

**CITY COUNCIL OF MONTEREY PARK
THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY, THE HOUSING AUTHORITY, THE MONTEREY PARK FINANCING
AUTHORITY AND THE MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT
AGENDA**

**REGULAR CITY COUNCIL MEETING
MONTEREY PARK CITY HALL COUNCIL CHAMBERS
320 W. NEWMARK AVENUE, MONTEREY PARK, CA 91754**

**Wednesday
November 1, 2023
6:30 p.m.**

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.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as
Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the
Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future,
and honor their labor as original caretakers of this land. We commit to uplifting the
Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring
for this land.

GENERAL INFORMATION

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>.

The public may 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>.

PUBLIC PARTICIPATION

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. Written Communication will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

CALL TO ORDER	Mayor
FLAG SALUTE	The Monterey Park Fire Explores
ROLL CALL	Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, 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.

STAFF COMMUNICATIONS:

- Community Development
- Library
- Police Department
- Recreation and Community Services

[1.] PRESENTATION

1-A. STATE SENATOR SUSAN RUBIO – LEGISLATIVE UPDATES

1-B. EAST LOS ANGELES COLLEGE UPDATES

1-C. CITY DEVELOPMENT UPDATES

[2.] OLD BUSINESS – None.

[3.] CONSENT CALENDAR ITEM NOS. 3A-3F

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

3-A. CONSIDERATION TO REAPPOINT JOSEPH LEON TO THE SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT AS THE REPRESENTATIVE FOR THE CITY MONTEREY PARK

It is recommended that the City Council consider:

- (1) Reappointing Joseph Leon as the City Representative on the San Gabriel Valley Mosquito and Vector Control District Board of Trustee for a term of two or four years; and
- (2) Taking such additional, related, action that may be desirable.

3-B. PROFESSIONAL SERVICES AGREEMENT WITH FAIRBANK, MASLIN, MAULLIN, METZ AND ASSOCIATES TO CONDUCT PUBLIC OPINION RESEARCH

It is recommended that the City Council consider:

- (1) Authorizing the Interim City Manager to execute an Agreement with Fairbank, Maslin, Maullin, Metz and Associates (FM3) in a form approved by the City Attorney; to conduct public opinion research for an amount not to exceed \$89,750; and
- (2) Taking such additional, related, action that may be desirable.

3-C. PROFESSIONAL SERVICES AMENDMENT WITH GOVINVEST, INC., FOR LABOR COSTING MODULE SERVICES

It is recommended that the City Council consider:

- (1) Authorizing the Interim City Manager to execute an amendment with GovInvest, Inc. in a form approved by the City Attorney, for labor costing module services in an amount not to exceed \$89,640 and extend the term of the amendment through June 30, 2027; and
- (2) Taking such additional, related, action that may be desirable.

3-D. RESOLUTION DECLARING THE MONTH OF NOVEMBER 2023 AS “MOVEMBER” TO RAISE AWARENESS OF PROSTATE AND OTHER MALE CANCERS

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring the month of November 2023 as “Movember”; and
- (2) Taking such additional, related, action that may be desirable.

3-E. NOTICE OF COMPLETION – VARIOUS CAPITAL IMPROVEMENT PROJECTS

It is recommended that the City Council consider:

- (1) Receiving and filing the Notice of Completion recorded by the Public Works Director on September 7, 2023 accepting various sewer projects completed by GRBCON, Inc; and
- (2) Receiving and filing the Notice of Completion recorded by the Public Works Director on October 5, 2023 accepting the Slurry Seal Project (Year 2) completed by Onyx Paving Company, Inc;
- (3) Receiving and filing the Notice of Completion recorded by the Public Works Director on October 11, 2023 accepting the Street Rehabilitation at Various Locations Project (Year 1) completed by All American Asphalt, Inc.;
- (4) Receiving and filing the Notice of Completion recorded by the Public Works Director on October 11, 2023 accepting the Garfield Ave Traffic Signal Improvements project completed by PTM General Engineering Services, Inc;
- (5) Taking such additional, related, action that may be desirable.

3-F. RECEIVE AND FILE STAFF REPORT SUMMARIZING THE STATUS OF EMERGENCY REPAIRS OF THE MONTEREY PASS ROAD WATER LINE

It is recommended that the City Council consider:

- (1) Receiving and filing the staff report summarizing the status of emergency repairs of the Monterey Pass Road water line; and
- (2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. PREFERENTIAL PARKING DISTRICT: W. 1ST STREET FROM SHERBROOK AVENUE TO SCHOOLSIDE AVENUE

It is recommended that the City Council consider:

- (1) Opening a public hearing to receive documentary and testimonial evidence;
- (2) After closing the hearing and considering the evidence, adopting a Resolution amending Resolution Nos. 10931, 11634 and 11744 to include W. 1st Street from Sherbrook Avenue to Schoolside Avenue among the preferential parking districts; and
- (3) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed action is exempt from the requirements of the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*: “CEQA”) and CEQA Guidelines (Cal. Code Regs. Title 14, §§ 15000, *et seq.*) in accordance with CEQA Guidelines § 15305 (Class 5 – Minor Alterations in Land Use Limitations). The project involves a negligible expansion of use; there is only a minor change in the operation of an existing use. The project would not result in significant effects related to traffic, noise, air quality, or water quality and it can be adequately served by all required utilities and public services.

[5.] NEW BUSINESS

5-A. AUTHORIZATION TO ISSUE LEGISLATIVE SUBPOENAS REGARDING THE POTENTIAL REVOCATION OF CONDITIONAL USE PERMIT NO. CU-89-004 (AS AMENDED AND MODIFIED) HELD BY ATLANTIC SQUARE, LLC.

It is recommended that the City Council consider:

- (1) Adopting a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas for testimony and records related to the potential revocation of CUP No. CU-89-004 (as amended) that was originally approved via Resolution No. 9356, adopted August 29, 1989 (and subsequently modified/amended); and
- (2) Taking such additional, related, action that may be desirable.

5-B. DISCUSSION OF PENDING UPDATES TO THE MONTEREY PARK MUNICIPAL CODE

It is recommended that the City Council consider:

- (1) Reviewing and approving the schedule for processing proposed updates to the Monterey Park Municipal Code (“MPMC”) as outlined in the attached “Code Update Schedule”; and
- (2) Taking such additional, related, action that may be desirable.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION RECOGNIZING THE MONTH OF NOVEMBER 2023 AS NATIVE AMERICAN HERITAGE MONTH IN THE CITY OF MONTEREY PARK (Requested by Mayor Sanchez)

It is recommended that the City Council consider:

- (1) Adopting a Resolution recognizing the month of November 2023 as Native American Heritage Month In the City of Monterey Park; and
- (2) Taking such additional, related, action that may be desirable.

6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING NOVEMBER 12 THROUGH NOVEMBER 18, 2023 AS LA VS. HATE UNITED AGAINST HATE WEEK (Requested by Mayor Sanchez)

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring November 12 through November 18, 2023 as LA vs. Hate United Against Hate Week; and
- (2) Taking such additional, related, action that may be desirable.

[7.] FUTURE AGENDA ITEMS

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

ADJOURNED



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: Consent Calendar - 3A

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Interim City Manager
SUBJECT: Consideration to reappoint Joseph Leon to the San Gabriel Valley Mosquito and Vector Control District as the representative for the City Monterey Park

RECOMMENDATION:

It is recommended that the City Council consider:

1. Reappointing Joseph Leon as the City Representative on the San Gabriel Valley Mosquito and Vector Control District Board of Trustee for a term of two or four years; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park is located within the boundaries of the San Gabriel Valley Mosquito and Vector Control District. The district is governed by a 27-member Board of Trustees, consisting of an appointed representative from each city plus the County of Los Angeles. The City Council has the authority to appoint an individual to serve as the Monterey Park representative on the Board of Trustees.

BACKGROUND:

Representatives on the Mosquito & Vector Control District attend a monthly meeting of the Board on the second Friday of each month at 7:00 p.m. at the district headquarters located in West Covina, California. Under the Health and Safety Code §2022(b), the person appointed by city council to be a member of the board of trustees shall be a voter and resident of the appointing city that is within the district. Additionally, pursuant to the Health and Safety Code §2024(a), the term of office for a member of the board of trustees shall be for a term of two or four years, at the discretion of the appointing authority. Mr. Joseph Leon has been the city's representative on the Board since January 2010. The San Gabriel Valley Mosquito and Vector Control District respectfully requests that the City Council reappoint Mr. Leon to the Board.

FISCAL IMPACT:

None

Respectfully submitted by:



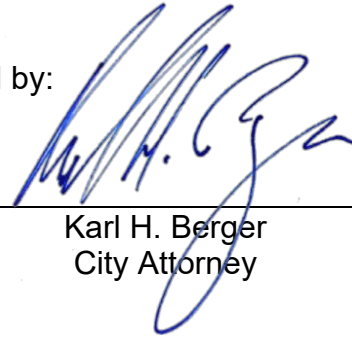
Inez Alvarez
Interim City Manager

Prepared by:



Helena Cho
Assistant Deputy City Clerk

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT

1. San Gabriel Valley Mosquito & Vector Control District letter

ATTACHMENT 1

San Gabriel Valley Mosquito & Vector Control District Letter



**San Gabriel Valley
Mosquito & Vector Control District**

1145 N. Azusa Canyon Road, West Covina, California 91790

Phone: (626) 814-9466 • Fax: (626) 337-5686

E-mail: district@sgvmosquito.org

CITY CLERK OFFICE
2023 OCT 16 P 3:36
CITY OF MONTEREY PARK

Cities of

Alhambra

Arcadia

Azusa

Baldwin Park

Bradbury

Claremont

Covina

Duarte

El Monte

Glendora

Industry

La Puente

La Verne

Monrovia

Monterey Park

Pasadena

Pomona

Rosemead

San Dimas

San Gabriel

Sierra Madre

South Pasadena

Temple City

Walnut

West Covina

County of
Los Angeles

October 11, 2023

Inez Alvarez, City Manager
City of Monterey Park
320 West Newmark Ave.
Monterey Park, CA 91754

Dear Ms. Alvarez:

The office term of Trustee Joseph Leon as the City of Monterey Park representative on the Board of Trustees for the San Gabriel Valley Mosquito and Vector Control District will end on December 31, 2023. The Board of Trustees respectfully requests that City Council reappoint Mr. Leon, or appoint a successor, for the next term of office (two or four years, at City Council's discretion) prior to its January 3, 2024 meeting. The Board also requests that notification of said appointment be provided by forwarding a copy of documentation certifying City Council's action to the district.

Per California Health and Safety Code Section 2022 (b) the person appointed by city council to be a member of the board of trustees shall be a voter and resident of the appointing city that is within the district.

Additionally, per California Health and Safety Code Section 2024 (a) the term of office for a member of the board of trustees shall be for a term of two or four years, at the discretion of the appointing authority, beginning January 1 and ending December 31.

Lastly, please note that the California Health and Safety Code does not allow for alternates therefore only the appointed Trustee will have voting authority at board meetings during their fixed term.

If you have questions, please do not hesitate to contact me at jmireles@sgvmosquito.org or 626-814-9466 ext. 1006.

