

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
NOVEMBER 2, 2022**

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Regular Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, November 2, 2022 at 6:30 p.m.

CALL TO ORDER:

Mayor Lo called the meeting to order at 6:30 p.m.

FLAG SALUTE:

City Manager Bow led the flag salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Yvonne Yiu

Council Members Absent: None.

ALSO PRESENT: City Attorney Karl Berger, City Manager Ron Bow, Fire Chief Matt Hallock, City Librarian Diana Garcia, Director of Human Resources & Risk Management Christine Tomikawa, Director of Management Services Martha Garcia, Director of Public Works Shawn Igoe, Interim Police Chief Scott Wiese, Police Lieutenant Paul Yniguez, Police Lieutenant Gustavo Jimenez, Police Lieutenant Bob Hung, Police Lieutenant Brenda Iglesias, Police Office Delon Lam, Officer Tony Nguyen, Officer Izzy Flores, Economic Development Manager Joseph Torres, Planning Manager Jessica Serrano, Public Works Manager Chris Reyes, Acting Building Official Dennis Tarango, Recreation Supervisor Orlando Muro, Assistant Deputy City Clerk Helena Cho, Community Communications Coordinator Randy Ishino

VIRTUALLY PRESENT: Assistant City Manager Inez Alvarez, Director of Recreation & Community Services Robert Aguirre, Housing Consultant Debbie Sottek

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Manager Bow requested an additional staff communication from Economic Development to be heard after Recreation and Community Services Department.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

PUBLIC COMMUNICATIONS

- Nancy Acuri thanked Council Members Liang and Chan, City Clerk Chang and City Treasurer Leon for their service as elected official.
- Vinh Ngo also thanked the outgoing elected officials for their service.

STAFF COMMUNICATIONS

- City Clerk's Office: City Clerk Chang provided a PowerPoint presentation regarding the November 8, 2022 election.
- Fire Department: Fire Chief Hallock presented a short video on safety for deep frying a turkey for Thanksgiving.
- Library Services: City Librarian Garcia presented a PowerPoint on upcoming programs for the library including In-N-Out Burger reading program, Preschool Fair, Kanopy streaming program, brainfuse HelpNow tutoring services, Dungeon and Dragon video game program, in addition to other services and programs.
- Police Department: Interim Police Chief Wiese introduced the City's Police Department N.E.T. Team and presented a PowerPoint presentation on the 2022 POALAC Centurion Awards N.E.T. Team.
- Recreation and Community Service Department: Recreation Supervisor Muro thanked the participated and sponsors of the Health Fair event and invited the community to the upcoming events.
- Economic Development: Economic Development Manager Torres introduced Zac Janetatos, District Manager of Specialty Restaurant, to talk about the renovation and re-grand opening of Luminarias.

1. **PRESENTATION** – None.
Matters listed under presentation are informational content and for discussion only.
2. **OLD BUSINESS** – None.
3. **CONSENT CALENDAR ITEMS NOS. 3A-3F**

Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: City Council approved and adopted Item Nos. 3A, 3B, 3C, 3D, 3E and 3F on Consent Calendar, reading resolutions and ordinances by the title only and waiving further reading thereof.

Motion: Moved by Council Member Chan and seconded by Council Member Liang, motion carried by the following vote:

Ayes: Council Members: Yiu, Chan, Liang, Lo
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

3A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO RECORD A NOTICE OF NUISANCE ABATEMENT LIEN AGAINST CERTAIN PROPERTY IN THE CITY (APN 5254-002-031)

Adopting the resolution attached to the staff report which will allow the City to recover costs, including attorney's fees, incurred the City's abatement of the public nuisance present on certain real property located in the City (APN 5254-002-031) (the "Property") owned by Center Int'l Investments, Inc. ("CII"). The Resolution authorizes recording the associated Notice of Nuisance Abatement Lien in the amount of \$2,665,405.63. This will be the third lien on the Property for the time period of July 1, 2022 and September 30, 2022. After recording this lien, the liens against the Property will total \$8,355.236.17.

