

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

REGULAR CITY COUNCIL MEETING

**Wednesday
November 4, 2020
6:30 p.m.**

EXECUTIVE ORDER NO. N-29-20

These meetings will be conducted pursuant to Section 3 of Executive Order No. N-29-20 issued by Governor Newsom on March 17, 2020.

Accordingly, Councilmembers will be provided with a meeting login number and conference call number; they will not be physically present at Council Chambers.

Pursuant to the Governor's order, the public may provide public comment utilizing the methods set forth below.

Note that City Hall is currently closed to the public. You will not be admitted to City Hall.

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.

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>.

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

PUBLIC PARTICIPATION

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

Via Email

Public comment will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and, when feasible, read into the record during public comment. Written communications are limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 936 6064 3654 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk’s office will be notified, and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer

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CALL TO ORDER Mayor

FLAG SALUTE Mayor

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

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS:

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

[1.] PRESENTATION

1-A. RECAP OF THE HALLOWEEN CANDY CARAVAN DRIVE-THRU EVENT

[2.] OLD BUSINESS – NONE.

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

3-A. MINUTES

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

- (1) Approve the minutes from the Regular meetings of September 16, 2020 and October 7, 2020 and the Special meetings of September 16, 2020, September 24, 2020, and October 7, 2020; and
- (2) Take such additional, related, action that may be desirable.

3-B. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 16.01.040 AND ADDING §§ 16.12.020 AND 16.12.030 TO CHAPTER 16.12 ("EXISTING BUILDING CODE") REGULATING SELF-CERTIFICATION, ALTERATIONS, AND CHANGE OF OCCUPANCY

It is recommended that the City Council consider:

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

3-C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE EXTENDING THE EFFECTIVE DATE FOR THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM FROM DECEMBER 31, 2020 TO JUNE 30, 2021

It is recommended that the City Council consider:

- (1) Waiving second reading and adopting an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021; and
- (2) Taking such additional, related, action that may be desirable.

3-D. A RESOLUTION AMENDING THE MONTEREY PARK ADMINISTRATIVE CODE BY CHANGING "MANAGEMENT RESOURCES DEPARTMENT" TO "MANAGEMENT SERVICES DEPARTMENT"

It is recommended that the City Council consider:

- (1) Adopting a Resolution amending the Monterey Park Administrative Code by Changing "Management Resources Department" to Management Services Department"; and
- (2) Taking such additional, related action that may be desirable.

3-E. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE AND APPROVE GRANT FUNDS FOR THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM (SPP) GRANT REGARDING PROPOSED IMPROVEMENTS TO THE BARNES PARK POOL

It is recommended that the City Council consider:

- (1) Adopting a Resolution authorizing the City Manager, or designee, to apply for, receive and approve funds for the SPP Grant; and
- (2) Taking such additional, related action that may be desirable.

3-F. ON-CALL ELECTRICAL MAINTENANCE SERVICES CONTRACT

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute two three-year agreements, in a form approved by the City Attorney, with ECM Peco, Inc. and Hampton Tedder Electric Company, for a combined total not to exceed \$100,000 annually; and
- (2) Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed work involves minor alterations to existing public facilities and therefore is Class 1 Categorically Exempt pursuant to the California Environmental Quality Act (CEQA).

3-G. GARFIELD AND GRAVES TRAFFIC SIGNAL IMPROVEMENTS - AWARD OF CONTRACT

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with PTM General Engineering Services, Inc., in the amount of \$445,544.00 for the Garfield and Graves Traffic Signal Improvements, Specification No. 2020-05;
- (2) Authorizing the appropriation of \$41,642 from Proposition C (Prop C) Funds and \$86,250 from Water Operations Funds for the construction of the project;
Authorizing the Director of Public Works to approve change orders and contingency up to \$67,000 (15%) of the contract amount, for a total project cost of \$512,544; and
- (3) Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

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

[4.] PUBLIC HEARING – NONE.

[5.] NEW BUSINESS – NONE.

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

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

ADJOURN



City Council Staff Report

DATE: November 4, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

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

- (1) Approve the minutes from the Regular meetings of September 16, 2020 and October 7, 2020 and the Special meetings of September 16, 2020, September 24, 2020, and October 7, 2020; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Prepared by:



Vincent D. Chang
City Clerk

Henry Lu
Minutes Clerk

Approved By:



Ron Bow
City Manager

Attachments: Minutes

ATTACHMENT 1

Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
SEPTEMBER 16, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, September 16, 2020 at 5:00 p.m. The special meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

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Via Telephone

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MISSION STATEMENT

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CALL TO ORDER:

Mayor Chan called the meeting to order at 5:01 p.m.

ROLL CALL:

Deputy City Clerk Cindy Trang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Fred Sornoso,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Director of Public Works Mark McAvoy, Interim Director of Human Resources Danielle Tellez, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

ORAL AND WRITTEN COMMUNICATIONS

None.