Respectfully,

Jerry Mireles
Clerk of the Board

cc: City Clerk Maychelle Yee



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Finance
SUBJECT: Professional Services Agreement with Fairbank, Maslin, Maullin, Metz and Associates to Conduct Public Opinion Research

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the Interim City Manager to execute an Agreement with Fairbank, Maslin, Maullin, Metz and Associates (FM3) in a form approved by the City Attorney; to conduct public opinion research for an amount not to exceed \$89,750; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City is requesting to enter into an agreement with FM3 to provide public opinion research. FM3's relevant experience conducting public opinion research has been instrumental in identifying the priorities of the residents of Monterey Park. The City is requesting the agreement to allow for public opinion research including two budget priority surveys. The term of the agreement is through July 31, 2024 for an amount not to exceed \$89,750.

BACKGROUND:

The City would like to contract with FM3 to provide a dual mode survey to registered City voters to determine residents' budget priorities and to gauge their opinions on potential methods of revenue generation. FM3 previously conducted research on behalf of the City of Monterey Park and is familiar with the City's demographic makeup. This knowledge and experience helps to ensure the survey yields the most accurate results from a representative cross section of city residents.

FM3 will conduct the proposed budget priority dual mode survey online and by telephone (landline and cellphone) to between 350 and 400 registered voters in the City of Monterey Park. The telephone and online interviews will be offered in English, Spanish and Chinese.

Staff recommends that City Council approve this Agreement with FM3 for the City's budget priority survey services.

FISCAL IMPACT:

Funds for this item have been budgeted in the Finance Department FY2023-2024 budget.
No additional funds are required.

Respectfully submitted by:



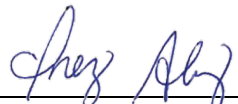
Martha Garcia, Director of Finance

Prepared by:



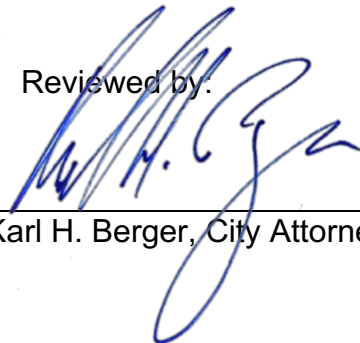
Maria Espinosa-Chavez
Principal Management Analyst

Approved by:



Inez Alvarez, Interim City Manager

Reviewed by:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Finance
SUBJECT: Professional Services Amendment with GovInvest, Inc., For Labor Costing Module Services.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the Interim City Manager to execute an amendment with GovInvest, Inc. in a form approved by the City Attorney, for labor costing module services in an amount not to exceed \$89,640 and extend the term of the amendment through June 30, 2027; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

GovInvest is currently providing a labor costing module which provides the City with the ability to provide employee salary projections by bargaining unit, track employee costs individually, measure total compensation and project anticipated staffing costs for the City budget.

This First Amendment will extend the term of the Agreement by three years through June 30, 2027, and increase compensation by \$70,140 for an amount not to exceed \$89,640.

BACKGROUND:

On February 15, 2023, the City entered into a one-year Agreement with GovInvest for the provision of a Labor Costing Module which provides the City with the tools to provide employee salary projections by bargaining unit, track costs individually, measure total compensation and project anticipated staffing costs for the City budget.

This First Amendment will add managed services effective November 1, 2023. Managed services will provide the City with an annual update to the City's labor costing module, upload the City's current accounting matrix, funds and departments for budget initiative and provide ongoing support during negotiations and off-year negotiation years.

This First Amendment to Agreement No. 2355-A extends the term from February 15, 2023, through June 30, 2027, and increases compensation by \$70,140 to an amount not to exceed \$89,640.

FISCAL IMPACT:

Funds for this item have been budgeted in the Finance Department FY2023-2024 budget.
No additional funds are required.

Respectfully submitted by:



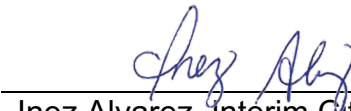
Martha Garcia, Director of Finance

Prepared by:



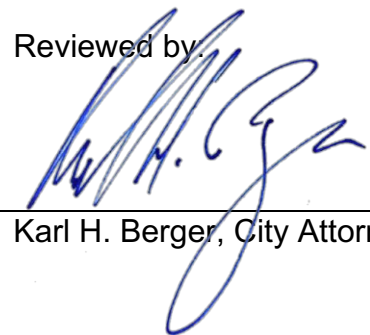
Maria Espinosa-Chavez,
Principal Management Analyst

Approved by:



Inez Alvarez, Interim City Manager

Reviewed by:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: Consent Calendar - 3D

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: Resolution Declaring the Month of November 2023 as "Movember" to Raise Awareness of Prostate and Other Male Cancers

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting Resolution declaring the month of November 2023 as "Movember"; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Movember Foundation is the leading global organization committed to changing the face of men's health. The Movember community has raised \$1.1 billion to date and funded over 1,320 programs in 23 countries (<https://us.movember.com/>). This work is saving and improving lives of men affected by prostate cancer, testicular cancer, and funding mental health programs.

The Foundation challenges men to grow mustaches during Movember (formerly known as November), to spark conversation and raise vital funds for its men's health programs.

The mustaches are a symbol to promote awareness regarding men's health issues and to encourage annual checkups regarding prostate and testicular cancer. The growth of a new mustache 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.

BACKGROUND:

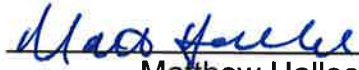
"Movember" started as an annual charity mustache growing event in Australia sixteen years ago. Travis Garone is the co-founder of the Movember Foundation. He and Luke Slattery from Melbourne were having a discussion in 2003 at the Gypsy Bar on Brunswick Street, Fitzroy when the conversation went to how fashion trends from the 1980s were coming back, except mustaches. They remembered how popular they were and decided to grow their mos. ("mo" is an Australian slang for mustache.) This is when they realized that mustaches would be a great reminder that men should be able to talk openly about men's health issues, especially prostate cancer as 1 in 6 men will get it in their lifetime.

Inspired by a friend's mother who was fundraising for breast cancer, Travis and Luke decided to make the campaign about men's health and prostate cancer.

FISCAL IMPACT:

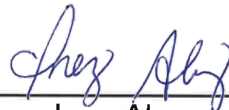
None.

Respectfully submitted by:



Matthew Hallock
Fire Chief

Approved by:



Inez Alvarez
Interim City Manager

ATTACHMENT:

1. Proposed Resolution

ATTACHMENT 1

November Resolution

RESOLUTION NO. ____

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 MUSTACHES DURING THE MONTH TO RAISE AWARENESS OF PROSTATE CANCER AND OTHER MALE CANCER AND ASSOCIATED CHARITIES.

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. Movember is the month formerly known as November, where men and women across the globe join together to raise awareness and funds for men’s health. Men grow and women support a mustache for 30 days to promote awareness regarding men’s health issues and to encourage yearly checkups regarding prostate and testicular cancer.
- B. “Movember” started as an annual charity mustache growing event in Australia in 2004. Travis Garone is the co-founder of the Movember Foundation. He and Luke Slattery from Melbourne were having a discussion in 2003 at the Gypsy Bar on Brunswick Street, Fitzroy when the conversation went to how fashion trends from the 1980s were coming back, except mustaches. They remembered how popular they were and decided to grow their mos. (“mo” is an Australian slang for mustache.) This is when they realized that mustaches would be a great reminder that men should be able to talk openly about men’s health issues, especially prostate cancer as 1 in 6 men will get it in their lifetime. Inspired by a friend’s mother who was fundraising for breast cancer, they decided to make the campaign about men’s health and prostate cancer. Mr. Garone refers to the mo’s as “hairy ribbons” since October is Breast Cancer awareness month.
- C. Men who support Movember, called Mo Bros, start by registering at Movember.com. Mo Bros start Movember 1st clean-shaven, then grow and groom their Mo, for the rest of the month, raising money along the way. Women who support Movember, called Mo Sistas, also start by registering at Movember.com. Mo Sistas champion the Mo by registering and supporting the Mo Bros in their life, spreading the important message of men’s health, leading a team and organizing events.
- D. The Movember Foundation is the leading global organization committed to changing the face of men’s health. The Movember community has raised \$1.1 billion since 2004 and funded over 1,320 programs in 23 countries. The work is saving and improving lives of men affected by prostate cancer, testicular cancer and mental health problems.

- E. One of their programs is MOVE, to encourage more activity in our daily lives. This is especially important if you sit more than six hours a day. New research shows that sitting and inactivity are linked to increased risks of heart disease, diabetes, cancer, and depression. Our bodies are designed to move; when we sit for extended periods, it causes our bodies to shut down at the metabolic level. When our muscles (especially certain leg muscles) are not moving, our circulation slows, using less of our blood sugar and burning less fat. Moving on a regular basis can help reduce the risk of heart disease, diabetes and cancer.
- F. The Movember Foundation was ranked 47th out of the top Non-Governmental Organizations worldwide.
- G. The vision of Movember.com is to have an everlasting impact on men's health while having fun in the process. They believe in one team working together and sharing knowledge to reach their goals.

SECTION 2: The City Council further declares:

- A. Awareness and education promote lifesaving changes.
- B. The Community is encouraged to participate in the Movember campaign.

SECTION 3: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 5: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 1st day of November, 2023.

Jose Sanchez, Mayor

Attest:

Maychelle Yee, City Clerk

State of California)
County of Los Angeles)
City of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. was duly and regularly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 1st day of November, 2023, by the following vote:

Ayes:	Council Members:
Noes:	Council Members:
Absent:	Council Members:
Abstain:	Council Members

Dated this 1st day of November, 2023.

Maychelle Yee, City Clerk
Monterey Park, California



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Notice of Completion – Various Capital Improvement Projects

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the Notice of Completion recorded by the Public Works Director on September 7, 2023 accepting various sewer projects completed by GRBCON, Inc; and
2. Receiving and filing the Notice of Completion recorded by the Public Works Director on October 5, 2023 accepting the Slurry Seal Project (Year 2) completed by Onyx Paving Company, Inc;
3. Receiving and filing the Notice of Completion recorded by the Public Works Director on October 11, 2023 accepting the Street Rehabilitation at Various Locations Project (Year 1) completed by All American Asphalt, Inc.;
4. Receiving and filing the Notice of Completion recorded by the Public Works Director on October 11, 2023 accepting the Garfield Ave Traffic Signal Improvements project completed by PTM General Engineering Services, Inc;
5. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Pursuant to City Council Resolution No. 11701, the Public Works Director is authorized to record a Notice of Completion for Capital Improvement Projects (CIP). The City recently completed CIP 96031 – Street Rehabilitation Project (Year 1), CIP 96030 – Slurry Seal Project (Year 2), CIP 96028 – Garfield Ave Traffic Signal Improvements (HSIP Cycle 9), CIP 96001 – N. Atlantic Blvd Sewer Main Upgrade, CIP 99009 – S. Chandler Sewer Main upgrade, CIP 99015 – Sewer Point Repairs, and CIP 96007- Sewer Pipe relining. Upon completion, the work was inspected and approved by the City Engineer. It is recommended that the City Council receive and file the Notice of Completions recorded by the Public Works Director for these projects.

BACKGROUND:

The City's FY 23-24 Capital Improvement Plan included CIP 96001 – N. Atlantic Blvd Sewer Main Upgrade, CIP 99009 – S. Chandler Sewer Main upgrade, CIP 99015 – Sewer Point Repairs, and CIP 96007- Sewer Pipe Relining projects, CIP 96030 – Slurry Seal Project (Year 2), CIP 96031 – Street Rehabilitation Project (Year 1), and CIP 96028 – Garfield Ave Traffic Signal Improvements (HSIP Cycle 9).