CEQA (California Environmental Quality Act):

Adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the action proposed by the proposed resolution would have a significant effect on the environment.

Action Taken: The City Council adopted Resolution No. 2022-R83 to record a Notice of Nuisance Abatement Lien on Consent Calendar.

Resolution No. 2022-R83:

A RESOLUTION AUTHORIZING THE RECORDATION OF A NUISANCE ABATEMENT LIEN AGAINST CERTAIN REAL PROPERTY LOCATED IN THE CITY (APN 5254-002-031)

3B. RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MONTEREY PARK FIREFIGHTERS' ASSOCIATION FOR THE TERM OF JULY 1, 2022 TO JUNE 30, 2023

Representatives of the City of Monterey Park ("City") and MPFFA met and conferred to negotiate the terms and conditions of a new Memorandum of Understanding ("MOU") regarding employment. The parties reached an agreement on an MOU effective July 1, 2022 to June 30, 2023.

Action Taken: The City Council adopted Resolution No. 2022-84 approving a Memorandum of Understanding (“MOU”) between the City of Monterey Park and the Monterey Park Firefighters’ Association (“MPFFA”). The MPFFA represents the Firefighters, Fire Engineers, and Fire Captains in the Monterey Park Fire Department; and authorized budget appropriation of approximately \$337,134 from the General Fund and \$270,000 from the American Rescue Plan Act (ARPA) Funds for the 2022-2023 fiscal year on Consent Calendar.

Resolution No. 2022-R84:

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2022-2023 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK FIREFIGHTERS’ ASSOCIATION

3C. CONSIDERATION OF MAP. NO. 82847 FOR A SINGLE LOT SUBDIVISION (CONDOMINIUM PURPOSES) TO FACILITATE AN TWO-UNIT RESIDENTIAL DEVELOPMENT, LOCATED AT 601 W EMERSON AVE

The proposed Parcel Map was reviewed by the Public Works Director for compliance with applicable law. Except for the required public improvements, it meets all legal requirements. Because the Parcel Map is offering a real property dedication, the Parcel Map must be approved by the City Council per Monterey Park Municipal Code § 20.08.090.

CEQA (California Environmental Quality Act):

The Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines § 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and Class 32 categorical exemption (Infill Development).

Action Taken: The City Council (1) adopted Resolution No. 2022-R85 approving Parcel Map No. 82847; (2) accepted a 15-foot corner radius property line dedication at the northwest intersection of West Emerson Avenue and North Moore Avenue for street and public utility purposes; and (3) authorized the Public Works Director, or designee, to sign Parcel Map No. 82847 on Consent Calendar.

Resolution No. 2022-R85:

A RESOLUTION APPROVING FINAL PARCEL MAP NO. 82847 FOR A TWO-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 601 W EMERSON AVE

3D. HVAC IMPROVEMENTS AT VARIOUS CITY FACILITIES – AWARD OF PUBLIC WORKS CONTRACT TO CARRIER CORPORATION

Per Resolution No. 2022-R32, the Public Works Director solicited bids for the HVAC Improvements at Various City Facilities (HVAC Project), Capital Improvement Project No. 96029. The public bid opening for the HVAC Project was held on October 13, 2022.

Two bids were received: Carrier Corporation and F.M. Thomas Air Conditioning, Inc. Staff recommends that the City Council authorize the City Manager to execute a Public Works contract with Carrier Corporation for the HVAC Project in the amount of \$329,001.00, plus 5% contingency.

CEQA (California Environmental Quality Act):

Since the proposed work is a minor alteration to an existing public facility, this project is Class 1 Categorical Exempt pursuant to the California Environmental Quality Act (CEQA).

