

CITY OF LOS ANGELES

CALIFORNIA

BOARD OF COMMISSIONERS

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EL PUEBLO DE LOS ANGELES HISTORICAL MONUMENT

EDGAR GARCIA
INTERIM GENERAL MANAGER

125 PASEO DE LA PLAZA, SUITE 300
LOS ANGELES, CA 90012

TEL: (213) 485-6855

April 22, 2025

To: Los Angeles City Council
200 N. Main St.
Los Angeles, CA 90012

From: Edgar Garcia, Interim General Manager
El Pueblo de Los Angeles Historical Monument

Subject: Request to Approve a Transfer of Interest for Olvera Street Space C-9

The Board of El Pueblo de Los Angeles Historical Monument (El Pueblo) Commissioners ("Commission") respectfully requests approval of the transfer of interest for Olvera Street Space C-9 (Contract #C-119542) from Olvera Street merchant Bertha Gomez to Olvera Street merchant Felix Munoz ("Assignee") pursuant to Article 12, Section 12.1.1.2 of the Concession Agreement as detailed in the attached report. Attached El Pueblo Board Report 25-0002 was approved by the Commission on April 10, 2025 as detailed in the attached Commission meeting minutes.

Recommendation

The El Pueblo Commission respectfully requests that the City Council approve the transfer of interest and authorize the Interim General Manager with assistance of the Office of the City Attorney to execute an amendment to Concession Agreement #C-119542 to effectuate the transfer in accordance to the attached report.

Fiscal Impact Statement

The approval of the transfer of interest will result in continued departmental rental:

Space C-9: \$891.58 per month + \$24.48 Common Area Maintenance fees:
\$10,992.72 annually.

Edgar Garcia, Interim General Manager
El Pueblo de Los Angeles Historical Monument

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TEL: (213) 485-6855

Report: 25-0002

Date: April 7, 2025

To: Board of Commissioners
El Pueblo de Los Angeles Historical Monument

From: Edgar Garcia, Interim General Manager
Enriqueta Olmos, Real Estate Officer
El Pueblo de Los Angeles Historical Monument

Subject: **Requesting Authority to Execute a Transfer of Interest for Olvera Street
Space C-9 to Olvera Street Merchant Felix Muñoz**

SUMMARY

Bertha Gomez and Felix Muñoz, are current Olvera Street merchants seeking El Pueblo Commission approval for a "Transfer of Interest," available to them under Article 12 of their respective Olvera Street Merchant Concession Agreements. Article 12.1.1.2. of the concession agreement states for a transfer of interest, "merchant to whom assignment is proposed must have been a concessionaire since at least 1999." Both merchants qualify for a transfer of interest transaction owing to this 1999 stipulation.

Felix Muñoz seeks to acquire and control the lease for Olvera Street space C-9 ("Rudy's Mexican Candy Shop") currently operated and managed by Bertha Gomez as a Primary Merchant via Concession Agreement Contract C-119542.

Attached to this document is the "Conditions for a Transfer of Interest" [**Attachment 1**]. Bertha Gomez and Felix Muñoz have demonstrated compliance with all provisions under Article 12 of the Concession Agreement. Communications from both individuals have stated their mutual understanding to transfer the lease for C-9 from Bertha Gomez to Felix Muñoz [**Attachment 2**]. A site plan of Olvera Street identifies where the Olvera Street space ("puesto") is located. [**Attachment 3**]

CONDITIONS FOR A TRANSFER OF INTEREST

El Pueblo staff has spoken with Berta Gomez (transferor/assignor) and Felix Muñoz (transferee/assignee) to review the various conditions required for a Transfer of Interest.

Note that per the Concession Agreement, the involved merchants are required to pay rent to the department at the "Tier 1A" category for at least 12-months. For clarification, please note that Rental Tier 1A was phased-out in 2016 with the adoption of the new Market Rent Framework for years 2016 through 2021.

CONCESSION RENTAL RATE

- **Olvera Street Space C-9**

Bertha Gomez is currently on a twenty-year contract (C-119542) with an option to renew for Olvera Street Space C-9. The contract commencement date was September 16, 2011 with an end date of September 16, 2031.

The current monthly rental rate is \$891.58 + \$24.48 CAM fees.

ADDITIONAL BACKGROUND

-Bertha Gomez currently only has two (2) concession agreements on Olvera Street, the subject Olvera Street Space C-9 and C-29. She has provided full rental payments for Olvera Street Space C-9 and C-29 and owes no back rent or fees.

