

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
NOVEMBER 20, 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 20, 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 7:06 p.m.

FLAG SALUTE:

The Monterey Park Police 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, Assistant City Attorney Berger, City Treasurer Joseph Leon, 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, Senior Planner Samantha Tawasart, Fire Marshall Chris Gomez, Deputy City Clerk Cindy Trang

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

Mayor Liang commented on the tragic auto pedestrian accident resulting in the death of Joshua Madrid and asked for a moment of silence.

City Manager Bow requested Item No. 3E be heard before Old Business items and clarified that Item No. 3E is a Public Hearing item and should be moved to be placed under Public Hearing as Item No. 4A.

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

ORAL AND WRITTEN COMMUNICATIONS

- Nancy Arcuri expressed her opinion about the recall organization's conduct at the November 6, 2019 City Council Meeting. She stated the City Attorneys did a great job explaining their staff report about the district map issues and stated that the district boundary lines may be remapped after the 2020 Census.
- Paul Isozaki encouraged the residents to turn in the recall petitions and spoke about the sequencing for the district election.
- Bill Lam stated that he was disappointed a measure for district sequencing was not placed on the March 3, 2020 election.
- Shazia Hoq, member of the Greater Monterey Park Chamber of Commerce, discussed the potential effects that increased sale tax would have on small business owners and requested the City Council to not take action on Agenda Item No. 2C.
- Vincent Chang talked about Joshua Madrid's accident and stated the intersection of Atlantic Boulevard and Newmark Avenue is very dangerous and encouraged the Council to revisit the intersection and take mitigation measures.

1. PRESENTATION

1A. SOUTHERN CALIFORNIA GAS CO. PRESENTATION ON RENEWABLE NATURAL GAS – BALANCED ENERGY

Helen Romero Shaw, Public Relation Representative for South California Gas Company, requested the City Council to consider adopting a resolution promoting and supporting balance energy, local. She was available for questions.

Action Taken: By consensus the City Council directed staff to research all the legislation about the elimination of gas, limiting sources of energy and to report back to the City Council for discussion at a future City Council Meeting.

2. OLD BUSINESS

2A. CONSIDERATION OF A DRAFT LAND USE ELEMENT (LUE) OF THE GENERAL PLAN, FINAL ENVIRONMENTAL IMPACT REPORT, AND FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

On October 28, 2019, the City Council considered both the Draft Environmental Impact Report and the LUE. The staff report from that meeting is attached to the staff report for reference. Following the public hearing, the City Council made the following changes to the draft LUE:

- Reduced the Housing Overlay to the portions of South Atlantic boulevard, between Avenida Cesar Chavez and Brightwood Street (Figure LUE-3);
- Added a new Housing Overlay to portions of Corporate Center Drive (100 du/ac, 125 feet)(Figure LUE-3 and Table LUE-1); and
- Increased the Market Place height allowance to 80 feet (Figure LUE-4)

These changes were incorporated into the draft LUE for review and consideration. However, with regard to the new Corporate Center Drive Housing Overlay, the record is unclear as to the proposed limits of the Overlay zone in relation to Corporate Center Drive, e.g., whether the Overlay zone will be limited to the east side of Corporate Center Drive, or whether it will include both the east and west sides of Corporate Center Drive. Consequently, staff prepared two maps – Land Use Policy Map 1 (which limits the Overlay zone to the east side of Corporate Center Drive) and Land Use Policy Map 2 (which includes both the east and west sides of Corporate Center Drive into the proposed Overlay zone) – and requests further clarification from Council as to which map accurately depicts Council's direction.

This item was heard after Agenda Item No. 3E.

Public Speakers:

- Brian Uarica, Public Storage, spoke in support of the Agenda Item.
- David Barron, stated there was not enough public outreach and spoke against the Agenda item.

Discussion: The City Council discussed rescheduling the December 4, 2019 regular meeting to December 5, 2019 as a special meeting.

Action Taken: The City Council rescheduled the December 4, 2019 regular meeting to December 5, 2019 as a special meeting.

