MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
NOVEMBER 6, 2019

The City Council 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 6, 2019 at 7:00 p.m.

The minutes include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

CALL TO ORDER:
Mayor Liang called the meeting to order at 7:00 p.m.

FLAG SALUTE:
The Monterey Park Fire Explorers

ROLL CALL:
City Clerk Vincent Chang called the roll:

Council Members Present:	Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, Teresa Real Sebastian
Council Members Absent:	None

ALSO PRESENT: City Manager Ron Bow, City Attorney Mark Hensley, City Treasurer Joseph Leon, Assistant City Attorney Karl Berger, Fire Chief Scott Haberle, Police Chief Jim Smith, Director of Management Services Annie Yaung, Director of Public Works Mark McAvoy, Director of Recreation & Community Services Inez Alvarez, Director of Human Resources and Risk Management Tom Cody, City Librarian Diana Garcia, Building Official Tim Tran, Deputy Fire Marshall Chris Gomez, Deputy City Clerk Cindy Trang

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS
None.

ORAL AND WRITTEN COMMUNICATIONS

- Sarkis Antonian asked about election districting and requested the City Council to provide research to the public.

- Nancy Arcuri spoke about Mayor Pro Tem Ing's car accident that happened in 2013 and requested clarification.

- David Barron asked what the city's plan was for the Lunar New Year Event and encouraged the City Council to consider a community event at Barnes Park for the Lunar New Year.

- Paul Isozaki discussed the credentials of Council Members Ing and Real Sebastian and questioned the credential of the other Council Members. Judy Isozaki yielded her speaking time.

- Maychelle Yee said that the recall efforts are still ongoing and encouraged residents to call and they will go to their homes to obtain signatures.

- Damian Joa said he would like the Council to move forward with District Elections and is in favor of District 2, 3 and 4 for March 3, 2020.

1. PRESENTATION

None.

2. OLD BUSINESS

2A. RESOLUTION DECLARING THE MONTH OF NOVEMBER AS "MOVEMBER" TO RAISE AWARENESS TO PROSTATE AND OTHER MALE CANCERS

The Movember Foundation is the leading global organization committed to changing the face of men's health. The Movember community has raised $800 million to date and funded over 1,200 programs in 21 countries. This is saving and improving the lives of men affected by prostate cancer, testicular cancer and mental health problems.

The Foundation challenges men to grow moustaches during Movember (formerly known as November), to spark conversation and raise vital funds for its men's health programs. To date, over 5 million moustaches have been grown worldwide.

The mustaches are a symbol to promote awareness regarding men's health issues and encourage yearly checkups regarding prostate and testicular cancer. The growth of a new moustache prompts a conversation, which in turn generates awareness and educates people on the health issues men face.

The Vision of the Movember Foundation is to have an everlasting impact on the face of men's health.

Action Taken: The City Council adopted Resolution No. 12116 declaring the month of November as "Movember."

Motion: Moved by Council Member Lam and seconded by Council Member Real Sebastian motion carried by the following vote:

Ayes:	Council Members:	Real Sebastian, Ing, Lam, Liang, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 12116, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE MONTH OF NOVEMBER AS "MOVEMBER," AN ANNUAL EVENT INVOLVING MEN GROWING MOUSTACHES DURING THE MONTH TO RAISE AWARENESS OF PROSTATE CANCER AND OTHER MALE CANCER AND ASSOCIATED CHARITIES

2B. MARCH 3, 2020 ELECTION MATTERS

"Preserving the integrity of the electoral process, preventing corruption, and sustaining the active, alert responsibility of the individual citizen in a democracy for the wise conduct of government are interests of the highest importance." The current sitting City Council engaged in a 15-month process (including seven public hearings, several noticed meetings, and numerous discussions) which concluded in May 2019 with the Council deciding to switch from an at-large to a district- based Council Member election process in compliance with the California Voting Rights Act ("CVRA"). This was intended to avoid a likely successful and very expensive legal challenge to the City's at-large election process. Switching back to an at-large election, even if it is just for one election cycle, just days before the nomination period opens for candidates to begin qualifying to run for City Council is extremely risky from a legal perspective and very likely indefensible. In fact, it could result in a court imposing its own district-based process upon the City either before or after the March 2020 election, and the potential invalidation of the March election results if the Council switches back to an at-large process.

