



**MINUTES OF AUGUST 4, 2020
REGULAR MEETING OF THE SAN GABRIEL CITY COUNCIL**

CALL TO ORDER

Mayor Menchaca called the regular meeting of the San Gabriel City Council to order at 6:33 P.M. on Tuesday, August 4, 2020, with all Council Members and staff participating by teleconference.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Menchaca.

ROLL CALL

Council Members Present: Tony Ding, John R. Harrington, Jason Pu, Vice Mayor Chin Ho Liao, and Mayor Denise Menchaca.

Council Members Absent: None.

Staff Members Present: City Manager Mark Lazzaretto, City Attorney Keith Lemieux, Assistant City Manager/Community Development Director Arminé Chaparyan, Community Services/Interim Mission Playhouse Director Rebecca Perez, Police Chief Eugene Harris, Chief City Clerk Sharon Clark, Public Works Director/City Engineer Greg de Vinck, Fire Chief Steven Wallace, Human Resources/Risk Management Director Edward Macias, Interim Finance Director Kenneth Louie, and Assistant City Clerk Marilyn Bonus.

ANNOUNCEMENTS

Chief City Clerk Clark provided information for the public on how to view the meeting and submit comments, and how to request meeting agendas.

City Manager Lazzaretto announced that the format for Council input on each item would be altered from asking each Council Member individually for a response, to a general request for input from Council Members, in order to increase meeting efficiency.

1. APPROVAL OF AGENDA ORDER

Hearing no objections, Mayor Menchaca announced that the agenda order was approved.

2. PRESENTATIONS

A. RECOGNITION OF NATIONAL NIGHT OUT

The presentation was made by Police Chief Harris.

B. COVID-19 BRIEFING

Mayor Menchaca announced that this will be an ongoing presentation on the Agenda until the COVID-19 pandemic ends to keep the public informed directly from the City's first responders and staff.

Presentations were made by Fire Chief Wallace; Police Chief Harris; and Assistant City Manager/Community Development Director Chaparyan, Vice Mayor Liao, and Council Member Ding reporting for the 10-Point Plan for Recovery, Resiliency and Reinvestment Subcommittee.

3. PUBLIC COMMENT

Doug Richter provided comments requesting that recommended speed limits, as presented in the Engineering and Traffic Survey in April 2020, be approved.

Carina River, resident, provided comments expressing dissatisfaction with the City's parking enforcement regulations and customer service related to parking permits.

City Manager Lazzaretto explained that the speed survey item has been scheduled for the September 15, 2020, meeting as staff tries to schedule items so that meetings are not overly late; and that overnight parking enforcement has not resumed and the public will have plenty of notice before it resumes.

4. CONSENT CALENDAR

A motion was made by Vice Mayor Liao, seconded by Council Member Pu, to approve Consent Calendar Items 4A – 4E as presented.

Motion approved Consent Calendar Items 4A – 4E as presented by a vote of 5-0 as follows:

AYES: DING, HARRINGTON, PU, LIAO, MENCHACA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

A. APPROVAL OF MINUTES

The City Council approved the following items as presented:

1. Minutes of the City Council Special Meeting of July 21, 2020.
2. Minutes of the City Council Regular Meeting of July 21, 2020.

B. MATERIAL DEMANDS

The City Council approved the July 10, 2020, and July 17, 2020, Registers of Demands and Warrants for the payment of City expenditures.

C. PHOENIX GROUP INFORMATION SYSTEMS CITATION PROCESSING SYSTEM CONTRACT

The City Council approved the City Manager to execute a five-year contract with Phoenix Group Information Systems for parking-citation and online overnight-permit processing and management services.

D. AGREEMENT FOR USE OF SMITH PARK POOL BY SAN GABRIEL SEA GULLS

The City Council approved the agreement between the City of San Gabriel and San Gabriel Sea Gulls for the use of Smith Park Pool, effective immediately and ending on June 30, 2021, with the option to renew automatically for two additional one-year terms.

E. AGREEMENT FOR USE OF SMITH PARK POOL BY MONTEREY PARK MANTA RAYS

The City Council approved the agreement between the City of San Gabriel and the Monterey Park Manta Rays for the use of Smith Park Pool, effective immediately and ending on June 30, 2021.

5. PUBLIC HEARING – None.

6. NEW BUSINESS

A. IMPACTS OF ELIMINATING OR REDUCING FEES TO APPEAL A VARIANCE DECISION

The staff presentation was made by Management Specialist Mark Gallatin.

City Manager Lazzaretto clarified that the City Council could give direction to change just the variance appeal fee in the Fee Schedule or the fees for all appeals; and recommended that the City Council not lower the appeal fee below the actual expenses to the City, with the possible exception of the staff costs.

Chuck Sances provided comments suggesting that newspaper notices be eliminated in order to lower fees and that a letter signed by 24 residents be required for appeals.