CIP 96001 – N. Atlantic Blvd Sewer Main Upgrade

On December 16, 2020, the City Council awarded a contract with GRBCON, Inc. for the N. Atlantic Sewer Project. The original scope of the project had to be adjusted due to modifications to water improvements associated with this project. Since the revised scope of work exceeded the project's budget, staff modified the agreement with GRBCON to complete only part of the original scope and complete other sewer improvements. The remaining work will be budgeted and put out to bid at a future time. The final work for CIP 96001 included installation of 2,185 linear feet of 12" HDPE plastic pipe sewer main along N Atlantic Blvd. from Hellman Ave. to Garvey Ave. via pipe bursting; 660 linear feet of 16-inch HDPE plastic pipe sewer main along Garvey Ave from Atlantic Blvd. to Chandler Ave. via pipe bursting; and installation of manhole along N Atlantic Blvd. The final cost of the project was \$1,602,980.39.

Due to the modified scope and reduced costs for completing the work under CIP 96001, additional sewer improvements were requested under GRBCON's contract to complete CIP 99009, 99015, and 96007 under its competitive bid prices. The work for CIP 99009 – S. Chandler Sewer Main Upgrade, included the installation of 300 linear feet of 12" HDPE plastic pipe sewer main along S. Chandler Ave via pipe bursting. The final cost of the project was \$149,773.75.

The work for CIP 99015 – Sewer Point Repairs, included the installation of 716 linear feet of 8" HDPE plastic pipe sewer main and post-construction CCTV along Rock Haven Ave via pipe bursting; 175 linear feet of 8" HDPE plastic pipe sewer main and post-construction CCTV along Chalet Terrace via pipe bursting; Manhole Rehabilitation along Loma Verde Ave and Ynez Ave; 70 linear feet of 8" HDPE plastic pipe sewer main and post construction CCTV along N Baltimore Ave; and Sewer Main Point Repair at various location. The final cost of the project was \$719,267.84.

The work for CIP 96007- Sewer Pipe Relining Project included the installation of 716 linear feet of 8" HDPE plastic pipe sewer main and post-construction CCTV along Rock Haven Ave via pipe bursting; 175 linear feet of 8" HDPE plastic pipe sewer main and post-construction CCTV along Chalet Terrace via pipe bursting; 452 linear feet of 8" VCP Sewer Main on Brier Cliff Way and post construction CCTV along Brier Cliff Way. The final cost of the project was \$450,403.00.

CIP 96030 – Slurry Seal Project (Year 2)

On April 5, 2023, the City awarded a contract with Onyx Paving Company, Inc. for the 2023 Slurry Seal at Various Locations Specification No. 2023-002, in the amount of \$727,000. A 15% contingency was requested and approved for a total contract amount of \$869,650. On September 12, 2023, the construction of the project was finalized. The project involves the application of an asphalt emulsion slurry type II seal on various residential streets. The project also includes full depth localized asphalt concrete patch and the restoration of the existing traffic striping and pavement markings. The final cost of the project was \$822,560.76 which includes construction costs, construction management and inspection, and contingency.

CIP 96031 – Street Rehabilitation at Various Locations Project (Year 1)

On June 15, 2022, the City awarded a contract with All American Asphalt, Inc. for the Street Rehabilitation at Various Locations (Year 1), Specification No. 2022-006, in the amount of \$7,294,219, plus 10% contingency. The work included cold milling and removal of existing asphalt pavement and constructing a rubberized asphalt overlay, adjusting utility covers to grade; constructing new ADA curb ramps; repairing sidewalk, and curb and gutter; restoring traffic striping and pavement markings and providing and maintaining traffic control during construction. On September 18, 2023, the construction of the project was finalized. The final cost of the project was \$7,511,095.33, which includes construction costs, construction management and inspection, and contingency.

CIP 96028 – Garfield Ave Traffic Signal Improvements (HSIP Cycle 9)

On May 3, 2023, the City awarded a contract with PTM General Engineering Services, Inc. for the HSIP Cycle 9 Garfield Avenue Traffic Signal Improvements Project Specification No. 2022-016, in the amount of \$428,028, plus 9% contingency. The work included installation of traffic signal hardware (lenses, backplates with reflective borders, mounting) and installation of pedestrian countdown signal heads and related signal improvements at signalized intersections along Garfield Avenue between South City limit and North City Limit. On September 18, 2023, the construction was finalized. The final cost of the project was \$500,510.56 which includes construction costs, construction management and inspection, and contingency.

FISCAL IMPACT:

The City's FY 23-24 Capital Improvement Plan includes a budget for each respective project. The following provides a breakdown of total costs for each listed project.

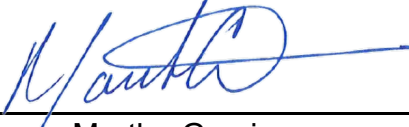
CIP No.	Project	Budget	Actual Expenditures	Balance
96001	N. Atlantic Blvd Sewer Main Upgrade	2,752,089.00	1,602,980.39	1,149,108.61
96007	Sewer Pipe Relining Project	609,234.16	450,403.00	158,831.16
99009	Chandler Sewer Main Upgrade	10,000.00	149,773.75	10,226.25
99015	Sewer Point Repairs	1,282,000.00	719,267.84	562,732.16
96028	Garfield Ave Traffic Signal Improvements (HSIP Cycle 9)	537,200.00	500,510.56	36,689.44
96030	Slurry Seal Project (Year 2)	869,650.00	822,560.76	47,089.24
96031	Street Rehabilitation at Various Locations Project (Year 1)	11,388,652.00	7,511,095.33	3,877,556.67

Respectfully submitted by:



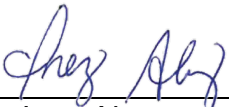
Shawn Igoe
Director of Public Works

Reviewed by:



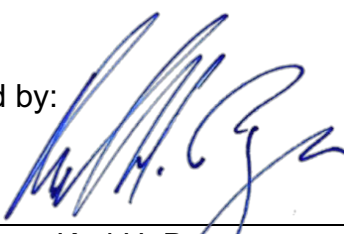
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
Interim City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. Notice of Completion – Various Sewer Projects
2. Notice of Completion – Slurry Seal Project (Year 2)
3. Notice of Completion – Street Rehabilitation at Various Locations Project (Year 1)
4. Notice of Completion – Garfield Ave Traffic Signal Improvements (HSIP Cycle 9)

ATTACHMENT 1

Notice of Completion

**Recording Requested by
and When Recorded Mail To:**

**City Clerk, City Hall
320 W. Newmark Ave
Monterey Park, CA**

NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name : N Atlantic Water Sewer Improvement Project

Project No. : CIP NO. 96001, 99009, 99015, 96007

Take notice pursuant to Civil Code § 3093, *et seq.* that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described.
2. The full name of the owner is: City of Monterey Park
3. The full address of the owner is: 320 W Newmark Ave, Monterey Park, CA, 91754
4. The nature of the interest of the owner is: In Fee
5. A work of improvement on the property hereinafter described was field reviewed by the City Engineer on September 5th, 2023. The work done was: Sewer Main Replacement and Manholes Installation for N Atlantic Blvd, S Chandler Ave, Rock Haven St, Chalet Terrence, Loma Verde St, Brier Cliff Way and N Baltimore Ave.
7. The name of the Contractor for such work of improvement was: GRBCON, INC.
8. The property on which said work of improvement was completed is in the City of Monterey Park, County of Los Angeles, State of California, and is described as follows:
Various Locations within City of Monterey Park.
9. The street address of said property is: Various Location
10. This Notice of Completion is being recorded in accordance with Resolution No. 11701 (adopted November 5, 2014).

Dated: 9/7/23

City of Monterey Park


Public Works Director

VERIFICATION

I, the undersigned, say: I am the Public Works Director for the City Monterey Park, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on Sep 07, 2023 at Monterey Park, California.

City of Monterey Park


Public Works Director

ATTACHMENT 2

Notice of Completion

**Recording Requested by
and When Recorded Mail To:**

City Clerk, City Hall

Monterey Park, CA

NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name : 2023 Slurry Seal at Various Locations

Project No. : 2023-002

Take notice pursuant to Civil Code § 3093, *et seq.* that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described.
2. The full name of the owner is: City of Monterey Park
3. The full address of the owner is: 320 W Newmark Ave, Monterey Park, CA, 91754
4. The nature of the interest of the owner is: in fee.
5. A work of improvement on the property hereinafter described was completed and field reviewed by the City Engineer on September 12, 2023. The work done was: Slurry seal at various locations.
7. The name of the Contractor for such work of improvement was: Onyx Paving Company, Inc.
8. The property on which said work of improvement was completed is in the City of Monterey Park, County of Los Angeles, State of California, and is described as follows:
9. The street address of said property is: Various locations within Monterey Park.
10. This Notice of Completion is being recorded in accordance with Resolution No. 11701 (adopted November 5, 2014).

Dated: 10-05-2023

City of Monterey Park


Public Works Director

VERIFICATION

I, the undersigned, say: I am the Public Works Director for the City Monterey Park, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on September 12, 2023 at Monterey Park, California.

City of Monterey Park


City of Monterey Park
Public Works Director

ATTACHMENT 3

Notice of Completion

**Recording Requested by
and When Recorded Mail To:**

**City Clerk, City Hall
320 W Newmark Avenue
Monterey Park, CA 91754**

NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name : 2021-22 Street Rehabilitation at Various Locations

Project No. : 2022-006

Take notice pursuant to Civil Code § 3093, *et seq.* that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described:
2. The full name of the owner is: City of Monterey Park
3. The full address of the owner is: 320 W Newmark Avenue, Monterey Park, CA 91754
4. The nature of the interest of the owner is: in fee.
5. A work of improvement on the property hereinafter described was completed and field reviewed by the City Engineer on September 18, 2023. The work done was:
Street rehabilitation at various locations.
7. The name of the Contractor for such work of improvement was: All American Asphalt
8. The property on which said work of improvement was completed is in the City of Monterey Park, County of Los Angeles, State of California, and is described as follows:
Various locations within City of Monterey Park
9. The street address of said property is: Various locations
10. This Notice of Completion is being recorded in accordance with Resolution No. 11701 (adopted November 5, 2014).

Dated: 10/11/2023


Public Works Director

VERIFICATION

I, the undersigned, say: I am the Public Works Director for the City Monterey Park, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on October 11, 2023 at Monterey Park, California.


City of Monterey Park
Public Works Director

ATTACHMENT 4

Notice of Completion

**Recording Requested by
and When Recorded Mail To:**

**City Clerk, City Hall
320 W Newmark Avenue
Monterey Park, CA 91754**

NOTICE OF COMPLETION OF CONSTRUCTION PROJECT

Project Name : Garfield Avenue Traffic Signal Improvements

Project No. : 2022-016

Take notice pursuant to Civil Code § 3093, *et seq.* that:

1. The undersigned is an officer of the owner of the interest stated below in the property hereinafter described:
2. The full name of the owner is: City of Monterey Park
3. The full address of the owner is: 320 W Newmark Avenue, Monterey Park, CA 91754
4. The nature of the interest of the owner is: in fee.
5. A work of improvement on the property hereinafter described was completed and field reviewed by the City Engineer on September 18, 2023. The work done was:
Traffic signal improvements at various signalized intersections along Garfield Avenue.
7. The name of the Contractor for such work of improvement was: PTM General Engineering Services, Inc.
8. The property on which said work of improvement was completed is in the City of Monterey Park, County of Los Angeles, State of California, and is described as follows:
Signalized intersections along Garfield Avenue
9. The street address of said property is: Various locations
10. This Notice of Completion is being recorded in accordance with Resolution No. 11701 (adopted November 5, 2014).

