

**CITY OF SOUTH EL MONTE
SPECIAL CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 2, 2022 - 6:00 PM**

1. ROLL CALL

Mayor Olmos called the meeting to order at 6:02 PM

PRESENT: Councilmember(s): Angel, Delgado, Mayor Pro Tem Acosta, and Mayor Olmos

ABSENT: Councilmember(s): Retamoza

STAFF PRESENT: Rene Salas, Interim City Manager; Anthony R. Taylor, City Attorney; Donna G. Schwartz, City Clerk; Colby Cataldi, Community Development Director; William Fox, Interim Finance Director; and Nancy Rodriguez, Recreation Specialist.

STAFF ABSENT: Paola Lara, Deputy City Clerk.

Mayor Olmos announced Councilmember Retamoza was ill and had an excused absence.

Zoom was provided for the Public to participate during public comment via teleconference.

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

City Attorney Anthony R. Taylor announced there was an attachment to the Memorandum of Understanding for item 4.b. Additionally, there were revisions to pages 24, 51 and 52 of Ordinance No. 1260 for item 5.a. which were made available to City Council and to the public online.

City Attorney Anthony R. Taylor announced there was an urgency closed session item to be added to the agenda as item 6, Conference with Labor Negotiator Pursuant to Government Code Section 54957.6, City Negotiator: City Manager, for the South El Monte Employees Association.

A motion was made by Mayor Pro Tem Acosta, seconded Councilmember Angel to approve the agenda as amended with the addition of item 6, urgency closed session. Motion carried 4-0-1, by the following vote:

AYES: Councilmember(s): Angel, Delgado, Mayor Pro Tem Acosta
and Mayor Olmos

NAYS: Councilmember(s): None

ABSENT: Councilmember(s): Retamoza

3. PUBLIC COMMENT

Mayor Olmos opened public comment, there being none, closed public comment.

4. CONSENT CALENDAR

A motion was made by Councilmember Delgado, seconded by Councilmember Angel to approve the Consent Calendar. Motion carried 4-0-1 by the following vote:

AYES: Councilmember(s): Angel, Delgado, Mayor Pro Tem Acosta
and Mayor Olmos

NAYS: Councilmember(s): None

ABSENT: Councilmember(s): Retamoza

4.a. Adopted Resolution No. 22-66, proclaiming a local emergency persists and authorizing the use of alternative meeting procedures by the City's legislative bodies, such as utilizing a virtual platform (e.g. Zoom) for the period from August 2, 2022 through August 31, 2022.

4.b. Adopted Resolution No. 22-67 approving the Memorandum of Understanding between the City of South El Monte and the South El Monte Executive Management Team Association.

GENERAL BUSINESS

5.a. **CONSIDERATION AND APPROVAL OF RESOLUTIONS, SUBMITTING A CITY BALLOT MEASURE THAT, IF APPROVED BY THE VOTERS, WOULD REGULATE ILLEGAL AND LEGAL CANNABIS USES IN THE CITY AND TAX THE SAME; OR, ALTERNATIVELY, PROVIDE DISCUSSION AND DIRECTION ON A ILLEGAL AND LEGAL CANNABIS LAND USE ORDINANCE**

Mayor Olmos announced the item.

City Attorney Anthony R. Taylor presented the staff report and Robert Khuu, Attorney with Aleshire & Wynder, LLP, presented a PowerPoint on the proposed cannabis ballot measure.

Mayor Olmos opened public comment.

1. Mark Ramos, United Food & Commercial Workers Union, commented on the proposed ballot measure and ordinance and offered suggestions to City Council.

There being no one else wishing to speak, Mayor Olmos closed public comment.

City Attorney Anthony R. Taylor read the title of Ordinance No. 1260.

Discussion ensued between City Council and City Attorney Anthony R. Taylor on the regulations for a city ballot measure, general business tax percentage, set back from any sensitive uses, and the number of cannabis businesses that would be allowed to operate.

Mayor Olmos recommended setting the general business tax at 10%. Mayor Pro Tem Acosta and Councilmember Angel concurred. Councilmember Delgado voted no.

A motion was made by Mayor Pro Tem Acosta, seconded by Councilmember Angel to approve the ballot measure as amended: Shall the measure, permitting and thoroughly regulating limited cannabis retail businesses (1 adult-use/medical with option to add 1 adult-use/medical in the measure's second year), establishing a general tax at a maximum 8% of noncultivation cannabis business proceeds and \$15/square foot of cultivation space (with CPI increases) applicable to permitted/unpermitted businesses, generating approximately \$480,000 annually until ended by voters, for general City services (e.g., police, maintenance), be adopted?

