

REVISED AGENDA – ADDED AGENDA ITEM NO. 5C

**CITY COUNCIL OF MONTEREY PARK
AND THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE
FORMER REDEVELOPMENT AGENCY**

AGENDA

**THIS IS A JOINT SPECIAL AND REGULAR CITY COUNCIL MEETING
BOTH MEETINGS WILL BE CALLED TO ORDER AT 6:00 P.M.
(THE REGULAR MEETING WILL NOT BE SEPARATELY CALLED TO ORDER)**

**THESE MEETINGS WILL BE CONDUCTED PURSUANT TO
SECTION 3 OF EXECUTIVE ORDER NO. N-29-20 ISSUED BY GOVERNOR NEWSOM ON MARCH
17, 2020.**

**ACCORDINGLY, COUNCILMEMBERS WILL BE PROVIDED WITH A MEETING LOGIN NUMBER
AND CONFERENCE CALL NUMBER; THEY WILL NOT BE PHYSICALLY PRESENT AT COUNCIL
CHAMBERS.**

**PURSUANT TO THE GOVERNOR’S ORDER, THE PUBLIC MAY PROVIDE PUBLIC COMMENT
UTILIZING THE METHODS SET FORTH BELOW.**

**NOTE THAT CITY HALL IS CURRENTLY CLOSED TO THE PUBLIC. YOU WILL NOT BE
ADMITTED TO CITY HALL.**

**Wednesday
June 17, 2020**

**NOTE: THIS IS A JOINT SPECIAL AND REGULAR CITY COUNCIL MEETING THAT WILL START
AT 6:00 P.M. THE SPECIAL MEETING AND REGULAR MEETING WILL BE COMBINED FOR
PURPOSES OF ACTION TAKEN AND OFFICIAL MINUTES**

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.**

Documents related to an Agenda item are available to the public in the City Clerk’s Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City’s website at <http://www.montereypark.ca.gov/AgendaCenter/City-Council-17> .

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person’s speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers.

This Agenda includes 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.

PUBLIC PARTICIPATION

In accordance with Executive Order No. N-29-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed in the following ways:

Participants are encouraged to join the meeting 15 minutes before the start of the meeting.

Public comment will be accepted via email to mpclerk@montereypark.ca.gov during the meeting, before the close of public comment, and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 940 5177 5117 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk’s office will be notified and you will be in the rotation to make a public comment.

The public may also watch the meeting live on the city’s cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city’s website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

Important Disclaimer – When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

CALL TO ORDER Mayor

FLAG SALUTE Mayor

ROLL CALL Peter Chan, Hans Liang, Henry Lo, Fred Sornoso, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS:

While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATION

1-A. DISTANCE AND DIGITAL LIBRARY SERVICES

[2.] OLD BUSINESS

2-A. CONSIDERATION AND POSSIBLE ACTION TO WAIVE FIRST READING AND INTRODUCE AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE GOVERNING HOTEL/MOTEL GUEST REGISTRIES

It is recommended that the City Council consider:

- (1) Waiving first reading and introduce a draft Ordinance amending the Monterey Park Municipal Code (“MPMC”) regarding guest registries; and/or
- (2) Take such additional, related, action that may be desirable.

2-B. ELECTRONIC COMMUNICATIONS RETENTION AND PURGING POLICY; SOCIAL MEDIA POLICY

It is recommended that the City Council:

- (1) Adopt a Resolution establishing a Social Media Policy and a Resolution amending the City's retention policy as to electronic communications;
- (2) Authorize the City Manager to execute an agreement with a social media archiving service vendor, in a form approved by the City Attorney; and
- (3) Take such additional, related, action that may be desirable.

[3.] CONSENT CALENDAR ITEMS NOS. 3A-3H

3-A. ADOPTION OF FISCAL YEAR 2020-2021 ANNUAL BUDGET

It is recommended that the City Council consider:

- (1) Adopting by Resolution the City's and Successor Agency's Fiscal Year 2020-2021 Annual Budget as presented on May 26 and May 27, 2020, City Manager's recommended budget incorporated with the Council's directions; and
- (2) Take such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – MAY 2020

It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

3-C. MINUTES

It is recommended that the City Council and the City Council (acting on behalf of the Successor Agency):

- (1) Approve the minutes from the regular meeting of May 6, 2020 and the special meeting of May 6, 2020; and
- (2) Take such additional, related, action that may be desirable.