Dated: 10/11/2023


Public Works Director

VERIFICATION

I, the undersigned, say: I am the Public Works Director for the City Monterey Park, the declarant of the foregoing Notice of Completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury the foregoing is true and correct.

Executed on October 11, 2023 at Monterey Park, California.


City of Monterey Park
Public Works Director



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: Consent Calendar - 3F

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Receive and File Staff Report Summarizing the Status of Emergency Repairs of the Monterey Pass Road Water Line

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the staff report summarizing the status of emergency repairs of the Monterey Pass Road water line; and
2. Taking such additional, related, action that may be desirable.

BACKGROUND:

On August 17, 2022, City Council adopted Resolution No. 2022-R69 authorizing the City Manager to take necessary measures for emergency repair of a water main line on Monterey Pass Road. Recurring water main leaks in several areas within Monterey Pass Road between the intersections of Vagabond Drive and Brightwood Street resulted in extensive infrastructure damage to the roadway and necessary water main pipe repairs to ensure continued water service to residences and businesses in the area.

The design phase was completed in December 2022 followed by research of available material and cost during the months of December and January to ensure the project could be expedited due to the significant material delivery delays. Construction started in March 2023 and is scheduled to be complete by December 2023.

As part of the City's outreach efforts, the construction manager visited businesses along the project area prior to the start of the project to notify them of the upcoming construction. The Economic Development Division also mailed out letters to businesses that may be impacted by this project. Message boards were placed within the project area prior to construction commencing to alert drivers of the impact to their commutes. The City will continue to provide project updates to the community for the duration of the project through the City website, social media, and City Council meetings. A dedicated webpage has been established on the city's website as, www.Montereypark.ca.gov/Montereypass, to inform the public about the project and provide progress updates. Residents and businesses can also sign up to receive project updates by subscribing to NIXLE, by texting "MPSS" to 888777.

The contractor has completed the installation of the 12-inch pipeline for the entire project from Floral Drive to Vagabond Road for a total length of 10,800 linear feet of pipeline. This is the backbone of the water distribution system along Monterey Pass Road. The contractor also completed the installation of all interconnecting pipes including the connection at Vagabond Road. The contractor has installed all the lateral pipelines for the water services, fire services, and fire hydrants for the project. The contractor has also completed hydrostatic pressure testing of the pipeline. The contractor will continue to install water meter boxes and water services. The current overall project is approximately 82% complete.

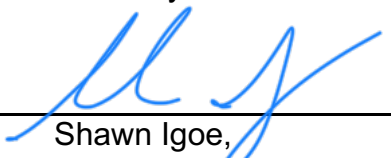
Traffic control devices have provided a safe working condition for both contractor and the driving public. These devices are removed at the end of the day and proper temporary asphalt resurfacing of the trench has provided a seamless transition for vehicular traffic. Street sweeping is performed on a daily basis to provide a clean working environment during and after work. A map showing construction work through October 13th is included as Attachment 1.

FISCAL IMPACT:

The Monterey Pass Road Emergency Water Main Improvements project is included in the FY23-24 Capital Improvement Plan as Project No. 99025. The following is an estimated cost for the project:

<u>CIP 99025 – Monterey Pass Road Emergency Watermain</u>	
Engineering Design	\$ 131,000
Geotechnical	\$ 100,000
Construction Cost	\$ 4,800,000
Material Cost	\$ 1,600,000
Street Rehabilitation	\$ 950,000
Construction Management and Inspection	\$ 410,000
Total	\$7,991,000

Respectfully submitted by:



Shawn Igoe,
Director of Public Works

Reviewed by:



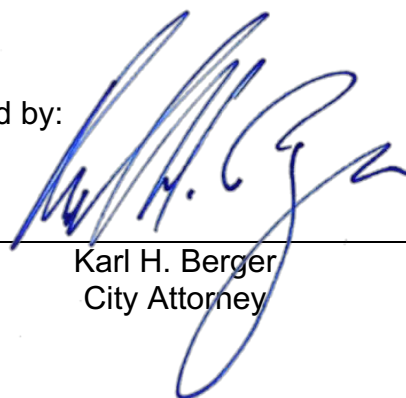
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
Interim City Manager

Reviewed by:



Karl H. Berger
City Attorney

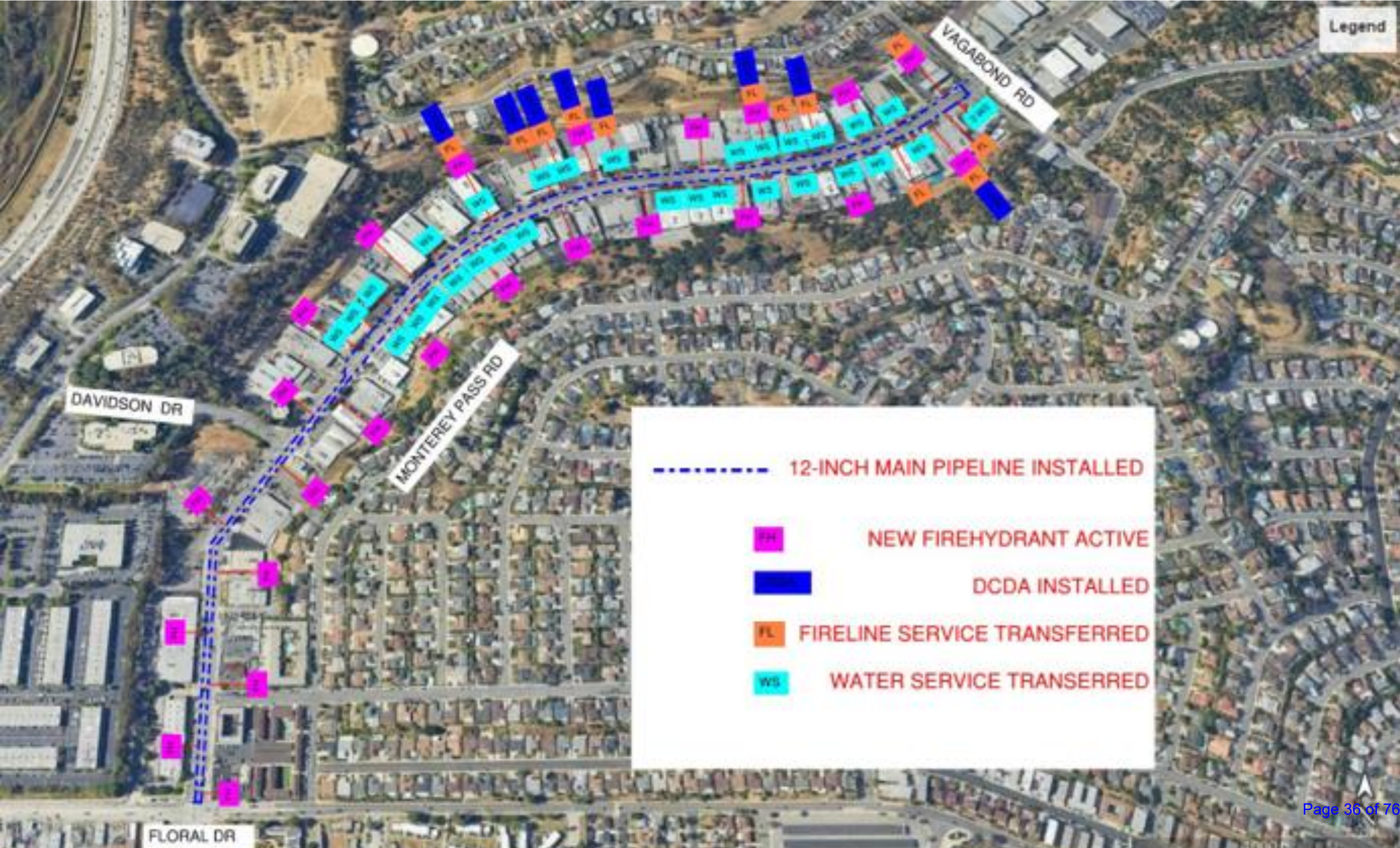
ATTACHMENT:

1. Construction Map

ATTACHMENT 1

Construction Map

Monterey Pass Waterline Progress exhibit





City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: Public Hearing - 4A

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Preferential Parking District: W. 1st Street from Sherbrook Avenue to Schoolside Avenue.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening a public hearing to receive documentary and testimonial evidence;
2. After closing the hearing and considering the evidence, adopting a Resolution amending Resolution Nos. 10931, 11634 and 11744 to include W. 1st Street from Sherbrook Avenue to Schoolside Avenue among the preferential parking districts; and
3. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed action is exempt from the requirements of the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA Guidelines (Cal. Code Regs. Title 14, §§ 15000, *et seq.*) in accordance with CEQA Guidelines § 15305 (Class 5 – Minor Alterations in Land Use Limitations). The project involves a negligible expansion of use; there is only a minor change in the operation of an existing use. The project would not result in significant effects related to traffic, noise, air quality, or water quality and it can be adequately served by all required utilities and public services.

BOARD/COMMISSION REVIEW:

On August 17, 2023, staff presented the request for a permit parking district on W. 1st Street from Sherbrook Avenue to Schoolside Avenue to the Traffic Commission. After hearing the request and staff's findings, the Traffic Commission recommended that the City Council add a new preferential parking district located at W. 1st Street from Sherbrook Avenue to Schoolside Avenue to the City's existing permit parking areas.

EXECUTIVE SUMMARY

The City received a petition to add a new preferential parking district located at W. 1st street from Sherbrook Avenue to Schoolside Avenue to the City's existing permit parking areas. Staff investigated the proposed permit limits and the surrounding street parking conditions. It is recommended that City Council adopt a Resolution amending Resolution Nos. 10931, 11634 and 11744 to include W. 1st Street from Sherbrook Avenue to Schoolside Avenue among the preferential parking districts.

BACKGROUND

In November of 2004 the City adopted a policy which provides a process for residents to petition the City to establish a permit parking area, and the criteria for considering residential parking districts. At the time, several parking districts were established and ratified by Resolution No. 10931. Over the next several years, at the request of the residents of those streets, the City established permit parking areas on several neighborhood streets. Resolution No. 10931 establishes such parking districts and Resolution Nos. 11634 and 11744 amend it.