More specifically, as to Item No. 2(a) (of City Council recommendation), it does not appear that findings can be made to support adoption of an urgency ordinance. The City's administrative record developed over 15-months for transitioning from at-large to district elections clearly shows that changing back to at-large elections would expose the City to significant liability under the CVRA and Civil Rights law. It does not appear that there is any legitimate basis to defend against a potential challenge to such an urgency ordinance. If it loses a legal challenge, the City would pay not only for its own defense costs but also those of the prevailing party. Taking the action in Item No. 2(a) is contrary to existing law and to the main reason that the entire City Council commenced implementing (and the majority of the City Council approved) the district election process.

The same legal issues also arise regarding Item No. 2(b) (of City Council recommendation): if the City Council repealed district elections pursuant to Item No. 2(a), the City could be immediately sued by persons asserting that such action constitutes CVRA and Civil Rights violations. This is true even though on October 16th the Council majority discussed the potential that the City would return to district-based elections in the future and give voters the chance to decide the sequence of district elections. Because three City Council seats are up for election in March 2020, the current Council cannot commit the next City Council to take such an action. In addition to the legal risks identified above (as explained below in detail), if the City reverts back to at-large voting it must restart the process for switching back to district-based voting (which requires at least four public hearings). There is insufficient time to complete this process for the March 2020 election as the cutoff date for placing matters on the ballot is December 6, 2019. Finally, there are 10 different potential combinations for sequencing the district elections. This would require 10 different ballot questions to determine which option the electorate prefers (the ballot measure receiving the most votes would prevail). A cost estimate for these 10 ballot propositions is approximately $230,000 (County fees to place on ballot), plus staff and legal costs.

Accordingly, it is strongly recommended that the Council only take the action in Item No. 1 (of City Council recommendation).

Public Speakers:

- Margaret Leung spoke about Measure EE, districting and sequencing for the March 3, 2020 election, and potential litigations. She stated the Council is not following the will of the people.

- Barbara Ngai spoke in support of moving forward with district election to minimize potential litigations.

- Kathy Ko spoke in support of district election citing waste of time and resources, and encouraged the Council to move forward.

- Hannah Wong spoke in support of district election and stated that switching back to at-large would be a waste of time and resources.

- Howard Yao stated that reverting back to an at-large election would be a waste of time, resources and would make the city vulnerable to potential lawsuits.

- Nancy Arcuri elaborated on the letters from Shenkman and provided her interpretation of the City Councils actions for converting to district based election and how the sequencing was selected.

- Joseph Leon, resident, encouraged the City Council to revert back to at-large election and commented that the 2020 census is coming and will require redistricting.

- Tammy Louie spoke about Mayor Pro Tem Ing's and Council Member Real Sebastian's contributions to the city and asked the other Council Members to speak about their contributions to the city.

- David Barron said that he is disappointed in the timing of the distribution of the staff report. He said that he has confidence in each council member and their contributions to the community.

- Jeshow Yang stated that he supports district election and that going back to at-large elections would be a waste of time and resources.

- Maychelle Yee suggested moving the election to November 2020 which will allow for a better voter turnout. Wendi Horwitz yielded her speaking time.

- Ricardo Porras said that he wanted the district and sequencing to be voted on in the March 2020 election and to vote for council member seats in the November 2020 election.

- Ron Yorizane spoke in opposition of the current district sequence.

- Deborah Iwamoto spoke about the abuse of discretion and stated she would like the district election sequence to be up for vote in the March 2020 Election.

- Patrick Mangto communicated that this is the right time to have new blood on the council and encouraged everybody to be civil.

- Bill Lam voiced his support of placing a measure regarding district voting on the ballot.

- Paul Isozaki encouraged moving the election to November citing low voter turnout in March. He stated he would like to place the sequencing for vote in the March election or changing the sequence to 1, 2 and 5.

- Evelyn Moreno expressed that she was fine with the district voting but disagreed with the way the sequencing was determined.

- Sarkis Antonian spoke about district voting and absentee votes.

- Henry Lo stated he supports the adoption of district elections and urged the council to do what is best for the city.

- Lorraine Martinez spoke about what transpired at the April 17, 2019 Council Meeting regarding district maps and sequencing.

Discussion: City Council discussed opening the floor to allow public speakers an additional 2 minutes to speak on the agenda item.

Action Taken: To open the floor to everyone and allow an additional 2 minutes to speak.

Motion: Moved by Council Member Real Sebastian and seconded by Mayor Pro Tem Ing, motion failed by the following vote:

Ayes:	Council Members:	Real Sebastian, Ing
Noes:	Council Members:	Chan, Lam
Absent:	Council Members:	None
Abstain:	Council Members:	Liang

- Dan Martinez inquired if the situation would have been different if the Mayor did not change the motion on April 17, 2019 Council Meeting.