CLOSED SESSION

The City Council adjourned to closed session at 5:07 p.m.

1. CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO CALIFORNIA GOVERNMENT CODE §54957.6)

City Negotiators: Ron Bow, City Manager; Danielle Tellez, Interim Human Resources Director; Kristi Recchia, Liebert, Cassidy, Whitmore

Employee Organizations: Bargaining Units General Employees – Confidential Employee Association and Mid-Management Association

2. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE § 54956.9(D)(4). Number of Potential Cases: One.

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:21 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SEPTEMBER 16, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, September 16, 2020 at 6:30 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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MISSION STATEMENT

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CALL TO ORDER:

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

FLAG SALUTE:

Mayor Chan

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Fred Sornoso,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, City Treasurer Joseph Leon, Fire Chief Matt Hallock, Police Chief Kelly Gordon, Director of Public Works Mark McAvoy, Director of Management Services Martha Garcia, Director of Recreation & Community Services Inez Alvarez, Interim Director of Human Resources Danielle Tellez, City Librarian Diana Garcia, Assistant City Engineer Frank Lopez, Economics Development Manager Joseph Torres, Recreation & Community Services Manager Robert Aguirre, Senior Librarian Reference Deborah Niblick, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho, Housing Consultant Deborah Sottek, Housing Consultant Priscila Davila

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Attorney Berger reported that there was a supplemental agreement for Agenda Item No. 5E regarding the City Manager's contract that was made publically available.

PUBLIC COMMUNICATIONS

Public Speaker Disclaimer: Meetings are held virtually and the information listed for the speakers may or may not reflect the correct spelling of their respective name.

- Johna Lee voiced her concerns for Agenda Item No. 3E. She was advised if she would like to postpone her comment until the agenda item which she agreed to.
- City Clerk Chang received, filed, and read into the record one written communications from Stephanie Moreno. Ms. Moreno provided a flyer from the San Gabriel Basin Water Quality Authority promoting an Online Webinar regarding a Special Update for City Officials to be held on October 1, 2020 at 2:00 p.m.

1. PRESENTATION

1A. LEGISLATIVE UPDATE FROM SENTATOR SUSAN RUBIO

Senator Susan Rubio presented the Legislative Update. She spoke on Assembly Bill 3088 and stated that the Legislature has collectively decided to continue the moratorium on evictions until January 2021. She reminded the public that a moratorium on rent does not equal rent forgiveness.

1B. MPK COUNTS CENSUS 2020 – INFORMATIONAL UPDATE

Inez Alvarez, Director of Recreation & Community Services, presented an informational update on the MPK Counts 2020 Census Awareness Campaign.

1C. CDBG POST-COVID ASSISTANCE PROGRAM – INFORMATIONAL UPDATE

Deborah Niblick, Senior Librarian Reference, Debbie Sottek, Housing Consultant, and Priscilla Davila, Housing Consultant, presented an informational update regarding the CDBG (Community Development Block Grants) Post-COVID Assistance Program.

1D. BUSINESS RECOVERY PROGRAM UPDATE

Joseph Torres, Economic Development Manager, presented an informational update on the Business Recovery Program.

2. OLD BUSINESS

None.

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

Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Items Nos. 3A, 3B, 3D, 3F, 3G and 3H on Consent Calendar, excluding Items Nos. 3C and 3E which were pulled for discussion and separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof. Mayor Chan and Council Member Lo declared a potential Conflict of Interest on Agenda Item No. 3F, as they reside within 500 feet of the project site.

Motion: Moved by Council Member Liang and seconded by Mayor Pro Tem Yiu motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: Chan and Lo on Agenda Item No. 3F

3A. MONTHLY INVESTMENT REPORT – AUGUST 2020

As of August 31, 2020 invested funds for the City of Monterey Park is \$84,882,167.50.

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

3B. MINUTES

Approve the minutes from the Joint Regular and Special meetings of July 1, 2020 and July 15, 2020 and the Special meetings of July 11, 2020, July 14, 2020, and July 15, 2020.

Action Taken: The City Council approved the minutes from the Joint Regular and Special meetings of July 1, 2020 and July 15, 2020 and the special meetings of July 11, 2020, July 14, 2020, and July 15, 2020 on Consent Calendar.

3C. CONSIDERATION AND POSSIBLE ACTION TO ADOPT THE 2020 CONFLICT OF INTEREST CODE FOR THE CITY OF MONTEREY PARK IN ACCORDANCE WITH THE POLITICAL REFORM ACT

Pursuant to the Political Reform Act, Government Code Section 81000, et seq., every local agency is required to review its Conflict of Interest Code disclosure biennially to determine if the Code is accurate or in need of amendment. City staff has reviewed its previous determinations relating to disclosure levels and determined that Resolution No. 12036 should be amended to include revisions consistent with existing positions in the City.