-Felix Muñoz currently has two (2) concession agreements on Olvera Street (Olvera Street Spaces C-5 and W-14). He has provided full rental payments for Olvera Street Spaces C-15 and W-14 and owes no back rent or fees.

In addition, Felix Muñoz is identified in the concession agreement for Olvera Street Space C-19 as a family member (father) to Primary Merchant Karina Muñoz (daughter). This concession agreement is also current on rent and owes no back rent or fees.

RECOMMENDATION

That the El Pueblo Commission:

- 1) Approve the Transfer of Interest from Bertha Gomez to Felix Muñoz, subject to the City Attorney as to form and legality, in accordance with the Olvera Street Concession Agreement, Section 12.1.1.2, for Contract # C-119542.
- 2) Authorize the General Manager to execute the transfer on behalf of the Commission.

FISCAL IMPACT

Approval of the Transfer of Interest will result in continued department rental revenue as follows:

Space C-9: \$891.58 per month; \$10,698.96 annually.

ATTACHMENT 1**ARTICLE 12. TRANSFER OF INTEREST**

12.1. Prohibitions and Limits on Transfer of Concession Agreement Interests. Merchant shall not involuntarily transfer by operation of law, or voluntarily transfer (either by assignment, use agreement, license or concession) the Concession Agreement or Premises, in whole or in part, nor sublet the use of, or license the use of all or any part of the Premises, except as provided herein.

12.1.1. Transfers of Interest - Conditions. City will consider written requests by Merchant to transfer the Premises or rights and duties of the Concession Agreement consistent with this Article and, after such consideration, may consent to such transfer at its reasonable discretion, as described in Section 12.1.3 below. Notwithstanding this consideration or consent, the proposed transfer will not take effect until all City contracting approvals and formalities are observed, and an amended Concession Agreement is executed by all parties.

12.1.1.1. If Merchant pays Tier One A rent, Tier One B rent or Tier Two rent, then Merchant may make an assignment to an immediate family member (spouse, registered domestic partner, children, adopted children and blood relative in the second degree) provided the Concession Agreement is assigned to, or placed in trust with, a single designee for all concession purposes.

12.1.1.2. If Merchant pays Tier One A rent, Merchant may also make a one-time assignment to another existing Olvera Street merchant (merchant to whom assignment is proposed must have been a concessionaire since at least 1999). However, if Merchant requesting the assignment at any time paid Tier One B rent or Tier Two rent, then said Merchant may only make the one-time assignment described in the preceding sentence if said Merchant paid Tier One A rent for at least 12 consecutive months prior to the requested assignment.

12.1.2. Transfers to Qualified Entities. Any assignment permitted in this Article may be made to a legally formed and legally qualified entity (corporation, limited liability company or partnership) provided that such an assignee includes an assignee authorized by this Article who is the Majority Owner. The Majority Owner must be the day-to-day operator of the concession.

12.1.3. City's Consent. City shall not unreasonably withhold its consent to a proposed transfer of the Concession Agreement or Premises consistent with this Article. The parties hereby agree that City may take into consideration the following in granting or withholding its consent to a requested assignment. City's failure to consent to a transfer otherwise authorized by this Article shall be deemed reasonable as a matter of law where one or more of the following apply:

- (a) Only applicable to an assignment sought to another merchant under Section 12.1. 1.2: The merchant to whom the assignment would be made (the assignee) has made three consecutive late or partial rent payments with respect to other City property including, but not limited to, on Olvera Street, without the City's prior written permission;*
- (b) The merchant to whom assignment is proposed does not possess sufficient financial strength to assure compliance with the Concession Agreement terms;*

- (c) *The merchant to whom assignment is proposed has been convicted, pled guilty, or pled nolo contendere of a crime of moral turpitude, or is engaged in a business which is incompatible with the Monument's business plan or historical significance;*
- (d) *The merchant to whom assignment is proposed intends to use the Premises in manner different from Merchant's use of the Premises allowed under the Concession Agreement;*
- (e) *The Merchant owes the City any monies including, but not limited to, back Rent; or*
- (f) *The transfer of the Concession Agreement or Premises is requested within one (1) year of expiration of the Concession Agreement.*