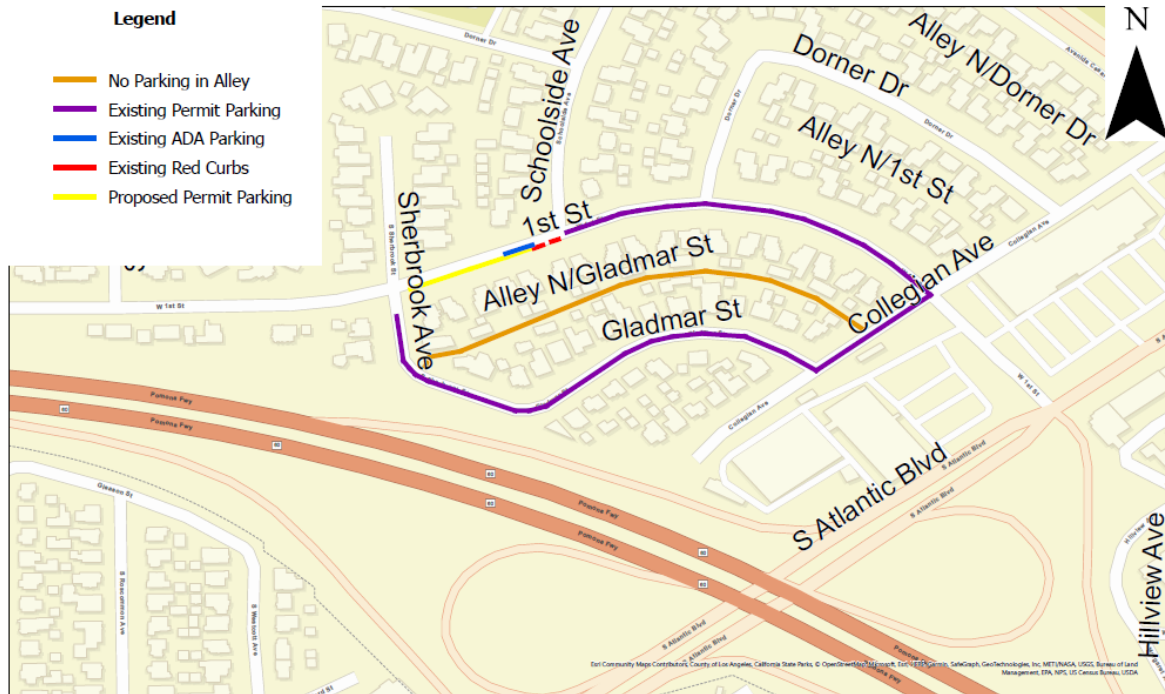
The residents of W. 1st Street from Sherbrook Avenue to Schoolside Avenue petitioned the City for the establishment of a preferential parking area due to the excess number of vehicles from outside of the neighborhood, especially students from East Los Angeles College, taking up limited street parking.

1st Street is considered a local roadway and it is approximately 55' (feet) wide with one travel lane in each direction with a middle lane that includes a left turn pocket into Sherbrook Avenue (South), and a left turn pocket into Schoolside Avenue (South). Parking is allowed on the proposed street segment at all times except on Mondays from 12 p.m. to 4 p.m. due to street sweeping and an existing 20-feet of red curb in front of the crosswalk at Schoolside Avenue and a handicap parking space in front of 1330 W. 1st Street. Land use along the studied segment is Multi-family Residential. Designation as a permitted parking area may provide practical and convenient parking benefits to the residents and add to their quality of life. The residents at these properties have limited garage space to park and do not have garages or driveways on W. 1st Street, so the only place to park near their living spaces is the frontage on W. 1st Street. Parking is not allowed in the alley behind W. 1st Street.

Several of the streets adjacent to 1st Street currently have permit parking restrictions, these include both 1st Street east of the studied segment and Sherbrook west of the studied segment all the way to 1st Street. Staff monitored cars parked along the proposed segment at various times of the day for eight days and determined that during 75% of the days evaluated, at least 50% or more of the cars parked along the studied segment were from out of the area. This monitoring and investigation confirmed the validity of the petition raised by the residents to implement a permit parking district.

The proposed parking district on W. 1st Street would restrict parking Monday through Friday, from 7:00 a.m. to 7:00 p.m. adjacent to the residential area. The limits of the permit parking will start from the handicap parking space near 1330 W. 1st Street to the corner of 1st Street and Sherbrook Avenue.

W 1st St from Sherbrook Ave to Schoolside Ave



To ensure implementation of this preferential parking district, it is recommended that the City Council add a new preferential parking area. If adopted, the draft resolution would add the following district pursuant to Vehicle Code § 22507:

W. 1st Street from Sherbrook Avenue to Schoolside Avenue, restricting parking Monday through Friday, from 7:00 a.m. to 7:00 p.m.

No other changes are recommended.

PROPOSED W. 1 st Street PERMIT PARKING	
Address No.	Street
1326	W. 1 st Street
1330	W. 1st Street
1338	W. 1 st Street
1342	W. 1 st Street
1346	W. 1st Street
1350	W. 1st Street
1354	W. 1st Street

FISCAL IMPACT

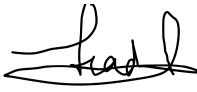
Residents living in the parking districts receive up to four (4) free parking permits per property. While there is an initial fiscal impact due to costs incurred by the permit issuance, this will be offset by the potential revenue from violations.

Respectfully submitted by:



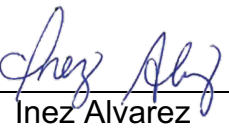
Shawn Igoe
Public Works Director

Prepared By:



Ziad Mazboudi, PE
Engineering Manager

Approved by:



Inez Alvarez
Interim City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS

1. August 17, 2023 Traffic Commission Report per Resolution No. 10931
2. Draft Resolution

ATTACHMENT 1
August 17, 2023 Traffic Commission
Staff Report



Traffic Commission Staff Report

DATE: August 17, 2023

AGENDA ITEM NO: 4-B

TO: Traffic Commission
FROM: Ziad Y. Mazboudi, PE, Engineering Manager
SUBJECT: **REQUEST FOR PERMIT PARKING DISTRICT ON W. 1ST STREET
FROM SHERBROOK AVENUE TO SCHOOLSIDE AVENUE**

PROPOSAL

The Commission is asked to consider a request for residential permit parking district on W. 1st Street from Sherbrook Avenue to Schoolside Avenue.

FACTS

1. The Engineering Department received a petition from the residents on W. 1st Street, between Sherbrook Avenue and Schoolside Avenue, requesting the creation of residential permit parking and restricting parking along the street segment, Monday through Friday, from 7:00 a.m. to 7:00 p.m.
2. The residents state that vehicles from outside of the neighborhood will park on the street for the entire day, taking up limited street parking and occasionally leaving trash upon the street.
3. The signatures collected on the petition represent the majority of all properties residents within the segment in the affected area, and meets the required 67% of resident approval in the described limits.

FINDINGS

Staff investigated the proposed permit limits and the surrounding street parking conditions. Non-district resident vehicles have been observed parking along the requested segment due to limited street parking. These vehicles along with the existing residences compete for limited available parking.

A petition from the adjacent property residents was submitted to the City which has signatures from 15 residents representing the 5 properties within the area proposed for designation as a permit parking area. This exceeds the minimum 67% required in order to establish a preferential permit parking district.

ANALYSIS

1st Street is considered a local roadway and it is approximately 55' (feet) wide with one travel lane in each direction with a middle lane that includes a left turn pocket into Sherbrook Avenue (South), and a left turn pocket into Schoolside Avenue (South). Parking is allowed on the proposed street segment at all times except on Mondays from noon-4PM due to street sweeping and an existing 20-feet of red curb in front of the crosswalk at Schoolside Avenue and a handicap parking space in front of 1330 W. 1st Street. Land use along the studied segment is Multi-family Residential. Designation as a permit parking area may provide practical and convenient parking benefits to the residents and add to their quality of life. The residents at these properties have limited garage space to park and do not have garages or driveways on W. 1st Street, so their only place to park near their living spaces is the frontage on W. 1st Street. Parking is not allowed in the alley behind W. 1st Street.

Several of the streets adjacent to 1st Street currently have permit parking restrictions, these include both 1st Street East of the studied segment and Sherbrook West of the studied segment all the way to 1st Street. Staff performed 8 days of monitoring of cars parked along proposed segment at various times of the day and determined that 75% of the days evaluated, at least 50% or more of the cars parked along the studied segment were out of the area.

If approved by the Commission, the proposed parking district on W. 1st Street would restrict parking Monday through Friday, from 7:00 a.m. to 7:00 p.m. adjacent to the residential area. The limits of the permit parking will start from the handicap parking space near 1330 W. 1st Street to the corner of 1st Street and Sherbrook Avenue. If approved, the item will then be forwarded to the City Council for final approval and amendment of Resolution No. 10931, 11634, and 11744 to include proposed district.

PERMIT ISSUANCE

If established, the Police Department shall issue parking permits to the eligible applicants who present proof of residency within the designated permit parking area. Only two permits shall be issued for each residence, in addition, two guest parking permits shall be issued for each residence. A total of (4) permits are issued to each residence at no cost. Additional temporary guest parking permits may also be obtained on an as needed basis by the residents and issued by the Police Department.

RECOMMENDATION

It is recommended the Commission move to approve the proposed residential permit parking on W. 1st Street from Sherbrook Avenue to Schoolside Avenue, restricting parking Monday through Friday, from 7:00 a.m. to 7:00 p.m.

ATTACHMENTS:

1. Parking District Addresses
2. Parking District Petition
3. Proposed Parking Permit Resolution

PARKING DISTRICT ADDRESSES

PROPOSED W. 1ST STREET PERMIT PARKING	
Address No.	Street
1326	W. 1 st Street
1330	W. 1 st Street
1338	W. 1 st Street
1342	W. 1 st Street
1346	W. 1 st Street
1350	W. 1 st Street
1354	W. 1 st Street

W. 1st Street – PERMIT PARKING LOCATION

- No Parking in alley
- Existing Permit Parking
- Existing ADA parking
- Existing red curb
- Proposed Permit Parking



PARKING DISTRICT PETITION



PETITION FOR RESIDENTIAL PERMIT PARKING

We, the undersigned, are residents in the proposed residential permit parking area described in this petition. We understand that, if this area is designated as a residential permit parking area, certain restrictions will be placed upon on-street parking within the designated area. We further state the following;

1. We have read and agree to the attached rules and regulations pertaining to permit parking.

We, the undersigned, hereby request that the City of Monterey Park consider this petition for establishment of the residential permit parking program in the area listed below.

1st St Monterey Park Sherbrook Ave. Schoolside Ave.
Name of Roadway Between And

PARKING TO BE RESTRICTED: 24 hours a day, seven days a week ☐ OR 7:00 a.m. to 7:00 p.m. Monday –Friday ☒ (Check one)

	Full Legal Name (PRINT)	Signature	Street Number & Street Name (PRINT)	Telephone Number (PRINT)
1	Richard Alan Pantoja	<i>Richard Pantoja</i>	1346 W. 1st St Monterey Park, CA 91754	(323) 559-5749
2	Dora L. Delacruz	<i>Dora Delacruz</i>	1346 W. 1st St Monterey Park, CA 91754	(323) 559-4268
3	Anthony Pantoja	<i>Anthony Pantoja</i>	1346 W. 1st St Monterey Park, CA 91754	(323) 554-4268
4	Maria Carrillo	<i>Maria Carrillo</i>	1350 W. 1st St Monterey Park, CA 91754	(323) 228-7606
5	Sarahi Cisneros	<i>Sarahi Cisneros</i>	1350 W. 1st St Monterey Park, CA 91754	(310) 811-1811

	Full Legal Name (PRINT)	Signature	Street Number & Street Name (PRINT)	Telephone Number (PRINT)
6	Héctor Mejía	Héctor Mejía	1342 W. 1st St. ^{Monterey} PARK	(714) 820-0338
7	Jasmine Mejía	Jasmine Mejía	1342 W. 1st St. ^{Monterey} PARK	(714) 818-3282
8	Maria Mejía	Maria Mejía	1342 W. 1st St. ^{Monterey} PARK	(714) 855-7341
9	Camille Nunez	Camille Nunez	1354 W 1st St ^{Monterey Park} 91754	(626) 709-8181
10	Julian Perez	Julian Perez	1354 W 1st Monterey Park	323) 961-9052
11	Jorge Cisneros	Jorge Cisneros	1350 W 1st monterey park	323-712-10-91
12	Pablo Quezada	Pablo Quezada	1330 E W. monterey park	323-592-2444
13	José Quezada	José Quezada	1330 E W. monterey park	323-817-9249
14	Miguel Ortiz	Miguel Ortiz	1376 W 1st monterey park	(323) 263 8063
15	Ricardo A. Ortiz	Ricardo A. Ortiz	(323) 1376 W 1st monterey park	(323) 263 7063
16				
17				
18				
19				
20				

RESOLUTION NO. #####

**A RESOLUTION AMENDING NOS. 10931, 11634 AND 11744
REGARDING PREFERENTIAL PARKING AREAS WITHIN THE CITY
WHERE PARKING PERMITS MAY BE USED IN ACCORDANCE WITH
VEHICLE CODE §22507**

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds and declares as follows:

- A. This Resolution is adopted in accordance with Vehicle Code § 22507 and Resolution Nos. 10931, 11634 and 11744 which establish certain “preferential parking” areas;
- B. This Resolution reviewed by the City’s Community Development Department for consistency with the circulation element of the General Plan and Conformity with the Monterey Park Municipal Code (“MPMC”);
- C. The City reviewed this Resolution’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et set., the “CEQA” Guidelines”), and the City’s Environmental Guidelines;
- D. On (CC DATE) the City Council conducted a public meeting to receive public testimony and other evidence regarding, in part, this Resolution including, without limitation, information provided to the Council by the Police Department; and
- E. This Resolution, and its findings, are made based upon the evidence presented to the Council at its (CC DATE) meeting.