Motion failed by 3-1-1 by the following vote:

AYES: Councilmember(s): Angel, Mayor Pro Tem Acosta, and Mayor Olmos

NAYS: Councilmember(s): Delgado

ABSENT: Councilmember(s): Retamoza

Second motion was made by Councilmember Angel, seconded by Mayor Pro Tem Acosta to approve the ballot measure as amended: Shall the measure, permitting and thoroughly regulating limited cannabis retail businesses (1 adult-use/medical with option of up to 3 total after the measure's 1st year), establishing a general tax at a maximum 8% of noncultivation cannabis business proceeds and \$25/square foot of cultivation space (with CPI increases) applicable to permitted/unpermitted businesses, generating approximately \$720,000 annually until ended by voters, for general City services (e.g., police, maintenance), be adopted?

Motion carried by 4-0-1 by the following vote:

AYES: Councilmember(s): Angel, Delgado, Mayor Pro Tem Acosta
and Mayor Olmos

NAYS: Councilmember(s): None

ABSENT: Councilmember(s): Retamoza

City Attorney Anthony R. Taylor and Attorney Robert Khuu went through the ordinance with City Council for any changes or edits and any direction to sections 5.26.060(A) and 5.26.060(B) Maximum Number of Commercial Cannabis Operation Permits; 5.26.100(B) Change in Location; Transfer, Updated Application Information; 5.26.120(C)(1) and 5.26.120(C)(2) Retailer Operating Standards and Restrictions; 5.26.130 Community Benefit Agreement; 5.26.260 City

Councilmember Conflicts of Interests; 3.40.020(A) and 3.40.020(B) Tax; 3.40.110 City Councilmember Conflicts of Interests; and edit the ordinance title.

A motion was made by Councilmember Delgado, seconded by Mayor Pro Tem Acosta to amend Ordinance No. 1260 as discussed, and authorize the City Attorney and the City Clerk to modify the accompanying resolutions accordingly. Motion carried by 4-0-1 by the following vote:

AYES: Councilmember(s): Angel, Delgado, Mayor Pro Tem Acosta
and Mayor Olmos

NAYS: Councilmember(s): None

ABSENT: Councilmember(s): Retamoza

City Council discussed the selection of a Letter Designation for the measure for submission to the County. There was a consensus to submit letter "C" as the first choice and "CC" as the second choice.

A motion was made by Councilmember Delgado, seconded by Councilmember Angel, to approve Resolution No. 22-68, Resolution No. 22-69, and Resolution No. 22-70 as amended by the prior motions of the City Council.

Motion carried by 4-0-1 by the following vote:

AYES: Councilmember(s): Angel, Delgado, Mayor Pro Tem Acosta
and Mayor Olmos

NAYS: Councilmember(s): None

ABSENT: Councilmember(s): Retamoza

6. CLOSED SESSION

At 9:35 p.m. City Attorney Anthony R. Taylor recessed Council into closed session.

6.a. CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

City Negotiator: City Manager

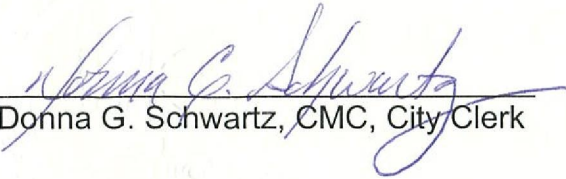
Employee Organizations: South El Monte Employees Association and the
South El Monte Executive Management Team Association

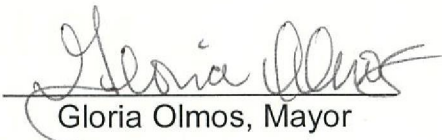
At 9:47 p.m. Mayor Olmos reconvened to open session.

City Attorney Anthony R. Taylor announced City Council discussed items 13.a. No action taken, nothing to report.

7. **ADJOURNMENT**

There being no further business coming before this body, at 9:48 p.m. Mayor Olmos adjourned the meeting in memory of Vin Scully, former Los Angeles Dodgers game broadcaster.


Donna G. Schwartz, CMC, City Clerk


Gloria Olmos, Mayor