12.1.4. Improper Transfer. If Merchant agrees, orally or in writing, to transfer, assign, sublet or license any portion of the Premises in any manner inconsistent with this Concession Agreement, then any such transfer, assignment, sublease or license shall be void and be of no legal effect, and the City shall not recognize or grant any rights to any other party relating to said improper transfer, assignment, sublease or license. In the event of such an improper transfer, Merchant shall forfeit any remaining option to extend the term of the Concession Agreement as provided herein-above in Section 1.3, page1. The City may also seek all damages and remedies available under the Concession Agreement and available in law and equity for any such improper transfer. Merchant also shall defend, indemnify and hold harmless City and any and all of City's board, commissions, officers, agents, employees, assigns, and successors in interest and, at the option of City, defend by counsel satisfactory to City, from and against all suits and causes of action, claims, losses, demands, and expenses, including, but not limited to, attorneys' fees and cost of litigation, arising out of or relating to Merchant agreeing to transfer, assign, sublet or license any portion of the Premises. Rights and remedies available to City under this Section are cumulative of those provided for elsewhere in the Concession Agreement.

12.1.5. Re-set to Market Rate. If the City approves a transfer to a merchant pursuant to Section 12.1.1.2, upon the transfer, the Rent due hereunder from transferee re-sets to a market rate. A transfer to a merchant pursuant to Section 12.1.1.2 during the first year after Concession Agreement Commencement Date will result in a Rent due from the transferee at the level set by the Commission on April 1, 2010. Commencing with the second year after Concession Agreement Commencement Date, and each year thereafter through the fifth year, transferee's Rent will be the April 1, 2010 Commission-approved rent, adjusted by the Consumer Price Index for All Items, All Urban Consumers for the Los Angeles-Riverside-Orange County, California Area (1982-84=100) published by the United States Department of Labor, Bureau of Labor Statistics, with a cap on such CPI increase of 5% yearly. Thereafter, for all transfers approved by the City after the first 60 months of this Concession Agreement, transferee's Rent will be computed pursuant to Article 7.

ATTACHMENT 2



Edgar Garcia <edgar.garcia@lacity.org>

C9 Transfer of Ownership, C29 Name Transfer

1 message

BERTHA GOMEZ <rmexicandy@aol.com>

Wed, Jan 29, 2025 at 2:42 PM

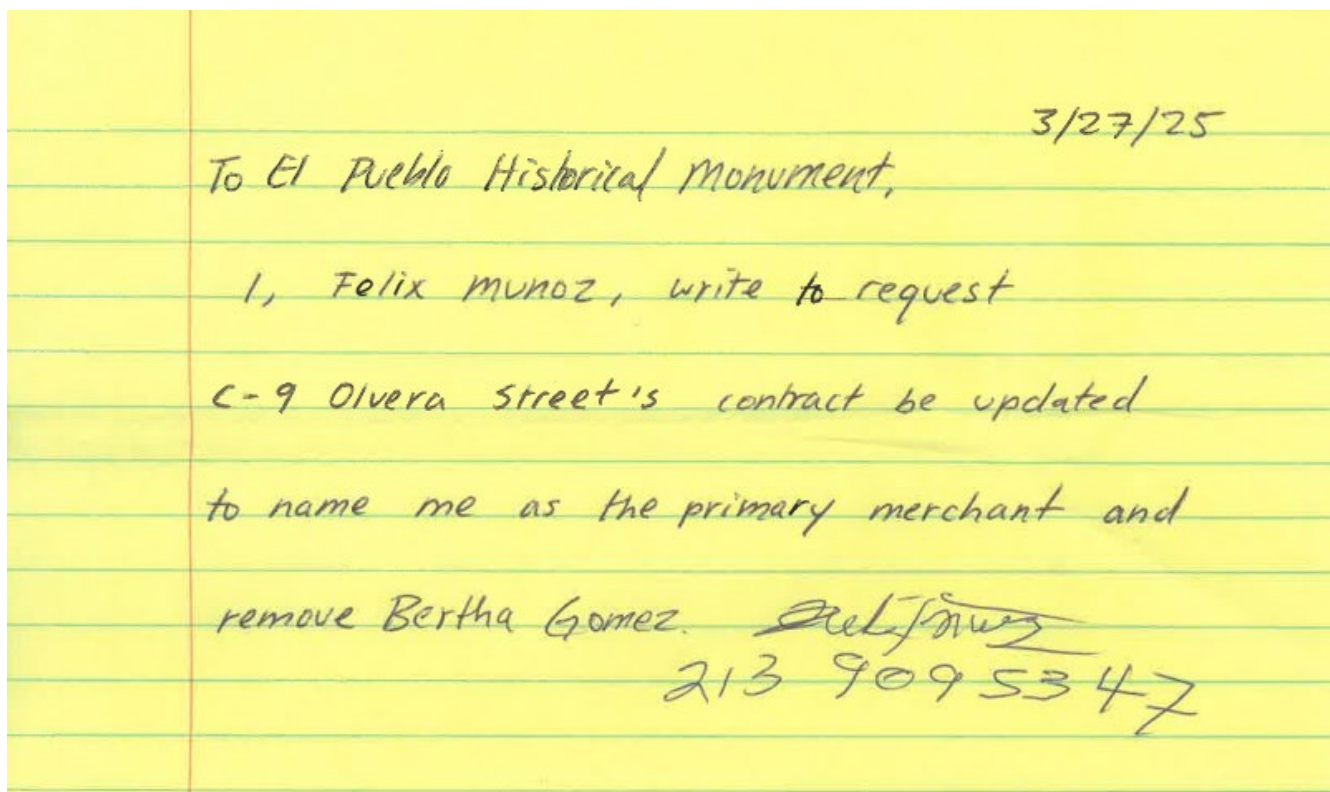
To: Arturo Chavez <Arturo.Chavez@lacity.org>, Edgar Garcia <Edgar.Garcia@lacity.org>