3-D. CONSIDERATION AND POSSIBLE ACTION TO DIRECT THE CITY CLERK TO PERFORM THE BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE

It is recommended that the City Council consider:

- (1) Directing the City Clerk to perform the biennial review of the City's Conflict of Interest Code and report back before October 1, 2020; and
- (2) Take such additional, related, action that may be desirable.

3-E. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") BY ADDING CHAPTER 16.37 ENTITLED "PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS"

It is recommended that the City Council consider:

- (1) Waive second reading and adopt the proposed ordinance; and/or
- (2) Take such additional, related, action that may be desirable.

3-F. SECOND AMENDMENT TO AGREEMENT NO. 1841-A WITH JOHN L. HUNTER & ASSOCIATES FOR STORM WATER PROGRAM IMPLEMENTATION

It is recommended that the City Council:

- (1) Authorize the City Manager to execute a second amendment, in a form approved by the City Attorney, to Agreement No. 1841-A with John L. Hunter & Associates for the implementation of the City's Storm Water Program; and
- (2) Take such additional, related, action that may be desirable.

3-G. GARFIELD AND GRAVES TRAFFIC SIGNAL IMPROVEMENTS – AUTHORIZATION TO ADVERTISE

It is recommended that the City Council:

- (1) Adopt a resolution approving the design and plans for the Garfield and Graves Traffic Signal Improvements and authorizing solicitation of bids; and
- (2) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The Project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The Project is not anticipated to have any significant impacts with regard to traffic, noise, air quality or water quality.

3-H. PARCEL MAP NO. 82024 (217 N NICHOLSON AVENUE) – APPROVAL OF PARCEL MAP

It is recommended that the City Council:

- (1) Adopt a resolution approving Parcel Map No. 82024 and authorize the City Manager to execute Subdivision Improvement Agreement for Parcel Map No. 82024 in a form approved by the City Attorney; and
- (2) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

On March 13, 2018, the Planning Commission found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 32 categorical exemption (Infill Development). The findings and conclusions made by the Planning Commission are incorporated into the attached Resolution by reference.

[4.] PUBLIC HEARING

4-A. CONSIDER DRAFT LAND USE ELEMENT (LUE) OF THE GENERAL PLAN

It is recommended that the City Council consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a Resolution amending the Land Use Element;
- (5) Directing the City Attorney, or designee, to prepare appropriate documents to place a proposition on the ballot for the November 2020 election seeking voter ratification of the City Council's actions; and
- (6) Taking such additional, related, action that may be desirable

CEQA (California Environmental Quality Act):

On December 5, 2019, the City Council certified the Final Focused Environmental Impact Report and adopted Mitigation Measures, Findings of Facts and Statement of Overriding Consideration for the Land Use Element. Since no substantive changes have been made to the Land Use Element since December 5, 2019 no additional CEQA analysis or recirculation is required for the attached draft Land Use Element. An environmental review statement that the Certified Environmental Impact Report's project description includes the Planning Commission recommended document is attached.

[5.] NEW BUSINESS

5-A. CONSIDERATION OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) 2.04.010 TO CHANGE THE REGULAR MEETING TIME

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code § 2.04.010 to change the regular meeting time; and/or
- (2) Taking such additional, related, action that may be desirable

5-B. CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTING A BUSINESS RECOVERY PROGRAM FOR RESTARTING THE LOCAL ECONOMY

It is recommended that the City Council consider:

- (1) Adopting an uncodified Urgency Ordinance upon 4/5s vote implementing a Business Recovery Program;
- (2) Introducing and waiving first reading of an uncodified Ordinance implementing a Business Recovery Program; and
- (3) Taking such additional, related, action that may be desirable

CEQA (California Environmental Quality Act):

These Ordinances were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, these Ordinances are exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹ Additionally, these Ordinances are exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinances may have a significant effect on the environment.