SECTION 2: *Findings.* Pursuant to Resolution No. 10931, the City Council makes the following findings:

- A. *Regular Interference.* That nonresident vehicles substantially and regularly interfere with the use of the majority of parking spaces within the preferential parking areas defined below. This is primarily attributable to the use of parking spaces by out of district vehicles;

- B. *Regular Intervals*. Such interference occurs on a daily basis, particularly during work days;
- C. *Noise*. These nonresident vehicles significantly contribute to unreasonable noise; traffic hazards; and environmental pollution; and
- D. *Shortage of Parking Spaces*. Residents within these parking areas are unable to reasonably and conveniently utilize parking spaces that are adjacent to their dwelling units.

SECTION 3: Creation of Zone 1 Preferential Parking Area. The City Council establishes the Preferential Parking Areas and amends Section 3 of Resolution No. 11634 by adding the following:

7:00 a.m. to 7:00 p.m., Monday through Friday,

- I) W. 1st Street from Sherbrook Avenue to Schoolside Avenue.

SECTION 4: *Parking Restrictions*. Vehicles parking within these areas must comply with the MPMC. The Police Chief, or designee, is authorized to enforce this Resolution.

SECTION 5: *Environmental Assessment*. This Resolution is exempt from the requirements of the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*: “CEQA”) and CEQA Guidelines (Cal. Code Regs. Title 14, §§ 15000, *et seq.*) in accordance with CEQA Guidelines § 15305 (Class 5 – Minor Alterations in Land Use Limitations). The project involves a negligible expansion of use; there is only a minor change in the operation of an existing use. The project would not result in significant effects related to traffic, noise, air quality, or water quality and it can be adequately served by all required utilities and public services.

SECTION 6: *Notification*. The Public Works Director, or designee, is authorized to erect such street signs as are needed to properly notify the general public of the restrictions on parking in the preferential parking zone created through this Resolution.

SECTION 7: *Supersession*. Supersession of previous preferential parking zones does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Resolution’s effective date. Any such superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution;

SECTION 8: *Effective Date of this Resolution*. This Resolution will become effective immediately upon adoption and will remain in effect unless repealed or superseded.

PASSED AND ADOPTED this ____ day of _____, 2023.

Jose Sanchez, Mayor

Attest:

Maychelle Yee, City Clerk

Approved as to Form:

Karl H. Berger, City Attorney

ATTACHMENT 2

Draft Resolution

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NOS. 10931, 11634 AND 11744 REGARDING PREFERENTIAL PARKING AREAS WITHIN THE CITY WHERE PARKING PERMITS MAY BE USED IN ACCORDANCE WITH VEHICLE CODE §22507

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds and declares as follows:

- A. This Resolution is adopted in accordance with Vehicle Code § 22507 and Resolution Nos. 10931, 11634 and 11744 which establish certain “preferential parking” areas;
- B. This Resolution reviewed by the City’s Community Development Department for consistency with the circulation element of the General Plan and Conformity with the Monterey Park Municipal Code (“MPMC”);
- C. The City reviewed this Resolution’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq.; “CEQA”), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq.; the “CEQA” Guidelines”), and the City’s Environmental Guidelines;
- D. On November 1, 2023 the City Council conducted a public meeting to receive public testimony and other evidence regarding, in part, this Resolution including, without limitation, information provided to the Council by the Police Department; and
- E. This Resolution, and its findings, are made based upon the evidence presented to the Council at its November 1, 2023 meeting.

SECTION 2: *Findings.* Pursuant to Resolution No. 10931, the City Council makes the following findings:

- A. *Regular Interference.* That nonresident vehicles substantially and regularly interfere with the use of most parking spaces within the preferential parking areas defined below. This is primarily attributable to the use of parking spaces by out of district vehicles;
- B. *Regular Intervals.* Such interference occurs on a daily basis, particularly during work days;
- C. *Noise.* These nonresident vehicles significantly contribute to unreasonable noise; traffic hazards; and environmental pollution; and

D. *Shortage of Parking Spaces.* Residents within these parking areas are unable to reasonably and conveniently utilize parking spaces that are adjacent to their dwelling units.

SECTION 3: Creation of Zone 1 Preferential Parking Area. The City Council establishes the Preferential Parking Areas and amends Section 3 of Resolution No. 11634 by adding the following:

Monday through Friday, from 7:00 a.m. to 7:00 p.m.

cc) W. 1st Street from Sherbrook Avenue to Schoolside Avenue

SECTION 4: *Parking Restrictions.* Vehicles parking within these areas must comply with the MPMC. The Police Chief, or designee, is authorized to enforce this Resolution.

SECTION 5: *Environmental Assessment.* This Resolution is exempt from the requirements of the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*: “CEQA”) and CEQA Guidelines (Cal. Code Regs. Title 14, §§ 15000, *et seq.*) in accordance with CEQA Guidelines § 15305 (Class 5 – Minor Alterations in Land Use Limitations). The project involves a negligible expansion of use; there is only a minor change in the operation of an existing use. The project would not result in significant effects related to traffic, noise, air quality, or water quality and it can be adequately served by all required utilities and public services.

SECTION 6: *Notification.* The Public Works Director, or designee, is authorized to erect such street signs as are needed to properly notify the general public of the restrictions on parking in the preferential parking zone created through this Resolution.

SECTION 7: *Supersession.* Supersession of previous preferential parking zones does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Resolution’s effective date. Any such superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution;

SECTION 8: *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 9: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 10: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 11: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 1st day of November, 2023.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council
FROM: Karl H. Berger, City Attorney
SUBJECT: Authorization to issue Legislative Subpoenas regarding the potential revocation of Conditional Use Permit No. CU-89-004 (as amended and modified) held by Atlantic Square, LLC.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas for testimony and records related to the potential revocation of CUP No. CU-89-004 (as amended) that was originally approved via Resolution No. 9356, adopted August 29, 1989 (and subsequently modified/amended); and
2. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY

On May 4, 2022, the City Council adopted Resolution No. 2022-R28 to establish procedures for issuing legislative subpoenas in accordance with California law. Legislative subpoenas to investigate matters being considered by the City Council.

During the past several years, it is apparent that property located at 2000-2290 South Atlantic Boulevard, generally known as the "Atlantic Square" property, is generally in a state of vacancy and disrepair. In addition to that condition likely constituting a public nuisance under Monterey Park Municipal Code ("MPMC") Chapter 4.30, the failure to exercise the land use approvals granted via CUP No. CU-89-004 (as subsequently modified and amended; collectively, the "ATS CUP") make it apparent that the City Council may wish to review and potentially revoke such land use entitlements.

To better understand why the Atlantic Square property is currently vacant, the City Attorney recommends that the City Council adopt a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas to various persons and corporations responsible for implementing the ATS CUP. Evidence gathered from such investigation will be presented to the City Council for consideration and potential action.

BACKGROUND

Relevant to this Agenda Item is the ATS CUP that the City Council approved via Resolution No. 9356 adopted on August 29, 1989. Among other things, the ATS CUP allows Atlantic Square to operate (1) a commercial shopping facility of five or more units; (2) two drive-in restaurants; (3) one additional on-sale alcohol use; and (4) major site identification signs. The ATS CUP was modified and amended in subsequent years to allow additional uses.

Since at least 2020, however, many storefronts at Atlantic Square remain vacant. Such vacancies undermine the public purpose for the former Monterey Park Redevelopment Agency (“MPRDA”) acquiring the property in the early 1980s. Rather than eliminating blight, the vacant storefronts are instead contributing to public nuisances (see *generally*, MPMC § 4.30.030, and *specifically*, §§ 4.30.050(a, c, d, e, g(3, 4, 5), x, and ii)). Indeed, the very findings for the ATS CUP appear to be undermined:

“the shopping center will be a substantial improvement over the existing one located in the center. Parking configuration shall be improved for better internal circulation. Additional landscaping will be provided and upgrading of all building facades will occur. ***Tenants needed by the City will be located here so as to provide necessary products to the citizens and needed sales tax to provide for City services.***”¹

While the property owner’s representatives (Terramar Retail Center or “TRC”) made multiple public assertions regarding why Atlantic Square is failing to take its obligations seriously, the City lacks substantial evidence to verify such statements.

MPMC § 21.32.150 establishes procedures for revoking or suspending conditional use permits; a copy is attached for reference. As may be read, “[u]pon recommendation by ... the City Council ... the body which granted a ... conditional use permit may conduct a noticed public hearing to determine whether it should be revoked.” Any such potential action must be based upon substantial evidence.

To determine whether there is sufficient evidence to consider revocation of the ATS CUP requires additional evidence. To gather such evidence, the City may issue legislative subpoenas in accordance with Government Code §§ 37104-37109 and Resolution No. 2022-R28. Once authorized, such subpoenas are signed by the Mayor and issued by the City Clerk. They may be enforced by the Superior Court.

¹ ATS CUP, p.2, Section 2(4); emphasis added.

The ability for cities to issue legislative subpoenas is well-established and was upheld by the California Supreme Court.² They may be utilized to gather testimony and documents that are relevant to any actions or matters considered by a city. Here, that means anything related to the failure to utilize the land uses authorized by the ATS CUP including, without limitation, the information TRC submitted to the City during the past 24 months.

If adopted, the draft resolution would authorize the Mayor and City Clerk to issue legislative subpoenas to the corporations and persons identified by the City Attorney in connection with the ATS CUP.

Once issued, the City Attorney's office would enforce the legislative subpoenas as needed to gather information to fully inform the City Council regarding potential revocation of the ATS CUP.

FISCAL IMPACT

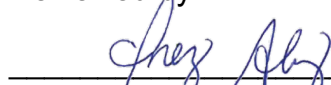
There is no fiscal impact associated with adopting the proposed resolutions.

Respectfully submitted and prepared by:



Karl H. Berger, City Attorney

Reviewed by:



Inez Alvarez, Interim City Manager

ATTACHMENTS

1. MPMC § 4.30.030, 4.30.050, and 21.32.150.
2. Resolution

² *Connecticut Indem. Co. v. Super. Court* (2000) 23 Cal.4th 807.