Motion: Moved by Council Member Lam and seconded by Mayor Pro Tem Ing 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

Recommendation: (1) Adopting a Resolution adopting the Land Use Element (subject to voter approval); certifying the Final Environmental Impact Report; and adopting Mitigation Measures, Findings of Facts and Statement of Overriding Considerations for the Land Use Element; and (2) Take such additional, related, action that may be desirable.

Action Taken: By consensus the City Council deferred this agenda item to December 5, 2019 Special Meeting.

Draft Resolution, entitled:

A RESOLUTION CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MONTEREY PARK FOCUSED GENERAL PLAN UPDATE – MONTEREY PARK 2040, AND ADOPTING – SUBJECT TO VOTER RATIFICATION – AN UPDATED LAND USE ELEMENT TO THE MONTEREY PARK GENERAL PLAN

RECESSED AND RECONVENED

The City Council recessed at 8:45 p.m. and reconvened with all council members present at 8:59 p.m.

2B. CONSIDERATION AND DIRECTION REGARDING PLACING A PROPOSITION ON THE MARCH 3, 2020 BALLOT TO ADOPT THE LAND USE ELEMENT TO THE MONTEREY PARK GENERAL PLAN

In 1982, voters adopted Measure L which is codified in Monterey Park Municipal Code (“MPMC”) Chapter 21.42. With some exceptions, Measure L generally requires that amendments to the land use element of the Monterey Park General Plan, zoning map, or zoning regulations be approved by voters.

A separate item on tonight’s recommends that the City Council adopt the pending 2040 Land Use Element (“LUE”) subject to voter approval. This item gives the City Council an opportunity to craft the ballot proposition for the LUE. Among other things, the City Council should consider including language in the ballot proposition that delegates authority to the City Council to adopt zoning regulations that implements the LUE. It may also want to consider asking voters to delegate authority to the City Council to amend the LUE and zoning regulations in the future without the need for placing matters on the ballot. This may be particularly important in light of the volume of land use regulations being imposed by the California Legislature upon local jurisdictions. These new rules will generally become effective on January 1, 2020 and will likely require the City Council to consider a number of different amendments to City’s General Plan including the Housing Element and LUE along with corresponding changes to the MPMC’s zoning regulations. Beyond such state-imposed requirements, there may be policy reasons why it would be in the public interest to allow the City Council to exercise broader land use authorities to help accelerate economic growth.

Public Speaker:

City Clerk Chang read into the record a written communication from Alfred Fraijo Jr. on behalf of Sheppard, Mullin, Richter & Hampton LLP, in support of a ballot proposition that delegate's authority to the City Council to adopt updated zoning regulations.

Action Taken: The City Council by consensus (1) received and filed the report; (2) provided direction to the City Manager regarding drafting a ballot proposition for consideration on the December 4, 2019 City Council meeting as amended by directing staff to draft ballot proposition to address at least three substantive issues: (a) ratification of the City Council's action in approving the LUE; (b) authorizing the City Council to implement that LUE by adopting applicable zoning regulations; and (c) ratifying the City Council's previous land use decisions made in accordance with the current LUE and MPMC and options for authorizing the City Council to amend the LUE and zoning regulations without the need for voter approval upon a specific percentage i.e., 4/5s, 5/5s vote, of the City Council and to report back to the City Council at the December 5, 2019 Special Meeting.

2C. BALLOT PROPOSITION TO IMPOSE A ¾ CENT SALES TAX FOR GENERAL MUNICIPAL PURPOSES

At the September 4, 2019 City Council meeting, the Council directed staff to draft documents relating to a potential ballot proposition for increasing the City's sales tax. That sales tax proposition, if approved by the City Council, would be placed on the March 3, 2020 ballot.

As previously explained, were voters to improve an increase of ¾% in local sales taxes, the City would increase annual sales tax revenues by approximately \$4,000,000. The draft ballot proposition would be for a general tax; accordingly, it would require a majority of voters to approve the proposition.

A copy of the September 4, 2019 staff report is attached to the staff report for reference.