- City Clerk Chang read into the records written communications in support of district elections from Jeshow Yang, Howard Yao, Eric Wat, Thomas Wong, Jeff Schwartz and Travis Kaya; opposition of district election from Doris Tsai and Roland Yee.

Recommendation: Pursuant to its direction on October 16, 2019, it is recommended that the City Council consider:

(1) Adopting a resolution adding a question to the ballot for the previously called general municipal election on March 3, 2020 in accordance with Monterey Park Municipal Code ("MPMC") § 2.04.080 to elect members of the City Council from Council Districts 2, 3, and 4;

(2) Alternatively, but not recommended, the City Council may consider:

(a) Adopting an urgency ordinance repealing district-based elections and to reinstate at-large elections for the March 2020 general municipal election;

(b) Adding a proposition to the March 3, 2020 ballot which proposes district elections on a go forward basis after the March 3, 2020 Ballot (primarily for the purpose of allowing the electorate to choose the election sequencing of future district elections); and/or;

(3) Take such additional, related, action that may be desirable.

Action Taken: The City Council made a motion to (1) adopt an urgency ordinance repealing district-based elections and to reinstate at-large elections for the March 2020 general municipal election; (2) adding a proposition to the March 3, 2020 ballot which proposes district elections on a go forward basis after the March 3, 2020 Ballot (primarily for the purpose of allowing the electorate to choose the election sequencing of future district elections).

Motion: Moved by Council Member Lam, and seconded by Council Member Real Sebastian motion failed due to the need of a 4/5 vote, by the following vote:

Ayes:	Council Members:	Lam, Real Sebastian, Ing
Noes:	Council Members:	Chan, Liang
Absent:	Council Members:	None
Abstain:	Council Members:	None

Draft Ordinance, entitled;
AN URGENCY ORDINANCE REPEALING ORDINANCE NO. 2160 AND REINSTATING AT-LARGE ELECTIONS FOR CITY COUNCIL

Action Taken: The City Council made a motion to adopt a Resolution adding a question to the ballot for previously called general municipal election on March 3, 2020 in accordance with Monterey Park Municipal Code ("MPMC") § 2.04.080 to elect members of the City Council from Council Districts 2, 3, and 4.

Motion: Moved by Mayor Liang and seconded by Council Member Chan motion failed by the following vote:

Ayes:	Council Members:	Chan, Liang
Noes:	Council Members:	Real Sebastian, Ing
Absent:	Council Members:	None
Abstain:	Council Members:	Lam

Draft Resolution entitled:
A RESOLUTION ADDING A QUESTION TO THE BALLOT REGARDING CITY COUNCIL ELECTIONS FOR THE PREVIOUSLY CALLED GENERAL MUNICIPAL ELECTION ON MARCH 3, 2020

EXTENSION OF COUNCIL MEETING

Action Taken: The City Council extended the council meeting to 12:00 a.m.

Motion: Moved by Council Member Real Sebastian and seconded by Mayor Liang, motion carried by the following vote:

Ayes:	Council Members:	Chan, Lam, Real Sebastian, Ing, Liang
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

RECESSED AND RECONVENED
The City Council recessed at 11:05 p.m. and reconvened with all council members present at 11:14 p.m.

3. CONSENT CALENDAR ITEMS NOS. 3A-3C
Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Items Nos. 3A-3C, reading resolutions and ordinances by the title only and waiving further reading thereof.

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

Ayes:	Council Members:	Real Sebastian, Ing, Liang, Lam, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

3A. WARRANT REGISTER FOR THE CITY OF MONTEREY PARK OF NOVEMBER 06, 2019

Disbursements will be made from the funds referenced in the attached Resolution in Warrants Numbered 325573-325769 and ACH numbered 000918-000951.

Action Taken: The City Council approved payment of warrants and adopted Resolution No. 12117 allowing certain claims and demands per Warrant Register dated November 06, 2019 totaling $1,266,993.48 specifying the funds out of which the same are to be paid on Consent Calendar.

Resolution No. 12117, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED 6TH OF NOVEMBER 2019 TOTALING $1,266,993.48 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

3B. CALIFORNIA LAW ENFORCEMENT RECORDS AND SUPPORT SERVICES DAY

The Monterey Park Police Department is celebrating California Law Enforcement Records and Support Personnel Day on Tuesday, November 12th, 2019. This day, sponsored by the California Law Enforcement Association of Records Supervisors (CLEARS) is celebrated annually. It honors the thousands of men and women who are depended upon by law enforcement and the public for their vital role that they play to the law enforcement system. We are enlisting your support in the form of a resolution to honor these men and women for the work they do every day to protect the residents of Monterey Park.

