go into effect beginning January 2022. On July 13, 2021, the City adopted Ordinance No. 1253 which includes provisions and enforcement mechanisms that will ensure residents and property owners, as well as the City's franchisee, comply with the state law requirements concerning solid waste and recycling. As a result, the City's hauler, Arakelian Enterprises, Inc., DBA "Athens" will need to modify their services/operations for collection of organic waste and recyclables to meet the requirements of SB 1383.

Due to the increased costs of service attendant to the implementation of SB 1383's mandatory programs and other service enhancements offered by Athens, on September 14, 2021, the City Council held a fair and noticed public majority protest hearing to consider a proposed adjustment to Athens' solid waste and recycling service rates. No majority protest was lodged, and the City Council approved implementation of the new rates. However, binding implementation of the new rates, commitment to enhanced refuse and recycling services, and compliance with SB 1383 requires a contractual amendment with Athens.

Therefore, the current agreement between the City and Athens Services needs to be amended in accordance with (i) the changes to the waste collection services to be provided in compliance with SB 1383, and (ii) the new service rates to be applied.

RECOMMENDED ACTION: Staff recommends City Council consider and approve Resolution No. 21-54, adopting that "Sixth Amendment to the Amended and Restated Agreement by and Between the City of South El Monte and Arakelian Enterprises, Inc., DBA Athens for the Collection of Solid Waste, Recyclables, Yard Waste and Other Compostables" ("Amendment No. 6") in order to implement (i) enhancements to the waste collection services to be provided and compliance with SB 1383, and (ii) the new rate structure to be applied to such services.

9.b. CONSIDERATION AND APPROVAL OF CONVERTING EXISTING TENNIS COURT TO FOUR (4) PICKLEBALL COURTS

The Community Services Department established a need based on community demand, to add pickleball courts to the Community Center.

RECOMMENDED ACTION: Staff Recommends City Council consider the approval of converting existing tennis court to four (4) pickleball courts.

9.c. CONSIDERATION AND APPROVAL OF RESOLUTION NO. 21- 56, APPROVING SUBMITTAL OF PROPOSITION 68 PROGRAM APPLICATION FOR PER CAPITA GRANT FUNDS

The Per Capita Grant program originates from Proposition 68 and is allocated to cities and local districts based on population. The City was allocated \$177,952 in Per Capita funds under the General Per Capita Program. Funds are intended for local park rehabilitation, creation, and improvement. Staff wishes to submit an application for the Splash Pad project to utilize as matching funds toward the Proposition 68 Statewide Park Program (SPP) Grant application.

RECOMMENDED ACTION: Staff Recommends City Council adopt Resolution No. 21- 56, approving submittal of the Per Capita grant application for the Splash Pad project.

9.d. CONSIDERATION OF ENTERING INTO A CONTRACTUAL AGREEMENT WITH EL MONTE UNION HIGH SCHOOL DISTRICT (EMUHSD) TO PROVIDE A SCHOOL RESOURCE OFFICER FOR SOUTH EL MONTE HIGH SCHOOL

At the July 13, 2021 City Council meeting, Councilmember Hector Delgado requested to add one additional deputy to the existing City contract with the Los Angeles County Sheriff's Department that will be assigned to work in the capacity as a School Resource Officer at South El Monte High School.

RECOMMENDED ACTION: City Council is requested to discuss and provide direction to the City Manager with the EMUHSD for a School Resource Officer for the balance of the existing school year through June 30, 2022. As part of this direction, the impacts of expanded requirements from the District as part of their SRO program are to be examined by the City to determine the impact, if any, on the scope of a new agreement between the City and the District and to determine to what extent, if any, that the expanded District requirements fall within the existing scope of the City's agreement with the Sheriff's Department and within the recently approved motion by the Los Angeles County Board of Supervisors that requires their oversight over all Sheriff's SROs.

10. COMMITTEE REPORTS, INCLUDING AB 1234 REPORTS

AB 1234 requires councilmembers briefly report, orally or in writing, on meetings attended at City expense (i.e. League of California Cities Conferences, ICSC conferences, etc.) at City Council meetings following the meeting.

11. CORRESPONDENCE: None

12. COUNCILMEMBERS' AGENDA

12.a. MAYOR GLORIA OLMOS

1. Resolution in Support of Online Sales Tax.

12.b. COUNCILMEMBER MANUEL ACOSTA

1. Discussion of Expanding the Aquatic Program through October and Restarting in March while Keeping the Senior's Water Aerobics Class Open in the Mornings

13. CLOSED SESSION: None

14. ADJOURNMENT

Adjourn in memory of Uriel Macias, City of Azusa Councilmember and Lieutenant in the United States Navy, and David McElwain, LA County Office of Education San Gabriel Valley GAIN Program, to Tuesday, September 28, 2021, at 6:00 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 the following locations: City of South El Monte City Hall, Senior Center and Community Center and made available at www.cityofsouthelmonte.org on this 9th day of September, 2021.



City Clerk, CMC