5-C. A RESOLUTION OF THE MONTEREY PARK CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PROVIDE WRITTEN NOTICE OF INTENT TO WITHDRAW MEMBERSHIP FROM THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA)

It is recommended that the City Council:

- (1) Adopt the attached Resolution authorizing the City Manager to notify the Independent Cities Risk Management Authority (ICRMA) of the City’s intent to withdraw from the JPA on or before July 1, 2021; and
- (2) Take such additional, related, action that may be desirable

[6.] COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK STATING THE CITY’S COMMITMENT TO STAND IN SOLIDARITY FOR RACIAL EQUALITY & FAIR TREATMENT (REQUESTED BY MAYOR PRO TEM CHAN)

It is recommended that the City Council consider:

- (1) Adopting a resolution of the City Council of the City of Monterey Park stating the City’s commitment to stand in solidarity for racial equality & fair treatment ; and
- (2) Taking such additional, related, action that may be desirable

¹ CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE FIRST SUNDAY OF JUNE AS NATIONAL CANCER SURVIVORS DAY AND THE MONTH OF JUNE AS NATIONAL CANCER SURVIVORS MONTH (REQUESTED BY COUNCIL MEMBER SORNOSO)

It is recommended that the City Council consider:

- (1) Adopting a resolution of the City Council of the City of Monterey Park declaring the first Sunday of June as National Cancer Survivors Day and the month of June as National Cancer Survivors Month ; and
- (2) Taking such additional, related, action that may be desirable

[7.] CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)

ADJOURN



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-C.

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: A Resolution of the Monterey Park City Council Authorizing the City Manager to Provide Written Notice of Intent to Withdraw Membership from the Independent Cities Risk Management Authority (ICRMA)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached Resolution authorizing the City Manager to notify the Independent Cities Risk Management Authority (ICRMA) of the City's intent to withdraw from the JPA on or before July 1, 2021; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park is a member of the Independent Cities Risk Management Authority (ICRMA), a Joint Powers Authority (JPA), with 15 other member cities. The City participates in both the general liability and workers' compensation programs. The purpose of membership is to assist the City with program administration for liability, workers' compensation and risk management. The City also purchases insurance through the JPA.

Staff believes that it is prudent for the City to periodically evaluate the insurance market to ensure that rates we pay through the JPA are the most cost effective and provide comprehensive insurance coverage as well as to ensure that the services available meet the City's needs.

This Report seeks City Council consideration and adoption of a resolution that provides the ICRMA notification of the City's intent to withdraw from membership in this JPA so that the City may begin canvassing the insurance market. The notice does not require the City of Monterey Park to withdraw from ICRMA and has until December 1, 2020, to rescind the withdrawal notice.

BACKGROUND:

The City is committed to reducing costs and identifying an insurance portfolio that offers competitive pricing, sufficient coverage, and excellent customer service delivery.

Additionally, the City is interested in comparing benefits available through other Joint Power Authorities including a comprehensive risk management program.

Staff will conduct its research within the industry and perform a comparison analysis of its current program to other available programs. Once the analysis is completed, the City has the option of choosing another provider or remaining with ICRMA. The bylaws state that subsequent to the notice of intent to withdraw, member agencies have until December 1, 2020 to rescind the withdrawal notice. This provision is advantageous in that it gives the City adequate time and flexibility to make the best decision.

FISCAL IMPACT:

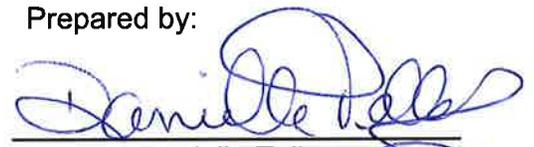
There is no fiscal impact at this time.

Respectfully submitted by:



Martha Garcia
Director of Management Services

Prepared by:



Danielle Tellez
Interim Director of Human
Resources and Risk
Management

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. ICRMA Bylaws – Withdrawal Requirements
2. Resolution – ICRMA Withdrawal Notice