Cc: Joshua.templet@lacity.org

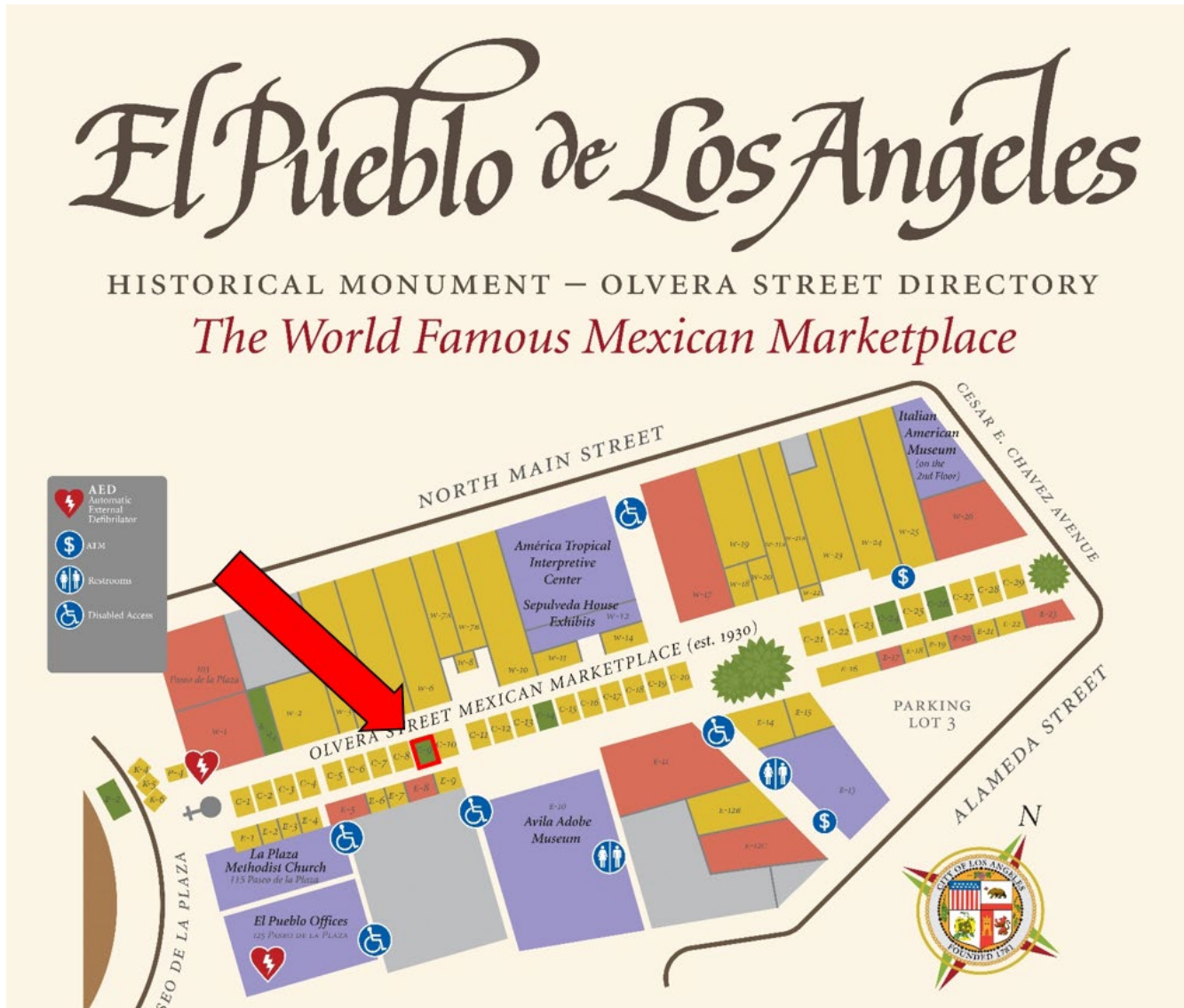
Dear Arturo and Edgar

Can you please start the procedures necessary to transfer ownership of C9 to Felix Munoz, (a qualifying merchant).
Can you also inform me what is requires to change C29 from my name to Rudy's Mexican Candy LLC.

Thank you,
Bertha Gomez



ATTACHMENT 3



Red arrow on map shows location of Olvera Street Space C-9. Note map is not to scale.

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COMMISSION MINUTES **Thursday, April 10, 2025** **2:00 p.m.**

**Members of the public who wish to speak to the Commission during the meeting must submit a "Request to Speak" form to the Board Secretary prior to the commencement of the public comments for each agenda item of interest. Comments by the public on matters not identified on the agenda, but within the subject matter jurisdiction of the Commission will be heard during the item designated as "Public Comments Period." The length of public speaking time is two minutes, unless the presiding officer grants some other amount of time.*

**As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request will provide reasonable accommodation to ensure equal access to its programs, services and activities.*

Sign Language Interpreters, Communication Access Real-Time Transcription (CART), Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days' notice is strongly recommended. For additional information, please contact: Property Management, (213) 485-9777 – voice and TTY.

*The meeting was called to order at: 2:18 PM by **President Perez**. **Commissioners present:** Manriquez, Quon, Ramirez, and Wirfs. **Also present:** Interim General Manager Edgar Garcia, El Pueblo Staff Jasmin Palomera, and Deputy City Attorney Joshua Templet. Commissioners Cardenas, Chu, Matricardi, and Romero were absent.*

Commissioner Perez welcomed those in attendance.

A quorum was established.