In considering the matter since September, staff also thought that the City Council may wish to consider whether to place an advisory measure onto the ballot. That proposition would only an advisory action; it would not be legally binding on the City and the tax revenue could still be used for any lawful municipal purpose. However, it would state the voters' intent regarding how the City should spend new tax revenue.

CEQA (California Environmental Quality Act):

This action is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it

establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Proposition does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

This item was heard after Agenda Item No. 3F.

Action Taken: The City Council (1) adopted Resolution No. 12120 placing a proposition on the March 3, 2020 ballot which, if adopted by a majority of voters, would impose a general sales tax; (2) adopted Resolution No. 12121 placing an advisory proposition on the March 3, 2020 ballot which, if adopted by a majority of voters, would express the voters' preference regarding how new tax revenue should be spent. If adopted, this advisory measure would not be legally binding upon the City as amended to change the first paragraph of Exhibit "A" to the resolution to add language to state "3/4 cent sales tax increase be spent, in addition to and not a substitution for other budgeted funds, on the public projects identified below."; (3) The City Council did not determine to designate person(s) for filing an argument favoring the ballot proposition(s); (4) adopted Resolution No. 12122 requesting that the City Attorney prepare an impartial analysis for the ballot measure(s); (5) adopted Resolution No. 12123 establishing regulations for ballot arguments.

Motion: Moved by Council Member Real Sebastian, and seconded by Mayor Pro Tem Ing 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

Resolution No. 12120, (General Sales Tax) entitled:

A RESOLUTION ADDING A PROPOSITION TO THE BALLOT FOR THE PREVIOUSLY CALLED MARCH 3, 2020, REGULAR MUNICIPAL ELECTION PURSUANT TO ELECTIONS CODE § 9222

Resolution No. 12121, (Advisory Proposition) entitled:

A RESOLUTION ADDING AN INITIATIVE MEASURE TO THE BALLOT FOR THE PREVIOUSLY CALLED MARCH 3, 2020 ELECTION PURSUANT TO ELECTIONS CODE § 9222

Resolution No. 12122, entitled:

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSITION AUTHORIZING IMPOSITION OF A THREE-QUARTER CENT TRANSACTIONS AND USE TAX (SALES TAX) TO FUND GENERAL MUNICIPAL SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

Resolution No. 12123, entitled:

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR THE GENERAL ELECTION ON MARCH 3, 2020

EXTENSION OF COUNCIL MEETING

Action Taken: The City Council made a motion to extend the council meeting to 11:30 p.m.

Motion: Moved by Mayor Liang and seconded by Mayor Pro Tem Ing, 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

Action Taken: The City Council made a motion to extend the council meeting to 11:45 p.m.

Motion: Moved by Councilmember Real Sebastian and seconded by Mayor Pro Tem Ing, 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

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.

This item was heard after Agenda Item No. 2B.

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Items Nos. 3A, 3B, 3C, and 3D, and excluding Item No. 3F which was pulled and heard as a Public Hearing item. Item No. 3E was heard after Item No. 1A.

Motion: Moved by Council Member Real Sebastian and seconded by Mayor Pro Tem Ing 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

3A. WARRANT REGISTER FOR SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY OF NOVEMBER 20, 2019

Disbursements will be made from the funds referenced in the attached Resolution to the staff report in Warrants Numbered 384.

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved payment of warrants and adopted Resolution No. SA-175 of the Successor Agency to the former Monterey Park Redevelopment Agency allowing certain claims and demands per warrant register dated November 20, 2019 totaling \$21.22 and specifying the funds out of which the same are to be paid on Consent Calendar.

Resolution No. SA-175, entitled:

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (SA) ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED 20th OF NOVEMBER 2019 TOTALING \$21.22 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

3B. WARRANT REGISTER FOR THE CITY OF MONTEREY PARK OF NOVEMBER 20, 2019

Disbursements will be made from the funds referenced in the attached Resolution to the staff report in Warrants Numbered 325770-325932 and ACH numbered 000952-000982.

Action Taken: The City Council approved payment of warrants and adopted Resolution No. 12119 allowing certain claims and demands per Warrant Register dated November 20, 2019 totaling \$1,061,085.94 specifying the funds out of which the same are to be paid on Consent Calendar.

