

MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
AUGUST 17, 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, August 17, 2022 at 6:30 p.m.

CALL TO ORDER:

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

FLAG SALUTE:

The Monterey Park Police Explorers 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 Treasurer Joseph Leon, City Manager Ron Bow, City Attorney Karl Berger, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, Police Chief Kelly Gordon, City Librarian Diana Garcia, Director of Management Services Martha Garcia, Interim Director of Public Works Anthony Antich, Finance Manager Laure Borjon, Recreation & Community Services Manager Orlando Muro, Water Utility Manager Richard Gonzales, Assistant Deputy City Clerk Helena Cho, Community Communications Coordinator Randy Ishino

VIRTUALLY PRESENT: Director of Recreation & Community Services Robert Aguirre, Economic Development Manager Joseph Torres, Planning Manager Jessica Serrano, Public Works Management Analyst Xochitl Tipan, Los Angeles County Agriculture Commissioner Weights & Measures Department Representative Celine Chiew

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

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

Mayor Lo reported out of closed session the following regarding Item No. 1A:

“This is a report from closed session regarding Agenda Item No. 1A: existing litigation. The case is captioned Gonzalez V. City of Monterey Park.

The litigation resulted from the City Council’s decision on August 1, 2022 to adopt Ordinance No. 2223. That ordinance implements the initiative petition establishing a minimum wage for Healthcare Workers. It was proposed by an initiative petition circulated by the Service Employee’s International Union or “SEIU”.

The City Council took its action after Council Member Yvonne Yiu declared a conflict of interest. Her decision was based upon a letter received from the SEIU alleging that she had an economic conflict of interest resulting from her spouse’s business.

While the City Council could have placed the initiative petition onto the November 2022 ballot, it instead chose to adopt the ordinance. That action was specifically – and repeatedly – requested by SEIU representatives over the objections of private employers who would be affected by the minimum wage.

On August 8, 2022, opponents of the initiative petition – representing various private employers that would be affected by the minimum wage – filed a lawsuit against the City.

The City expected this lawsuit, consequently, before and after the lawsuit was filed, City officials contacted SEIU representatives and asked whether SEIU would be defending the City or, at a minimum, reimbursing the City for its defense costs. SEIU declined to take either action.

This is not the City’s fight; the minimum wage for Healthcare Workers was proposed by the SEIU and the SEIU should stand by its own initiative petition. Because SEIU is not willing to defend its own initiative petition – which it asked the City Council to adopt by ordinance – there is no reason for the City to defend the City Council’s actions.

Accordingly, the City Council directed City Attorney to take no action regarding the lawsuit. Instead, the City will simply inform the court that the City stands ready to comply with any legal order issued by the court.”

City Manager Bow reported an addition to Staff Communications from the Fire Department.

PUBLIC COMMUNICATIONS

- Chief Gordon spoke of Officer Gadriel Solorio, who lost his life off duty on August 8th. She informed the community that City Hall will be closed to the public on Thursday, August 26, in honor of Officer Solorio's funeral services and a fundraiser will be held on September 1st at Brew Kitchen from 5 p.m. to 10 p.m. Chief Gordon stated that the memorial for Officer Solorio outside of City Hall will be cleaned, but not removed.
- Paul Lee, Chair of the Recreation & Community Services Commission informed the community of a successful Monterey Park Dodger Night. He also invited the community to the 2nd Annual Pickleball tournament on November 12 and Electric Park event on October 8th.
- Charles Leon, on behalf of SEIU Local 721, inquired about a follow-up meeting with City Council to discuss HERO's Pay.
- Bill Lam stated that when he rode the Spirit bus and noticed missing bus stop signage and suggested that the City Council look into expanding the Spirit bus routes.

STAFF COMMUNICATIONS

- Recreation Manager Muro gave an update on prior and upcoming City events.
- Fire Chief Hallock informed the community of free COVID-19 shots and free rapid tests at Barnes Park on August 12th.

1. PRESENTATION

Matters listed under presentation are informational content and for discussion only.

1A. DROUGHT CONDITIONS AND WATER CONSERVATION UPDATE

Water Utility Manager Richard Gonzales provided a Powerpoint presentation on current drought conditions and water conservation.