Action Taken: The City Council (1) authorized the City Manager to execute a public works contract, in a form approved by the City Attorney, with Carrier Corporation of Industry, CA in the contract amount of \$329,001 for the HVAC Improvements at Various City Facilities project; (2) authorized the Director of Public Works to approve change orders and contingency up to \$16,450, or 5% of the contract amount; and (3) appropriated an additional \$95,451 from the American Rescue Plan Act Fund for this project on Consent Calendar.

3E. MODIFICATION TO AGREEMENT NO. 2077-A WITH MOBILE SOURCE AIR POLLUTION REVIEW COMMITTEE (MSRC) AND PURCHASE OF A CNG ASPHALT TRUCK

The City has a current agreement with the Mobile Source Air Pollution Review Committee (MSRC) for the purchase of CNG bus as part of its 2017 Local Government Partnership Program. Staff recommends City Council approve the repurposing of grant funds to purchase a CNG Asphalt Truck under the MSRC program. If approved, the City would submit a request to the MSRC to modify the project's scope of work and request an extension to complete the purchase of the vehicle and other grant requirements.

Action Taken: The City Council (1) authorized the City Manager or designee to submit a request for modification to Agreement No. 2077-A with Mobile Source Air Pollution Review Committee (MSRC) for the purchase of a CNG Asphalt Truck; (2) authorized the purchase of a CNG Asphalt Truck from PC Loader, through Sourcewell Contract No. 052417-PBL; and (3) appropriated \$327,405 from the AQMD 2766 Subvention Fund (247) for the purchase of this vehicle on Consent Calendar.

3F. PROFESSIONAL SERVICE AGREEMENT WITH AKM CONSULTING ENGINEERS FOR ON-CALL ENGINEERING SERVICES

Staff recommends executing an on-call professional services agreement with AKM Consulting Engineers (AKM) for on-call water and sewer engineering services. AKM is an experienced firm with expertise in planning, design, and construction management of water, recycled water, and wastewater projects.

Through its work on the City's Water Master Plan update, AKM has become a subject matter expert on the City's water system and infrastructure, making them the most qualified firm to meet the City's current needs. Individual task orders assigned to AKM will not exceed \$60,000, however, multiple task orders may be issued

Action Taken: The City Council authorized the City Manager to execute a 3-year professional service agreement with AKM Consulting Engineers, to provide On-Call Engineering Services, in a form approved by the City Attorney on Consent Calendar.

4. PUBLIC HEARING

4A. A PUBLIC HEARING TO CONSIDER INTRODUCTION AND FIRST READING OF AN ORDINANCE (ZONING CODE NO. 22-01) ADDING CHAPTER 21.19 (INCLUSIONARY HOUSING) TO TITLE 21 (ZONING) OF THE MONTEREY PARK MUNICIPAL CODE TO IMPLEMENT THE MONTEREY PARK HOUSING ELEMENT; AND ADOPTION OF A RESOLUTION ESTABLISHING AN IN-LIEU INCLUSIONARY HOUSING FEE CALCULATION

The Monterey Park Housing Element provides that the City Council will consider an inclusionary housing ordinance before the end of 2022. A draft Ordinance and Resolution establishing an in-lieu inclusionary housing fee calculation was prepared for City Council consideration.

The Ordinance (Attachment 1 to the staff report) would encourage the production of affordable units in new housing developments. This is accomplished by several methods, or a combination of methods: (1) require actual construction of affordable units; (2) payment of an in-lieu fee to the City that commensurate with the cost of a the "affordability gap" between the market and affordable rate for the new unit or the construction of off-site affordable units within the City; and/or (3) construction of affordable units at an off-site location within the City.