Resolution No. 12119, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED 20TH OF NOVEMBER 2019 TOTALING \$1,061,085.94 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

3C. MONTHLY INVESTMENT REPORT – OCTOBER 2019

As of October 31, 2019 invested funds for the City of Monterey Park is \$86,134,727.42.

Action Taken: The City Council received and filed the monthly investment report on Consent Calendar.

3D. MINUTES

Approve the Minutes from the Regular Meetings of August 21, 2019, September 4, 2019, and September 18, 2019, and the Special Meetings of August 21, 2019.

Action Taken: The City Council and the City Council acting on behalf of the Successor Agency, approved the Minutes from the regular meetings of August 21, 2019, September 4, 2019, and September 18, 2019, and the special meetings of August 21, 2019 on Consent Calendar.

3E. APPROVE THE RECOMMENDED PERSONNEL BOARD APPLICANT TO THE PERSONNEL BOARD

The vacant Personnel Board seat was advertised and the City Clerk's office forwarded one (1) application that was received from one (1) resident interested in serving on the Personnel Board. Members of the Personnel Board are appointed pursuant to the following Municipal Code section:

"2.28.050 Personnel Board -- Appointment.

(a) The city council shall appoint the members of the Personnel Board in the following manner: One member from a list of three persons nominated by the personnel of the Monterey Park fire and police departments, one member from a list of three persons nominated by the remaining employees of the city, two members from the community at large, and one member from a list of three persons nominated by a majority of the four previously appointed members. A majority vote of the city council shall be required to appoint a member of the Personnel Board.

(b) Nominations as required in subsection (a) of this section shall be made to the council within thirty days following notification by the council that such nominations are required. In the event nominations are not received within the thirty-day period, the council may proceed to fill the vacancies by appointment from the community at large."

The Personnel Board vacant seat (which was occupied by Ms. Pauline Lemire) was eligible to be nominated by the “remaining employees of the city” or the general employees. The Director of Human Resources solicited the general employee associations and did not receive any nominations. Therefore the vacant seat becomes an “at-large seat.”

Public Speaker:

- Director of Human Resources and Risk Management Tom Cody introduced the applicant Grace Yeh. She presented her background and was available for questions.

This item was heard after Agenda Item No. 1A.

Action Taken: The City Council approved a recommendation to appoint Ms. Grace Yeh to the Personnel Board.

Motion: Moved by Mayor Liang and seconded by Council Member Lam 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

3F. SECOND READING AND ADOPTION: AN 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

On November 6, 2019, the City Council introduced and waived the first reading of an 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. Second reading and adoption of this ordinance is recommended. If adopted, the ordinance will take effect in 30 days.

This item was heard before Agenda Item No. 2C and as a Public Hearing Item.

Action Taken: City Manager Bow announced that this item is a public hearing item and was heard as a Public Hearing Item No. 4A. The City Council opened the public hearing at 10:44 p.m. and closed the public hearing at 10:45 p.m. being there were no speakers; waived further reading and adopted Ordinance No. 2165.

Motion: Moved by Council Member Real Sebastian and seconded by Mayor Pro Tem Ing 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

Ordinance No. 2165, 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 REFERENCED 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

4. PUBLIC HEARING

Agenda Item No. 3F was heard as a Public Hearing item.

5. NEW BUSINESS

None.

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Council Member Chan wished everyone a Happy Thanksgiving.

Council Member Lam wished everyone a blessed holiday season.

Council Member Real Sebastian wished everyone a Happy Thanksgiving and reminded the public about the 7th Annual Snow Day Village to be held on December 6, 2019.

Mayor Pro Tem Ing spoke about his vacation in Lima, Peru and wished everyone a Happy Thanksgiving.

Mayor Liang requested the FAA ballot measures be moved to the November election. He stated he went to the Philippines and signed a Friendship City Agreement with the City of Davao.

7. **CLOSED SESSION**
None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 11:46 p.m.



Vincent D. Chang
City Clerk

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