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: The City Council approved and adopted Item Nos. 3C, 3D, 3E, and 3F on Consent Calendar, excluding Item Nos. 3A and 3B which were pulled for discussion and separate motion, 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. MONTHLY INVESTMENT REPORT – JULY 2022

As of July 31, 2022 invested funds for the City of Monterey Park is \$90,422,593.37.

Public Communication:

- City Treasurer Leon provided an update on the City's annual investment report and stated that it is still in progress.

Action Taken: The City Council received and filed the monthly investment report for July 2022.

3B. REPORT SUBMITTED TO THE CITY COUNCIL PURSUANT TO GOVERNMENT CODE § 8630 REGARDING THE CITY'S EMPLOYMENT EMERGENCY (AS ADOPTED BY RESOLUTION NO. 2022-R49, ON JUNE 15, 2022); CONTINUANCE OF SUCH EMERGENCY

City Council adopted Resolution No. 2022-R49 at the City Council meeting of June 15, 2022, declaring an employment emergency. Since the employment emergency was declared, the City has been able to fill 10 key vacancies for the positions of Finance Manager, Senior Planner, Administrative Aide, two Library Assistants, Cross Connection Control Inspector, three Maintenance Workers, and Senior Clerk Typist. In addition, nine candidates are in the pre-employment screening process and should be commencing employment soon for the positions of Director of Public Works, Recreation Coordinator, Senior Clerk Typist, Firefighter, Maintenance Worker, Jail Supervisor, two Dispatchers, and Water Utility Maintenance Worker.

It is recommended that the City Council continue to extend the employment emergency as to personnel recruitment. This will continue to allow the City Manager to (1) accelerate the testing and interview process for new employees (all candidates would continue to undergo the City's background process); (2) after conferring with affected bargaining units, consider changing the titles of employment positions to discard outmoded descriptions and update such titles to contemporary titles; and (3) immediately commence the review, revision, and negotiation with bargaining units regarding desirable changes to the City's personnel rules. Among other things, the City Manager would be able to temporarily appoint qualified persons to positions in accordance with Monterey Park Municipal Code § 2.28.100 and contract for the services listed in MPMC § 2.28.190.

Action Taken: The City Council received and filed this report; and adopted Resolution No. 2022-R67 to continue the local emergency for the City of Monterey Park and authorizing the City Manager to take all practical actions needed to implement the efficient recruitment and retention of persons for employment.

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

Resolution No. 2022-R67:

A RESOLUTION EXTENDING THE LOCAL EMPLOYMENT EMERGENCY PURSUANT TO GOVERNMENT CODE § 8630 AND AUTHORIZING SUBSEQUENT EXTENSIONS VIA MINUTE ORDER

3C. NOTICE OF COMPLETION FOR NORTHEAST AREA WATER MAIN IMPROVEMENTS PHASE II, SPECIFICATION NO. 2021-002

Pursuant to City Council Resolution No. 11701, the Public Works Director recorded the Notice of Completion for the Northeast Area Water Main Improvements Phase II on July 21, 2022. The project is now complete, and the work was approved by the City Engineer.

Action Taken: The City Council received and filed the Notice of Completion recorded by the Public Works Director on July 21, 2022 accepting the Northeast Area Water Main Improvements Phase II, Specification No. 2021-002 completed by Big Ben, Inc on Consent Calendar.

3D. RECEIVE AND FILE CITY'S MANDATORY COMMERCIAL ORGANICS RECYCLING PROGRAM ACTION PLAN TO CALRECYCLE AND ADOPT RESOLUTION ESTABLISHING CRITERIA FOR REVIEW AND AWARD OF SOLID WASTE FRANCHISES

The City developed a Mandatory Commercial Organics Recycling Program Action Plan to ensure that all businesses and multi-family customers comply with recycling laws and that the City meets CalRecycle regulations. The goal of this action plan is to have all businesses and multi-family customers enrolled in organics waste recycling service or apply for exemptions if eligible. The City has been working with its trash haulers to increase commercial recycling compliance. To meet the goals of the action plan, staff recommends the City execute an agreement with Go2Zero Strategies, LLC for Recycling Outreach and Compliance Assistance. Additionally, it is recommended that City Council adopt a resolution establishing criteria for the review and award of solid waste franchises.