ATTACHMENT 1

Monterey Park

Municipal Code Sections

Monterey Park, California Municipal Code

Title 4 NEIGHBORHOOD PRESERVATION

Chapter 4.30 PUBLIC NUISANCES

4.30.040 Public nuisance—Generally.

Anything which is injurious to health, or is indecent, or offensive to the senses, or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use in the customary manner of any public park, square, street or highway, is a nuisance. (Ord. 2129 § 6, 2016)

Monterey Park, California Municipal Code

Title 4 NEIGHBORHOOD PRESERVATION

Chapter 4.30 PUBLIC NUISANCES

4.30.050 Public nuisances—Designated.

It is unlawful and it is declared to be a public nuisance for any person owning, leasing, occupying, or having charge or possession of any residential, agricultural, commercial, industrial, business park, office, educational, religious, vacant, or other premises within the city, to maintain such premises in such a manner that any of the following conditions are found to exist thereon:

- (a) A violation of any regulations adopted by reference by the Monterey Park Municipal Code;
- (b) Any land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, excavations, fill, or other alteration, interferes with the established drainage pattern over the property or from adjoining or other properties which does or may result in erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious to public health, safety and welfare or to neighboring properties;
- (c) Any building or structure which is partially destroyed, damaged, abandoned, boarded up, dilapidated, or permitted to remain in a state of partial construction;
- (d) The failure to secure and maintain against public access all doorways, windows, and other openings into vacant or abandoned buildings or structures;
- (e) Painted buildings and walls, retaining walls, fences or structures that require repainting, or buildings, walls, fences, or structures upon which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation;
- (f) Any premises, building or structure, wall, fence, pavement, or walkway which is painted in a garish manner or is out of harmony or conformity with the standards of adjacent properties;
- (g) Any building or structure, wall, fence, pavement, or walkway upon which any graffiti, including paint, ink, chalk, dye, or other similar marking substances, is allowed to remain for more than twenty-four consecutive hours;
- (h) Any wall, fence, gate, or hedge that is damaged, broken, dilapidated or a hazard or is maintained in violation of this code;
- (i) Any wall, fence, gate, or hedge that is covered by or constructed of, whether totally or partially:
 - (1) Bamboo or other similar reed material, whether natural or artificial,
 - (2) Tarpaulin materials, whether natural or man-made,

(3) Plastic materials, or

(4) Broken windows;

(j) Any overgrown, dead, decayed, diseased or hazardous tree, weeds, vegetation, or debris which:

(1) May harbor rats, vermin, or other disease carriers,

(2) Is maintained so as to cause an obstruction to the vision of motorists or a hazardous condition to pedestrians or vehicle traffic,

(3) Constitutes an unsightly appearance,

(4) Creates a danger or attractive nuisance to the public,

(5) Causes detriment to neighboring properties or property values, or

(6) Constitutes a fire hazard.

Notwithstanding the above, a brown lawn will not constitute a nuisance during a period for which the Governor or city council has issued a proclamation of a state of emergency based on drought conditions;

(k) Building exteriors, roofs, landscaping, grounds, walls, retaining and crib walls, fences, driveways, parking lots, planters, sidewalks, or walkways which are maintained in such condition so as to become defective, unsightly, cracked or no longer viable;

(l) The accumulation of dirt, litter, trash, junk, feces, or debris in doorways, adjoining sidewalks, walkways, courtyards, patios, parking lots, planters, landscaped or other areas;

(m) Any premises upon which there is or is permitted to be:

(1) Lumber, building materials, rubble, broken asphalt or concrete, containers, or other similar materials, except where construction is occurring under a valid permit,

(2) Junk, solid waste, vegetation, salvage materials, scrap metals, hazardous waste, broken or neglected machinery, dirt or fill material deposited or stored contrary to any law, automobile parts, except within a commercial business lawfully engaged in retail sales,

(3) Rocks, except in their natural state and location,

(4) Sinks, fixtures or equipment, appliances or furniture, except lawn furniture in residential yards and new or used furniture lawfully stored or displayed in connection with a valid business engaged in the sale or purchase of the same, or

(5) Inoperative vehicles, except where permitted by zoning regulations;

(n) Deteriorated driveways and parking lots, including those containing pot holes, or cracks;

(o) Abandoned, broken, unused, neglected or unprotected equipment and machinery, ponds, reservoirs and pools, whether or not the same contains any water or liquid, excavations, abandoned wells, shafts, basements, foundations, or other holes, abandoned refrigerators or other appliances, abandoned motor vehicles, any unsound structure, skateboard ramps, or accumulated lumber, solid waste, junk, or vegetation which may reasonably attract children to such abandoned or neglected conditions;

(p) Construction equipment, buses, tow trucks, dump trucks, flatbed trucks, grading equipment, tractors, tractor trailers, truck trailers, or any other commercial vehicle over twenty-five feet long or eight feet in height or ninety inches wide, supplies, materials, or machinery of any type or description, parked or stored upon any street or property within a residential zone, except where permitted by this code or state law. "Commercial vehicle," for the purposes of this section, is defined as any motorized or nonmotorized vehicle used or maintained to transport property or goods for profit, or persons for hire or compensation;

(q) Temporary service bins or construction debris storage bins stored on a public street or on private property, except where permitted by this code;

(r) Any garbage can, solid waste container, solid waste, packing box or junk placed or maintained so as to be visible from neighboring properties or the public right-of-way, except for those times scheduled for collection, in accordance with this code;

(s) Any property with accumulations of grease, oil, or other hazardous material on paved or unpaved surfaces, driveways, buildings, walls, or fences, or from which any such material flows or seeps on to any public street or other public or private property, or which is likely to seep or migrate into the underground water table;

(t) Any front yard, parkway, or landscaped setback area which lacks turf, other planted material, decorative rock, bark, or planted ground cover or covering, so as to cause excessive dust or allow the accumulation of debris;

(u) Any condition of vegetation overgrowth which encroaches into, over, or upon any public right-of-way including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or any impediment to public travel;

(v) Animals, livestock, poultry, or bees kept, bred, or maintained for any purpose and in violation of this code;

(w) A premises, building, habitation, or structure where debris, filth, rubbish, stagnant water or other offensive matter is permitted to accumulate so that it is unsanitary or likely to produce disease or otherwise endanger the public, health or safety;

(x) Any property, or any building or structure thereon, maintained in such condition so that it is defective, unsightly or in such condition of deterioration or disrepair that it causes or will cause an ascertainable diminution of the property values of surrounding properties or be otherwise materially detrimental to adjacent and nearby properties and improvements;

(y) Except where construction is occurring under a valid permit and pursuant to said permit, the dumping or deposit of any waste matter in or upon any public or private highway or road, including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or license, or upon any private property without the consent of the owner, or in or upon any public park or any public property other than property designated or set aside for that purpose by the governing board or body having charge of that property;

(z) Except where construction is occurring under a valid permit and pursuant to said permit, any placing, depositing, or dumping of any rocks or dirt in or upon any private highway or road, including any portion of the right-of-way thereof, or any private property, without the consent of the owner, or in or upon any public work or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property;

(aa) The parking of vehicles on private property in violation of the applicable zoning regulations for the property on which such vehicles are parked;

(bb) Rooftop storage (except as allowed pursuant to a valid permit issued by the city);

(cc) Any building, use or structure wherein one or more persons engage, or have engaged, in two or more acts which are prohibited by applicable law including, without limitation:

(1) Unlawful possession or use of controlled substances,

(2) Prostitution,

(3) Gambling, or

(4) Solicitation for any unlawful conduct;

(dd) Swimming pools not securely fenced or swimming pools, ponds, or other bodies of water that create an unhealthy or unsafe condition due to neglectful or improper supervision, treatment or filtration. The intent of this prohibition is to prevent or avoid the growth of harmful or unhealthy organisms or vegetation in the water, and also to protect public health and safety;

(ee) Maintaining, placing, or otherwise displaying upon any fence, wall, balcony, porch, tree, bush, or any other structure or portion thereof, any linens, rugs, fabrics, nylon, or any other item of clothing or similar items except upon a recognized clothes line facility. For the purpose of this subsection, the placement of clothes line(s) is prohibited within any front yard areas;

(ff) Unruly gatherings as defined by this code;

(gg) Graffiti as defined by this code;

(hh) Any building or portion thereof maintained in a manner which constitutes a substandard building pursuant to applicable law;

(ii) Any failure by a person or owner's association, as defined by this code, to enforce conditions of approval that are part of a permit issued in accordance with this code.

This section is not the exclusive definition or designation of what constitutes a nuisance within this city. It supplements and is in addition to other applicable law as it now exists or may be enacted. (Ord. 2191 § 3, 2020; Ord. 2129 § 6, 2016)

Monterey Park, California Municipal Code

Title 21 ZONING

Chapter 21.32 PERMIT PROCEDURES—GENERALLY

21.32.150 Revocation or Suspension.

(A) Revocation or Suspension. Upon recommendation by the City Planner, Planning Commission, or the City Council, by motion, carried by at least three affirmative votes, the body which granted a variance or conditional use permit may conduct a noticed public hearing to determine whether it should be revoked. If the granting body finds, upon substantial evidence, any of the following facts to be present, it may revoke the variance or conditional use permit:

- (1) That the variance or permit was obtained by fraud;
- (2) That the use for which such approval was granted has ceased to exist or has not operated for a period of one year, as determined by substantial evidence;
- (3) That the permit or variance granted is being, or has been, exercised contrary to any conditions imposed upon such permit or variance, or in violation of any law;
- (4) That an owner's association required by a conditional use permit was never formed, was dissolved, regularly fails to enforce covenants, conditions or restrictions ("CC&Rs") recorded on the property, or fails to enforce conditions of approval imposed upon the development; or
- (5) That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

(B) The granting body may, but is not required to, suspend a conditional use permit or variance if it finds that timely compliance will occur without additional violations.

(C) If the granting body determines that facts of subsection (A)(4) are present, it may, revoke or suspend the conditional use permit. It may also refer the matter to the City Attorney for enforcement pursuant to Chapter 4.10 of this code.

(D) If the revocation hearing is conducted by the Planning Commission, its decision may be appealed in accordance with Chapter 1.10. (Ord. 2203 § 1, 2021; Ord. 2191 § 5, 2020; Ord. 2132 § 1, 2016; Ord. 2097 § 3, 2013)

ATTACHMENT 2

Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY CLERK TO ISSUE SUBPOENAS FOR LEGISLATIVE FACT-FINDING RELATED TO CONDITIONAL USE PERMIT NO. CU-89-004 (AS AMENDED AND MODIFIED) ADOPTED BY RESOLUTION NO. 9356, ON AUGUST 29, 1989.

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. The City Council adopted Resolution No. 9356 on August 29, 1989 approving Conditional Use Permit No. CU-89-004 (as subsequently amended and modified) which authorized certain land uses located at 2000-2290 South Atlantic Boulevard, generally known as the “Atlantic Square” property (the “ATS CUP”).
- B. The City Council believes that it may be in the public interest to consider revoking the ATS CUP. To fully inform the City Council regarding whether to move forward with revocation procedures, it is in the public interest to obtain testimonial and documentary evidence regarding this matter.
- C. This Resolution is adopted in accordance with the requirements set forth in Resolution No. 2022-R38, for the purpose of obtaining information regarding potential revocation of the ATS CUP in accordance with Monterey Park Municipal Code (“MPMC”) Chapter 21.32.

SECTION 2: *Authorization.* The City Clerk is authorized to issue subpoenas requiring the attendance of witnesses and production of documents as required by the City Attorney to inform the City Planner and City Council regarding recommendations for revocation of the ATS CUP. Persons, documents, or other tangible items must be identified in a subpoena signed by the Mayor and approved as to form by the City Attorney. This authorization expires December 31, 2024 but may be renewed upon request by the City Attorney via City Council minute order, i.e., no subsequent resolution is required.