The Resolution (Attachment 2 to the staff report), establishes an in-lieu inclusionary housing fee calculation. This would equate to the financial impact or "affordability gap" that is created by the Ordinance's inclusionary housing requirements. In-lieu fees would be deposited into an affordable housing trust fund. Separate from the City's General Fund, the affordable housing trust fund monies must be used exclusively for encouraging affordable housing in the City.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*; "CEQA") and its implementing guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, the "CEQA Guidelines"), the proposed Ordinance and Resolution (ZCA 22-01) are exempt from further CEQA review for the following reasons: (1) they will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines § 15060(c)(2)); (2) there is no possibility that the Ordinance or Resolution may have a significant effect

on the environment because any potential, future, housing projects would undergo separate environmental review (CEQA Guidelines § 15061(b)(3)); and (3) the Ordinance and Resolution, by themselves, do not constitute a “project” as defined in the CEQA Guidelines because they involve a policy action that is legislative implementing affordable housing policy and affects prospective future housing development to comply with Housing Element Program 15 (CEQA Guidelines § 15378). The notice of exemption prepared for this project is contained in Attachment 4 to the staff report.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening a public hearing and taking testimonial and documentary evidence;
2. After closing the public hearing and considering the evidence submitted during that public hearing:
 - a. Introduce and waive first reading of Ordinance No. _____ adding Chapter 21.19 (Inclusionary Housing) to Monterey Park Municipal Code Title 21 (Zoning) to implement the Monterey Park Housing Element
 - b. Adopt Resolution No. _____ establishing an in-lieu inclusionary housing fee calculation; and
3. Taking such additional, related, action that may be desirable.

Public Speakers:

- City Clerk Chang received and filed one written communication from Linda Tang who articulated her support for the development and implementation of an inclusionary housing ordinance. She provided her recommendations on changes to the draft ordinance.

Discussion:

- Planning Manager Serrano presented a PowerPoint Presentation for this Agenda Item.

Action Taken: The City Council opened the public hearing at 7:07 p.m. to take testimonial and documentary evidence, closed the public hearing at 7:10 p.m.; The City Council ensued in discussion and provided feedback to staff on changes they would like to see. (1) more information on density bonuses (2) further define the definition of “project” in the draft ordinance to provide a graduated scaled based system of units and percentages of affordable housing (3) provide more information on how the moneys from the trust funds will be utilized. City Attorney Berger suggested adding a sentence at the end of section 21.19.050 subsection A3 of the ordinance “such additional uses may be designated by written resolution” By consensus, the City Council requested that staff bring this item back for further consideration incorporating comments made by the City Council.

4B. PUBLIC HEARING AND ADOPTION OF A RESOLUTION AUTHORIZING THE APPLICATION AND RECEIPT OF GRANT FUNDS FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM THROUGH THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

On August 17, 2022, the California Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for Permanent Local Housing Allocation Program Entitlement funds. This NOFA provides the City with an opportunity to apply for \$1,359,916 in 2019, 2020 and 2021 Permanent Local Housing Allocation (PLHA) Program funds. The PLHA Program provides a permanent source of funding to cities and counties to help meet the unmet need for affordable housing and increase the supply of affordable housing units.

Action Taken: The City Council (1) opened the continued public hearing at 8:16 p.m. to receive testimonial and documentary evidence; (2) after closing the public hearing at 8:17 p.m. with no registered speakers, considered the evidence, adopted Resolution No. 2022-R86 authorizing the City Manager, or designee, to apply for and accept grant funding in the amount of \$1,913,226 from the California Department of Housing and Community Development's Permanent Local Housing Allocation Program; (3) authorized the City Manager, or designee, to prepare and transmit the final documents to the California Department of Housing and Community Development ("HCD"); (4) authorized the City Manager, or designee to execute and submit the Standard Agreement for this grant, including amendments, in a form approved by the City Attorney; (5) authorized the City Manager, or designee to take all actions necessary or desirable implement the proposed Permanent Local Housing Allocation Program five-year plan; (6) and authorized City Manager, or designee to appropriate \$814,496 to the FY22-23 budget.