Action Taken: The City Council (1) received and filed the City's Mandatory Commercial Organics Recycling Program Action Plan to CalRecycle; (2) authorized the City Manager to execute a Professional Services Agreement, in a form approved by the City Attorney, with Go2Zero Strategies, LLC, in an amount not-to-exceed \$99,190 for Recycling Outreach and Compliance Assistance; (3) appropriated \$18,510 from Refuse Fund 421 to execute this contract; (4) adopted Resolution No. 2022-R68 establishing Criteria for the Review and Award of Solid Waste Franchises on Consent Calendar.

Resolution No. 2022-R68:

A RESOLUTION ADOPTING ADDITIONAL CRITERIA FOR THE REVIEW AND AWARD OF SOLID WASTE FRANCHISES

3E. AMENDMENT TO JOHN L. HUNTER & ASSOCIATES AGREEMENT

The Interim Public Works Director recommends the City Council approve an Amendment to Agreement 2303-AB with John L. Hunter & Associates agreement for Fat, Oil and Grease (FOG) Program assistance services.

Action Taken: The City Council authorized the City Manager to execute an Amendment to Agreement 2303-AB with John L. Hunter & Associates for Fat, Oil & Grease (FOG) Program assistance services on Consent Calendar.

3F. EMERGENCY REPAIRS OF WATER MAIN AND ROADWAY ON MONTEREY PASS ROAD

Last night, the City took emergency action to repair water leaks on the water main located along Monterey Pass Road. These temporary repairs are the culmination of at least 12 other breaks along the water main (and over 100 service requests) during the past year.

It is difficult to quantify the amount of water that was lost from these breaks, but – particularly considering the current drought conditions – it is significant. These water leaks and constant repairs not only constitute an immediate and imminent threat to public health and safety by themselves, but the failures also threaten other public infrastructure such as Monterey Pass Road. It is plain that immediate action is needed to replace the entire water main. Accordingly, the Interim Public Works Director is recommending that the City Council adopt a resolution declaring a public emergency to perform major repairs along Monterey Pass Road between Vagabond Dr and Brightwood Street.

CEQA (California Environmental Quality Act):

The emergency and extended repairs are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15269 (emergency repair to this public facility is necessary to maintain service essential to the public, health and welfare) and § 15301 (Existing Facilities). The extended repairs would result 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 regarding traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project. Additionally, the City Council's actions are exempt from additional CEQA review as they are being made to protect public and private property and necessary to maintain services essential to the public, health and welfare (see, *Ca/Beach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529: CEQA findings regarding an anticipated imminent emergency are valid).

Action Taken: The City Council (1) adopted Resolution No. 2022-R69 declaring an emergency and authorizing contracting without the need for bidding pursuant to Public Contracts Code §§ 20168 and 22050; (2) authorized the City Manager, or designee, to (a) execute a public works contract between the City of Monterey Park and a qualified contractor(s) to repair water lines on Monterey Pass Road, in a form approved by the City Attorney; and (b) appropriate funds from the Water Capital accounts from the current fiscal year budget to cover the cost of these repairs; and (3) authorized the Interim Director of Public Works to approve change orders and contingency as appropriate up to 15% of the contract amount for this project on Consent Calendar.

Resolution No. 2022-R69:

A RESOLUTION ADOPTED PURSUANT TO PUBLIC CONTRACTS CODE § 20168 FINDING THAT AN EMERGENCY EXISTS WITHIN THE CITY AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO § 22050 AND MONTEREY PARK MUNICIPAL CODE ("MPMC") CHAPTER 2.52 AND FINDING THAT THE PROJECT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS AN EMERGENCY REPAIR