ATTACHMENT 1

ICRMA Bylaws: Article V, F. Withdrawal Requirements

2. **Remedies Available to ICRMA on Default**

- a **Scope** – ICRMA may exercise any and all remedies available pursuant to law or granted pursuant to the **Agreement** and these **Bylaws** whenever a default as defined in **this Article** occurs.
 - i No remedy contained in these **Bylaws** is intended to be exclusive.
 - ii Available remedies include, but are not limited to, imposing a penalty or assessment, cancellation of Member’s coverage, expulsion from a risk management program, and/or expulsion of the Member from ICRMA.
 - b **Process**
 - i The Board will give a Member in default **30 days’ notice** of its intent to deliberate on a remedy for said default.
 - ii Remedies will be effective on the date prescribed by the Board.
 - iii The Board has discretion to impose conditions for curing any default, and for reinstating the Member to its rights.
 - c **Cancellation of Coverage under a Program** – Upon any default, the Board may:
 - i **Temporarily** cancel any or all rights of the defaulting Member in any program in which such Member is in default until such time as the condition causing default is corrected and/or other conditions are met (e.g., the Board may temporarily suspend coverage if a Member fails to pay its contribution); **OR**
 - ii **Permanently** cancel any or all rights of the defaulting Member in any program in which such Member is in default.
 - d **Involuntary Termination or Expulsion** – The Board may expel any Member that is in default as defined in **these Bylaws**. Such expulsion will be effective on the date prescribed by the Board, but not earlier than **30 days after notice of expulsion** has been personally served on or sent via certified mail to the Member.
 - e **No Additional Waiver Implied** – No delay or omission to exercise any right or power accruing upon any default shall impair any such right or shall be construed to be a waiver thereof. Further, in the event any condition contained in **ICRMA’s Governing Documents** is breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived, and shall not be deemed to waive any other breach hereunder.
3. **Agreement to Pay Attorney’s Fees and Expenses** – In the event either ICRMA or a Member is in default and the other party employs attorneys or incurs expenses for the collection of moneys, the enforcement of performance, or observance of any obligation under the **Agreement** on the part of the defaulting party, the losing party shall pay to the other party the reasonable fees of such attorneys and such other expenses so incurred by the other party.

F. Voluntary Withdrawal – Member withdrawal from any or all programs must be in accord with **ICRMA’s Governing Documents**.

1. **Limitations**

- a No withdrawal may become effective **EXCEPT** at the close of a program year.
- b A Member providing *untimely notice* shall be responsible for the full cost of the subsequent year’s contribution.
- c A Member may **NOT** withdraw prior to the end of its initial **three (3) year commitment period** and shall be obligated, in all cases, for payment of its **ENTIRE** annual contribution for those **three (3) years**.

2. **Notice of Intent to Withdraw**

- a In order to be effective, notice of intent to withdraw from ICRMA or to terminate participation in a specific program must be from the City Manager or other duly authorized official of the Member **AND** must be accompanied by the Council resolution or meeting minutes of the Member authorizing such action.
- b In order to be timely for a given program year beginning July 1, notice must be received by ICRMA no later than **July 1 of the preceding year**. Notice received after that date shall be considered **UNTIMELY** and thus **INEFFECTIVE**.
- c The Member may revoke such notice by subsequently notifying ICRMA of its revocation by **December 1 of the preceding year**. Such revocation must be supported by the Council resolution or meeting minutes of the Member authorizing such action. However, that support may arrive following communication to ICRMA of the Member’s revocation.

3. **Reapplication** – A Member, which has voluntarily withdrawn from ICRMA or a specific program, may reapply for membership.

G. **Following Withdrawal or Expulsion**

1. **NEITHER WITHDRAWAL NOR EXPULSION FROM ICRMA OR ANY OF ITS PROGRAMS RELIEVES ANY MEMBER OF ANY RIGHTS, OBLIGATIONS, LIABILITIES, OR DUTIES DURING THOSE PROGRAM YEARS, IN WHICH THE ENTITY PARTICIPATED.**

ATTACHMENT 2

Resolution: ICRMA Withdrawal Notice

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TO PROVIDE WRITTEN NOTICE OF INTENT TO WITHDRAW FROM THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA)

The City Council for the City of Monterey Park does resolve as follows:

SECTION 1: The City Council finds as follows:

- A. The City wishes to explore various options of insurance coverage including other risk-sharing pools or purchasing commercial insurance directly;
- B. The City is interested in performing an analysis on the feasibility of continuing its participation in the Independent Cities Risk Management Authority (ICRMA);
- C. Should the City wish to transition to another insurance provider/carrier in the upcoming fiscal year, the Bylaws of the Liability and Workers' Compensation programs for the ICRMA requires that notice of intent to withdraw membership as of July 1, 2021 must be provided not later than July 1, 2020; and
- D. Providing a written notice to withdraw does not preclude the City from rescinding such notice should the City wish to remain with the ICRMA during the 2021/2022 fiscal year based upon any analysis completed by the City or based upon any need for additional time to conduct such analysis, provided that rescission is provided not later than December 1, 2020.

SECTION 2: The City Manager is authorized to provide written notice of intent to withdraw membership from the Independent Cities Risk Management Authority (ICRMA). A copy of the Resolution will be provided to the Independent Cities Risk Management Authority (ICRMA) as part of that notice

SECTION 3: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 4: The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

PASSED, AND ADOPTED this 17th day of June, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

Approved as to form:

By: _____
Karl H. Berger,
Assistant City Attorney