Celia Quezada, Edward Flores, Valerie Hanley, and Felix Munoz provided general public comment.

Estefany Garcia, Senior Policy Analyst with the Mayor's Office, gave an update on the partnership between the Mayor's Office and the Olvera Street Merchants Association Foundation (OSMAF) for Blessing of the Animals with Animal Services.

Stephen Rodriguez, representative from Council District 14 (CD14), mentioned Councilmember Ysabel Jurado's visit to El Pueblo in March and that Councilmember Jurado might attend Blessing of the Animals.

Commissioner Cardenas arrived at 2:35 PM.

No updates were provided by the Historic Cultural North Neighborhood Council (HCNNC).

Item 1: General Manager's Report

Mr. Garcia presented the General Manager's Report with visuals for references.

A colorful photograph of El Pueblo was shown on the screen and it was noted that it included Edward Flores's grandmother.

Mr. Garcia shared the requests for proposals for four center puestos and W-4 were posted the previous day.

He informed everyone of possible changes in operating hours for museums at El Pueblo for the next two months.

He mentioned that there were three-hundred twenty-three incidents in March in the security update, primarily acts of vandalism.

Mr. Garcia provided information on Museum visitorship in March totaling approximately 21,400 visitors.

Enriqueta Olmos and Carlos Morales, El Pueblo's Property Management team, presented signs with QR codes for easier access to the RFPs and shared that they are located on the actual puestos that are available.

Mr. Garcia attended the Broad Expansion Project Ground Breaking event at the Broad Museum and mentioned that El Pueblo was mentioned by name by Councilmember Jurado.

Edward Flores, Jim Jang, and Valerie Hanley provided public comment on Item 1.

Item 2: Commission Committee Reports

No update was provided on the Mexican-American/Latino Historical Monuments Ad Hoc Committee.