Discussion included: hard costs should be paid by the appellant and the appeal fee should be waived; removing an individual Council Member's ability to waive the fee in favor of allowing a Council Member to request agendaizing the item, with the vote of at least three Council Members at a future meeting to waive the fee; preference for fees not to be reduced and to retain the ability of one Council Member to waive the fee; variance requests have already been vetted by the Planning Commission; cost-breakdown for the appeal fee; fees for various Planning services; preference to keep fees the same now due to COVID-19 impacts, with a possible future increase to cover the cost to the City; a process already in place for review by the Planning and Design Review Commissions; and concern about frivolous appeals if the cost is lowered.

There was a majority of the City Council in favor of making no changes to the variance appeal fees at this time.

B. CONSIDERATION FOR CITY OF SAN GABRIEL TO JOIN A LAWSUIT AS A PLAINTIFF SEEKING TO BLOCK AN ATTEMPT BY THE TRUMP ADMINISTRATION TO EXCLUDE PERSONS BASED ON CITIZENSHIP AND IMMIGRATION STATUS FROM THE 2020 CENSUS COUNT APPORTIONMENT BASE

The presentation was made by City Attorney Keith Lemieux.

The following provided comments in opposition to the City joining the lawsuit: Robert Blundell; Linda Parmenter; and Alice Wong, resident.

The following provided comments in favor of the City joining the lawsuit: Austin Raymundo; and Sean McMorris, resident.

Dr. Chasity Jennings-Nuñez provided comments in favor of the City challenging any attempt to limit the voting strength, representation, or personhood of its residents.

Isela Bowles provided comments recommending that Council Member Pu recuse himself from this item.

City Attorney Lemieux clarified that Council Member Pu does not have a financial interest in this matter due to Common Cause providing the work on this case pro bono; and that there is the potential for some legal costs due to the possibility of related work by staff or the City Attorney's office.

Discussion included concern about potential lawsuits against the City and associated costs; negative impacts to the City and residents if all residents are not counted in the Census; potential legal costs; cost risk of participating in the lawsuit versus the impact a loss of funding would have; multiple other similar lawsuits; what kinds of legal costs might be incurred by the City; whether San Gabriel joins the case or not will not be determinative; fiduciary duty to the residents; risk of reprisal by the Trump Administration; concern about exposure to lawsuits due to perceived conflict of interest; other cities across the country will be considering joining the lawsuit; the City will benefit the same if the lawsuit prevails whether or not it is a party to the action; the option of adopting a resolution of support for the lawsuit; and joining the lawsuit with a cap of \$5000 on expenditure without further City Council approval.

There was a consensus of the City Council to direct staff to prepare a resolution of support for the lawsuit for consideration at the next City Council meeting.

7. PUBLIC COMMENT

Debbie Kilgore provided comments expressing disapproval of the height of a condominium project at 235 S. Arroyo Drive.

8. CITY MANAGER'S REPORT

City Manager Lazzaretto thanked the City Council, Executive Team, staff and the community for their support during the Coronavirus crisis. He clarified that the City's eviction moratorium has expired, but our residents and businesses are still protected by the County's moratorium, which has been extended through the end of September 2020. In closing, he explained that the HEALS Act, which would replace the CARES Act, is going through the federal legislative process, and encouraged everyone who believes that local jurisdictions need federal support to reach out to their Senate and House representatives to urge them to support it.

9. COUNCIL COMMENTS AND CONFERENCE/MEETING REPORTS

Vice Mayor Liao reported on a press conference held by several cities at the County's Supervisor's office to demand fair allocation of the CARES Act funding; and provided an update that the rate increase proposed by Southern California Edison has been postponed to next year.

Council Member Pu thanked his colleagues, the City Attorney's office, and staff for the thoughtful consideration of New Business Item 6B. He reported that he and Mayor Menchaca, as members of the Subcommittee on Equity and Equality Issues, have continued meetings with community members and the business community; that they

will be having the first interfaith meeting with various faith institutions of the community; and will give a status report at the August 18, 2020, City Council meeting.

Council Member Ding thanked the staff and Mayor Menchaca for good meeting efficiency; thanked Community Services/Interim Mission Playhouse Director Perez and staff for their work with the senior meal program; and announced a senior meal distribution provided by the Chiao Tung University Alumni Association of Southern California with food from Ding's Garden Restaurant at the Mission Playhouse at 10:30 A.M. on August 5, 2020.

Council Member Harrington thanked staff for the meeting reports; thanked everyone for the lively discussion; and reminded the community to stay safe.

Mayor Menchaca, with the assistance of Council Member Pu's family members, virtually presented him with a ceremonial gavel and plaque commemorating his term as the 2019-2020 Mayor.

Council Member Pu thanked Mayor Menchaca for the recognition as Outgoing Mayor.

10. CLOSED SESSION – None.

11. ADJOURNMENT

Mayor Menchaca adjourned the meeting at 9:08 P.M.

Respectfully submitted:



JULIE NGUYEN, City Clerk

Approved this 18th day of August, 2020:



DENISE MENCHACA, Mayor