4. PUBLIC HEARING

4A. CONSIDERATION OF COSTS RESULTING FROM ABATING WEED NUISANCES AND AUTHORIZING COLLECTION VIA SPECIAL ASSESSMENT

On February 16, 2022, the City Council determined that weeds, brush, rubbish, refuse and dirt maintained on certain private properties in the City constitute a public nuisance. The Los Angeles County Department of Agriculture Commissioner/Weights and Measures (“County”) is contracted to provide weed abatement services to the City. The County compiled its annual list of properties within the City which contain, or have the potential to contain, weeds, brush or other flammable materials sufficient to be considered a fire hazard (the “Weed Abatement Declaration List”). Persons identified as owning property on the Weed Abatement Declaration List were provided sufficient notice to either protest their inclusion thereon, or voluntarily remove the nuisance conditions identified on their property. The deadlines for voluntary compliance or protest have passed, and the County has abated the noncompliant properties on the Weed Abatement Declaration List.

The final step in the City’s Weed-Abatement process is for the Council to consider approving the County’s costs related to abatement and directing that these costs be collected via special assessment.

Action Taken: The City Council opened the public hearing at 7:14 p.m. and received one public comment; closed the public hearing at 7:17 p.m.; and adopted Resolution No. 2022-R70 approving the Weed Abatement Clearance Charge List and authorizing collection of such costs through special assessment

Motion: Moved by Council Member Liang and seconded by Council Member Chan, 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

Public Communication:

- Katherine Ortega shared her concerns regarding the quality of the hillsides in Monterey Park.

Resolution No. 2022-R70:

A RESOLUTION CONFIRMING THE ITEMIZED WEED ABATEMENT CHARGE LIST OF WEED ABATEMENT COSTS AND DIRECTING THE LOS ANGELES COUNTY AGRICULTURAL COMMISSIONER TO COLLECT THESE COSTS THROUGH PROPERTY TAX BILLINGS

4B. PROPOSED UNDERGROUND UTILITY DISTRICT ON MONTEREY PASS ROAD

On July 20th, 2022, the City Council adopted Resolution 2022-R61 to initiate the creation of a new underground utility district on Monterey Pass Road between W. Garvey Avenue and Vagabond Drive, identified as the Monterey Park Road Underground Utility District (MPR UUD). Following public testimony, staff recommends the adoption of a Resolution establishing the MPR UUD.

CEQA (California Environmental Quality Act):

The recommended actions are exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because such actions – even if the City Council were to establish an underground utility district - are only for the purpose of obtaining funds for future capital projects. Any such eventual undergrounding project will undergo its own CEQA review. This Resolution, therefore, is categorically exempt from further CEQA review under 14 Cal. Code Regs. § 15273.

Action Taken: The City Council (1) opened the public hearing at 7:20 p.m., receiving no documentary or testimonial evidence; (2) closed the public hearing at 7:20 p.m., adopted Resolution No. 2022-R71 establishing an Underground Utility District on Monterey Pass Road from W. Garvey Avenue to Vagabond Drive; and (3) directed the City Clerk to notify all affected utilities and property owners of the adoption of this resolution within 10 days after the date of adoption.

Motion: Moved by Council Member Liang and seconded by Council Member Yiu, 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

Resolution No. 2022-R71:

A RESOLUTION ESTABLISHING AN UNDERGROUND UTILITY DISTRICT ON MONTEREY PASS ROAD FROM W. GARVEY AVENUE TO VAGABOND DRIVE PURSUANT TO MONTEREY PARK MUNICIPAL CODE CHAPTER 14.16

5. **NEW BUSINESS** – None.

6. **CITY COMMUNICATIONS (CITY COUNCIL)**

Council Member Yiu reported that she attended the Independent Cities Association (ICA) conference in San Diego.

Council Member Chan gave his deepest condolences to Officer Solorio's family and the Police Department.

Council Member Liang gave his condolences to Officer Solorio's family. He reported that he attended the Independent Cities Association (ICA) Conference in San Diego.

Mayor Lo spoke on his appreciation for the outpouring support from the community and neighboring cities in honor of Officer Solorio.

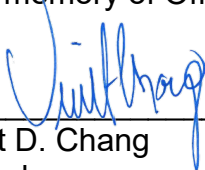
7. FUTURE AGENDA ITEMS

8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 7:25 p.m. in memory of Officer Gadriel Solorio.



Vincent D. Chang
City Clerk

Approved on September 7, 2022 at the Regular City Council Meeting