Resolution No. 2022-R86:

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE AND APPROVE GRANT FUNDS FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM

Motion: Moved by Council Member Liang and seconded by Council Member Yiu, motion carried by the following vote:

Ayes:	Council Members:	Yiu, Chan, Lo, Liang
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

5. NEW BUSINESS

5A. CONSIDERATION AND POSSIBLE ACTION TO READ BY TITLE ONLY, WAIVE FURTHER READING, AND INTRODUCE ORDINANCE AMENDING TITLES 16 AND 17 OF THE MONTEREY PARK MUNICIPAL CODE BY ADOPTING THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND THE MONTEREY PARK AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE; SET PUBLIC HEARING FOR NOVEMBER 16, 2022

Every three years, the State of California adopts new uniform codes that apply to all jurisdictions within California. These are codified in Title 24 of the Code of California Regulations and are commonly referred to as “uniform codes” or the California Building Standards Code (“CBSC”). The 2022 CBSC takes effect on January 1, 2023. California law allows local governments to make limited amendments to the CBSC based upon local climatic, topographical, and geological conditions, or for administrative reasons.

If adopted, the proposed Ordinance would incorporate the uniform codes by reference into the MPMC. Additionally, the Ordinance would make limited amendments to these regulations based upon local conditions.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines, the proposed Ordinance affects commercial development or businesses and is not subject to further review under CEQA for the following reasons: (1) the Ordinance is an action being taken for enhanced environmental protection (14 Cal. Code Regs. § 15308); (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)); and (3) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)). The notice of exemption prepared for this project is contained in Attachment 2.

Public Speakers:

- Phil Ciminelli stated that he is currently working on a project in the City and was concerned how the implementation of the new code updates would affect his proposed project.

Action Taken: The City Council read by title only, waiving further reading, and introducing the proposed Ordinance; and scheduled a public hearing on November 16, 2022 for the second reading and adoption of the ordinance.

Motion: Moved by Council Member Liang and seconded by Council Member Yiu, motion carried by the following vote:

Ayes: Council Members: Yiu, Chan, Lo, Liang
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Ordinance, 1st-Reading:

AN ORDINANCE ADOPTING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL CODE, THE CALIFORNIA FIRE CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA REFERENCED STANDARDS CODE, THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE, MAKING CERTAIN AMENDMENTS BASED UPON LOCAL CONDITIONS; AND AMENDING THE MONTEREY PARK MUNICIPAL CODE TO REFLECT SUCH CHANGES

6. CITY COMMUNICATIONS (CITY COUNCIL)

Council Member Yiu attended the Luminarias Grand Opening. She also attended the Library Foundation Dinner Celebrating outgoing Council Members Liang and Chan for their service to the city. Proceeds for the event went to the city's Library.

Council Member Chan attended Monster Mash, Luminarias Grand Opening, Coffee with the Cops, and a Round Table hosted by Assembly Member Mike Fong along with community leaders discussing the ongoing hate crimes against those who are of Asian-American decent. He thanked everyone that came to the Library Foundation Dinner celebrating his time as a Monterey Park City Council Member.

Council Member Liang thanked everyone who attended the Library Foundation Dinner celebrating his time as a Monterey Park City Council Member.

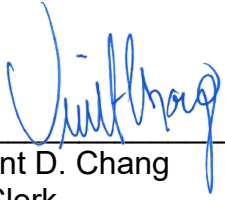
Mayor Lo reported that he attended the Centurion Awards that was presented to the Monterey Park Police Department's N.E.T. Team. He also attended the Monster Mash, Library Foundation Dinner celebrating Council Member Chan and Liang for their service to the city, and a Round Table hosted by Assembly Member Mike Fong along with community leaders discussing the ongoing hate crimes against those who are of Asian-American decent. He suggested everyone in attendance sing Happy Birthday to Council Member Yiu.

7. FUTURE AGENDA ITEMS – None.

8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)
None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:35 p.m.



Vincent D. Chang
City Clerk

Approved on November 16, 2022 at the Regular City Council Meeting