SECTION 3: *Subject-Matter of the Subpoenas.* The City Attorney is authorized to inform the City Clerk regarding which witnesses and what evidence is required to fully inform the City Planner and City Council. This authority may be expanded upon request by the City Attorney via City Council minute order, i.e., no subsequent resolution is required.

- A. Atlantic Square, LLC, along with its officers, directors and any other

persons most knowledgeable, as determined by the City Attorney; and

- B. Terramar Retail Center ("TRC"), along with its officers, directors and any other persons most knowledgeable, as determined by the City Attorney.

SECTION 4: Service. Subpoenas will be served in accordance with the provisions of Code of Civil Procedure §§ 1987 and 1988, and any successor statute or regulation.

SECTION 5: Witness fees and mileage. If requested by the witness, all witnesses appearing pursuant to subpoena will receive fees and mileage, in the same amount and under the same circumstances as prescribed by California law for the deposition of witnesses in civil actions in a superior court.

SECTION 6: Enforcement. Subpoenas issued in accordance with this Resolution may be enforced pursuant to applicable law including Government Code §§ 37105 through 37109.

SECTION 3: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 4: Recordation. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 5: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 1st day of November, 2023.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: November 1, 2023

AGENDA ITEM NO: New Business - 5B

TO: The Honorable Mayor and City Council
FROM: Jessica Serrano, Director of Community Development
SUBJECT: Discussion of Pending Updates to the Monterey Park Municipal Code

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Reviewing and approving the schedule for processing proposed updates to the Monterey Park Municipal Code ("MPMC") as outlined in the attached "Code Update Schedule"; and
- (2) Taking such additional, related, action that may be desirable.

BOARD/COMMISSION REVIEW:

On October 10, 2023, the Planning Commission reviewed the Code Update Schedule, received and filed the report, and recommended that the City Council accept the pending code updates work program as provided by staff.

EXECUTIVE SUMMARY:

With changes in California law, and approval of the Land Use & Urban Design and Housing Elements of the General Plan, the City Council must consider a comprehensive list of changes to the MPMC. California law requires, among other things, that the General Plan and the zoning regulations in the MPMC be consistent. The Planning Commission considered the attached Code Update Schedule during its meeting on October 10, 2023 and recommended that the City Council approve that schedule.

BACKGROUND:

On November 3, 2020, the voters of Monterey Park approved the 2040 Land Use and Urban Design Element. On January 19, 2022, the City Council approved a revised Housing Element. The MPMC must now be amended to implement these two General Plan Elements.

The City Council previously considered a schedule for updating the MPMC in March 2022. This proposed action is a continuation of the City Council's previous direction which included the following MPMC amendments:

- a. Outdoor Dining Ordinance;
- b. Density Bonus Ordinance;

- c. Gun Regulations; and
- d. Inclusionary Housing Ordinance.

In August 2023, the City launched *Our City, Our Plan*, which is an initiative consisting of a series of zone changes and code amendments aimed at enhancing economic prosperity throughout the City, revitalizing the Downtown, and creating affordable housing opportunities for the community. City staff made presentations on this initiative to the City Council, Planning Commission, and Business Improvement District Advisory Committee (BIDAC) and held a community workshop to inform stakeholders about the City's ongoing work. This is expected to be phased and completed by the end of 2024.

Our City, Our Plan initiatives consist of:

- Zoning Regulation Updates:
 - Align the zoning regulations with the Land Use & Urban Design and Housing Elements of the General Plan.
 - Ensure that the zoning regulations comply with California law.
 - Remove obsolete and outdated standards from the zoning regulations to help ensure they provide clear and accurate standards.
- Zone Changes:
 - Zoning designations will be proposed for certain properties to align with the Land Use & Urban Design Element of the General Plan.
 - Proposed zone changes would only impact the future development of these properties; existing structures and businesses will be allowed to remain.

To make the *Our City, Our Plan* program more manageable and efficient, it is broken into three categories that are meant to reflect the complexity of the zoning regulations. The first category, identified as “Low,” include minor, simple modifications that can be completed in a relatively short time frame. The “Moderate” category includes amendments that require additional study and preparation and are necessary to either comply with California law or make the City's zoning regulations clearer and more comprehensive. The items in the “High” category relate to the implementation of the General Plan elements, discussed above, and include creation of new zoning designations and regulations that require further due diligence.

Attached for the City Council's review is the proposed Code Update Schedule (this is a flexible document that may change over time as the need arises). As may be read, proposed “housekeeping” items for the MPMC would proceed directly to Council as these are not substantive changes. The other categories within the Code Update Schedule would be processed through the Planning Commission and presented to the City Council for consideration.

2023-2024 STRATEGIC PLAN GOAL:

The Code Update Schedule includes MPMC amendments which would, if adopted, implement several Strategic Plan goals including sustainability, housing, and civic engagement. The MPMC amendments are aimed at enhancing economic prosperity

throughout the City, revitalizing the Downtown, and creating affordable housing opportunities for the community. These MPMC amendments will also achieve civic engagement through community outreach which will be a part of these City efforts.

FISCAL IMPACT:

The updates to the MPMC, as described in this report, will be achieved through the collective efforts of City staff, Rincon Consultants, and City Attorney's office. On February 15, 2023, the City Council authorized the City Manager to enter into an agreement with Rincon Consultants, in an amount not to exceed \$301,562.50 to assist the City with implementation of the General Plan and preparation of a sustainability plan. The proposed changes in the Code Update Schedule are part of this scope of work.

Respectfully submitted and prepared by:



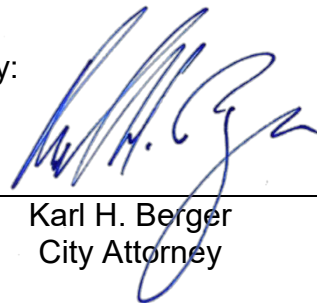
Jessica Serrano
Director of Community
Development

Approved by:



Inez Alvarez
Interim City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. *Code Update Schedule*

ATTACHMENT 1

Code Update Schedule

DRAFT CODE UPDATE SCHEDULE

No.	Complexity Category	Description	Recommending Body	Approving Body
1	Low	Clean up Zoning Code to remove obsolete and outdated standards, correct inconsistencies, and add clarifying language to ensure clear and accurate standards.	None	City Council
2	Moderate	Zoning Code amendments to comply with State regulations.	Planning Commission	City Council
3	Moderate	Zoning Code amendments to implement the Housing Element programs, such as: SB 9, ADU's, flexibility in development standards, housing for special needs populations, and lot consolidation.	Planning Commission	City Council
4	Moderate	Zoning Code amendments which add new regulations which did not previously exist.	Planning Commission	City Council
5	High	Sign regulations update.	Planning Commission	City Council
6	High	Zone Changes to make Zoning Map consistent with the Land Use & Urban Design Element.	Planning Commission	City Council
7	High	Creation of new Mixed Use Zoning Ordinance to be consistent with the Mixed Use Land Use Designation.	Planning Commission	City Council
8	High	Creation of new zoning designations to be consistent with the Mixed Use Land Use Designation, such as: Public Facilities, Corporate Center, and Housing Overlays.	Planning Commission	City Council
9	High	Code amendments pertaining to cannabis.	None	City Council
10	High	Code amendments pertaining to gun regulations.	None	City Council

RESOLUTION NO.

**A RESOLUTION RECOGNIZING THE MONTH OF NOVEMBER 2023 AS
NATIVE AMERICAN HERITAGE MONTH IN THE CITY OF MONTEREY
PARK**

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. Native Americans are the original Indigenous people of what is now the United States of America.
- B. The City of Monterey Park is on lands sacred to California's Indigenous peoples, including the Tongva people.
- C. The State of California is home to nearly 200 Native American groups, and Indigenous peoples remain actively engaged in cultural revitalization, resource protection, and self-determination within every region of California.
- D. California has the highest Native American population in the country; it is home to 109 federally recognized tribes, with approximately 81 groups seeking recognition.
- E. Native Americans, their governments, and their communities have persevered and flourished. As teachers and scholars, scientists and doctors, writers and artists, business leaders and elected officials, heroes in uniform, and so much more, they have made immeasurable contributions to our country's progress.
- F. In 1986, the U.S. Congress authorized and requested the U.S. President to proclaim the week of November 23-30, 1986, as "American Indian Week". Since the 1970s, the U.S. President has issued proclamations to designate "Native American Awareness Week."
- G. Beginning in 1990, November was designated as "National American Indian Heritage Month," and the proclamation of U.S. President George H.W. Bush in 1990 acknowledged that Indigenous peoples had developed rich, thriving cultures, as well as their own systems of social order.
- H. The City of Monterey Park seeks to honor the Indigenous peoples who have inhabited this place for generations and endeavors to be a good steward of the land and waterways for future generations.
- I. The 2023 theme for National Native American Heritage Month is "Celebrating Tribal Sovereignty and Identity."

- J. During Native American Heritage Month, we celebrate Indigenous peoples past and present and rededicate ourselves to honoring Tribal sovereignty, promoting Tribal self-determination, and upholding the United States' solemn trust and treaty responsibilities to Tribal Nations.
- K. The City Council of the City of Monterey Park urges the community to observe Native American Heritage Month with appropriate programs, ceremonies, and activities and to celebrate and learn more about Indigenous histories and cultures.

SECTION 2: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of _____, 2023.

Jose Sanchez, Mayor

Attest:

Maychelle Yee, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING NOVEMBER 12 THROUGH NOVEMBER 18, 2023 AS LA VS. HATE UNITED AGAINST HATE WEEK

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. The City of Monterey Park stands for diversity, inclusivity, and respect for all, irrespective of race, ethnicity, religion, gender, sexual orientation, disability or any characteristic.
- B. We reject hate, discrimination, and violence, aiming for a prejudice-free community.
- C. We collectively promote acceptance, respect, tolerance, and unity, enabling residents to live, work and thrive without fear.
- D. The "United Against Hate Week" campaign embodies our collective commitment to foster an environment where every resident can live, work and flourish without fear of hatred.
- E. We endorse the "California vs. Hate" coalition's mission to combat hate, prejudice, and intolerance such as xenophobia, anti-Semitism, sexism, homophobia, transphobia, anti-Muslim hatred, and other bigoted views by emboldened hate groups and individuals and intolerance from our communities and encourage communities to report hate incidents to the California vs. Hate hotline.
- F. By joining with our fellow California cities, we send a resounding message that we are united in our resolve to combat hate and promote acceptance.
- G. We call upon all residents, businesses, schools, and organizations to unite against hate, join events, and champion inclusivity, tolerance and unity.
- H. During this week, we reaffirm our commitment to the following principles:
 - a. We denounce hate, discrimination and violence in all forms.
 - b. We pledge to stand up against hate and support victims of hate incidents.
 - c. We encourage open dialogue and respectful conversations to bridge divides and promote understanding.
 - d. We celebrate the richness of our diverse community and the strength it brings to our city.
 - e. We commit to working together, in partnership with other California cities, to create a safe and welcoming environment for all.

- I. We urge our community members to report hate incidents to California vs Hate hotline at 833-8-NO-HATE or online at CAvsHate.org, to combat hate effectively and promote a safer environment.
- J. The City of Monterey Park is in enthusiastic support of United Against Hate Week, in solidarity with the "California vs. Hate" coalition and partners, in our county on November 12 - 18, 2023 and every day beyond.

SECTION 2: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 3: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution, signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 4: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

(Mayor signature and attestation must be on the same page.)

PASSED AND ADOPTED this ____ day of _____, 2023.

Jose Sanchez, Mayor

Attest:

Maychelle Yee, City Clerk