No Public Comment was provided on Item 2.

Item 3.1: Approval of the El Pueblo Commission Meeting Minutes of March 27, 2025.

Commissioner Wirfs noted a number of corrections to be made.

MOTION: Commissioner Wirfs moved to approve the minutes of March 27, 2025 with amendments. Seconded by Commissioner Cardenas.

Vote on Item 3.1: Cardenas, Y; Manriquez, Y; Perez, Y; Quon, Y; Ramirez, Y; Wirfs, Y. The motion carried.

No Public Comment was provided on Item 3.1.

Item 3.2: Board Report 25-0002: Request for Authority to Execute a Transfer of Interest for Olvera Street Space C-9 to Olvera Street Merchant Felix Munoz from Bertha Gomez

MOTION: Commissioner Quon moved to approve Board Report 25-0002. Seconded by Commissioner Manriquez.

Vote on Item 3.2: Cardenas, Y; Manriquez, Y; Perez, Y; Quon, Y; Ramirez, Y; Wirfs, Y. The motion carried.

No Public Comment was provided on Item 3.2.

Item 3.3: Discussion: Recommendations for Cultural Programming by Commissioners and Partner Organizations

Commissioner Perez mentioned the programming opportunities and possible future events at El Pueblo.

Mr. Garcia shared that DTLA Proud will be hosted at El Pueblo in August 2025.

No Public Comment was provided on Item 3.3.

Commissioner Wirfs left at 3:46 PM.

Item 3.4: Discussion: Substation Building Background and History

To be continued at next Commission Meeting.

No Public Comment was provided on Item 3.3.

Commissioner Manriquez requested an updated contact list of the current Commissioners. Commissioner Quon mentioned a visit to El Pueblo's Offsite Storage facility had not been scheduled yet.

Commissioner Perez adjourned the meeting at 3:48 PM.

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MEETING AGENDA

BOARD OF EL PUEBLO DE LOS ANGELES HISTORICAL MONUMENT AUTHORITY COMMISSIONERS

Thursday, April 10, 2025
2:00 p.m.

Biscailuz Building Gallery
125 Paseo de La Plaza

BASEMENT

NOTICE

Members of the public who wish to comment on an agenda item may speak for up to one minute per item. Members of the public who wish to comment on matters not listed on the agenda and under the jurisdiction of the Commission may offer up to two minutes of general public comment.

The Neighborhood Council representative may provide the Neighborhood Council's formal position (a Community Impact Statement filed with the City Clerk or a written Resolution) regarding any matter listed on the agenda during the Neighborhood Council Comments portion of the agenda (Los Angeles Administrative Code Section 22.819).

AGENDA

WELCOMING REMARKS – Call to order and introductions

ESTABLISHMENT OF QUORUM

GENERAL PUBLIC COMMENT

MAYORS OFFICE REPORT

CITY COUNCIL DISTRICT 14 REPORT

NEIGHBORHOOD COUNCIL REPORT

1. GENERAL MANAGER'S REPORT

- Operations 2024-25
- Security Update
- Visitorship
- Cultural Calendar
- Vision Plan Update
- RFP Update
- Offsite Storage Update
- Commission Business Request Updates
- Partner Updates on Programming and Events

2. COMMISSION COMMITTEE REPORTS

- Mexican-American/Latino Historical Monuments Ad Hoc Committee

3. DISCUSSION AND POSSIBLE ACTION ITEMS

3.1 Approval of the El Pueblo Commission Meeting Minutes from March 27, 2025

3.2 Board Report 25-0002: Request for Authority to Execute a Transfer of Interest for Olvera Street Space C-9 to Olvera Street Merchant Felix Munoz from Bertha Gomez

3.3 Discussion: Recommendations for Cultural Programming by Commissioners and Partner Organizations

3.4 Discussion: Substation Building Background and History

COMMISSION BUSINESS

Comments from Commissioners on Matters within the Commission's Jurisdiction and Requests by Commissioners to Schedule Specific Future Agenda Items.

ADJOURNMENT

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NOTICE TO PAID REPRESENTATIVES – If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See

Los Angeles Municipal Code 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

MISSION STATEMENT

El Pueblo de Los Angeles Historical Monument promotes, safeguards, and preserves the City's birthplace and culturally diverse heritage through the effective management of its commercial and historical resources and events.

Scheduled Meetings: 4/24/25; 5/8/25; 5/22/25, 6/12/25