Action Taken: The City Council adopted Resolution No. 12118 declaring Tuesday November 12, 2019 to be Law Enforcement Records and Support Personnel Day on Consent Calendar.

Resolution No. 12118, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA DECLARING TUESDAY, NOVEMBER 12TH, 2019 LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL DAY IN MONTEREY PARK

3C. AUTHORIZE PURCHASE OF FORD RANGER XL 2WD SUPERCAB UTILITY TRUCK AND EMERGENCY EQUIPMENT

The 2019-20 budget includes $50,000.00 for the replacement and conversion/up-fitting of one parking enforcement vehicle for the Traffic Bureau of the Police Department. Staff researched optional vehicles and determined the 2020 Ford Ranger XL 2WD SuperCab Utility Truck is the best replacement choice as this vehicle meets the Police Department's needs. As such, Staff recommends the purchase of one 2020 Ford Ranger XL 2WD Supercab Utility Truck with appropriate emergency equipment.

Action Taken: The City Council (1) waived bidding requirements pursuant to Monterey Park Municipal Code Section 3.20.050(5) and authorized the City Manager or designee to execute a contract with Wondries Fleet Group, in a form approved by the City Attorney, for the purchase of one, 2020 Ford Ranger XL 2WD SuperCab Utility Truck through Wondries Fleet Group; (2) Authorized the City Manager or designee to execute a contract in a form approved by the City Attorney for the conversion/up-fitting of one 2020 Ford Ranger XL 2WD SuperCab Utility Truck through West Coast Lights and Sirens; and (3) Authorized the City Manager or designee to execute a contract with Bearcom / Motorola Solutions, in a form approved by the City Attorney, for the purchase of one Motorola APX 8500 All Band Police Radio for the 2020 Ford Ranger XL 2WD SuperCab Utility Truck through Bearcom / Motorola Solutions on Consent Calendar.

4. PUBLIC HEARING
None.

5. NEW BUSINESS

5A. ORDINANCE AMENDING TITLES 16 AND 17 OF THE MONTEREY PARK MUNICIPAL CODE BY ADOPTING THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE AND THE MONTEREY PARK AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE

The 2019 California Building Standards Code takes effect on January 1, 2020 ("CBSC"). These are part of the uniform codes imposed by the California Legislature every three years via Title 24 of the California Code of Regulations. Health and Safety Code §17958 allows local governments to amend the CBSC based upon local climatic, topographical, and geological conditions, or for administrative reasons.

The Public Works and Fire Departments are proposing amendments to the Monterey Park Municipal Code relating to building code regulations for the purpose of complying with State requirements and to update current administrative and technical standards. The last code adoption with amendments to the Monterey Park Municipal Code relating to building code regulations was November 16, 2016.

This ordinance would amend portions fo the proposed 2019 CBSC and adopt the 2019 Edition of the CBSC.

Action Taken: The City Council waived further reading, and introduced an ordinance Title 16 and 17 of the Monterey Park Municipal code for adoption and scheduled a public hearing on November 20, 2019 for the second reading and adoption of the Ordinance.

Motion: Moved by Mayor Liang and seconded by Councilmember Real Sebastian motion carried by the following vote:

Ayes:	Council Members:	Real Sebastian, Ing, Lam, Liang, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Ordinance - 1st Reading, entitled:
AN ORDINANCE ADOPTING THE 2019 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 BUILDING STANDARDS ADMINISTRATIVE CODE, AND THE 2018 EDITION OF THE INTERNATIONAL POOL AND SPA CODE; MAKING CERTAIN AMENDMENTS BASED UPON LOCAL CONDITIONS; AND AMENDING THE MONTEREY PARK MUNICIPAL CODE TO REFLECT SUCH CHANGES

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Council Member Chan appointed Annie Park to the Community Participation Committee.

Council Member Lam had nothing to report.

Council Member Real Sebastian asked the City Manager about non-profit organizations using the Langley Senior Citizen Center's address and using city resources.

Mayor Pro Tem Ing stated he attended an event about civil rights for people with disabilities.

Mayor Liang had nothing to report.

7. CLOSED SESSION

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 11:40 p.m.

Vincent D. Chang
City Clerk

Approved on February 5, 2020 at the Regular City Council Meeting