Action Taken: The City Council adopted Resolution No. 12198 amending the City's Conflict of Interest Code as amended to add "Planning Manager" under the Public Works category.

Motion: Moved by Mayor Chan and seconded by Mayor Pro Tem Yiu motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Resolution No. 12198, entitled:

A RESOLUTION ADOPTING THE 2020 CONFLICT OF INTEREST CODE FOR THE CITY OF MONTEREY PARK IN ACCORDANCE WITH THE POLITICAL REFORM ACT

3D. AUTHORIZE THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT FOR THE YWCA SAN GABRIEL VALLEY TO CONDUCT THE ELDERLY NUTRITION PROGRAM AT LANGLEY SENIOR CENTER

Langley Senior Center provides daily hot meals to Monterey Park residents and neighboring seniors citizens 60 years and older, Monday through Friday between the hours of 11:00 am to 12:30 pm. The Langley Senior Center has many amenities such as a fully equipped commercial kitchen and a large banquet style dining room making this an ideal location to service approximately 150 seniors with lunch daily. Seniors interested in the lunch program are required to register with County of Los Angeles Workforce Development, Aging and Community Services Division. Once registered, seniors are eligible for the lunch program and though not required, a \$3.00 donation is suggested. Currently due to the COVID-19 pandemic, staff are delivering 755 meals (5 meals per person serving 151 seniors) once a week to registered senior residents.

This program is possible primarily due to the Langley Senior Center's long standing partnership with the YWCA San Gabriel Valley (SGV) Elderly Nutrition Program. Working together, the YWCA SGV supports the Los Angeles County Area Agency on Aging's mission and it's Elderly Nutrition Program providing Congregate Meal Services intended to maintain or improve the physical and social well-being of mobile older adults in a group setting and at strategically located sites. Therefore, staff recommends City Council authorize a license agreement with the YWCA SGV to continue providing this program for the Monterey Park community.

Action Taken: The City Council authorized the City Manager, or designee, to execute a license agreement, in a form approved by the City Attorney for the YWCA San Gabriel Valley to conduct the Elderly Nutrition Program at Langley Senior Center on Consent Calendar.

3E. NOTIFICATION OF FINAL MAP REVIEW PURSUANT TO MONTEREY PARK MUNICIPAL CODE § 20.20.050 AND SUBDIVISION MAP ACT (GOVERNMENT CODE § 66448(D)) – TENTATIVE MAP NO. 78209 (772 BARNUM WAY)

Monterey Park Municipal Code (MPMC) § 20.20.050, in accordance with Government Code § 66458(d), requires that City Engineer advise the City Council when a final map is being reviewed.

CEQA (California Environmental Quality Act):

The City Planner found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 as a Class 15 categorical exemption (Minor Land Division).

Public Speakers:

- Wilson Kwong stated that 40 years ago when the development was constructed, the developer stopped building at 772 Barnum Way. He stated that there must be a reason why they stopped. He mentioned that the retaining walls show evidence of heavy soil erosion, which in his opinion, is an indication of unstable land mass. He voiced his opposition to the final subdivision map approval.
- Henry Koo proposed that if the Subdivision is approved, he would like the property owner of 772 Barnum Way to be responsible for the maintenance and upkeep of the hillside. He expressed that he is concerned about the potential environmental impact.
- William Tang voiced his opposition to the final map approval of 772 Barnum Way. He stated that the City should require a proper environmental report. He urged the City Council to review the CEQA (California Environmental Quality Act) Exemption.
- City Clerk Chang received, filed, and read into the record two written communications from Elaine Shigemoto and Wilson Kwong. Ms. Shigemoto and Mr. Kwong voiced their opposition to the Tentative Map No. 78209 to subdivide the parcel into 2 lots and attached a document of their findings.

Action Taken: By consensus, the City Council received and filed the report.

3F. GARVEY RESERVOIR AREAS 2, 3, & 4 DRAINAGE IMPROVEMENTS – AWARD OF CONTRACT

On August 5, 2020 the City Council adopted a resolution approving the design and plans for the Garvey Reservoir Areas 2, 3, & 4 Drainage Improvements project and authorized the solicitation of bids. The deadline for the submittal of bids was September 3, 2020. Staff completed the review of the bids and recommends that

the contract be awarded to FS Contractors, Inc. in the amount of \$192,221. A 15% contingency is requested for a total project cost of \$221,054.

CEQA (California Environmental Quality Act):

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

Action Taken: Mayor Chan and Council Member Lo declared a Potential Conflict of Interest, as they reside within 500 feet of the project site. The City Council authorized the City Manager to execute a public works contract, in a form approved by the City Attorney, with FS Contractors, Inc., in the amount of \$192,221 for the Garvey Reservoir Areas 2, 3, & 4 Drainage Improvements, Specification No. 2020-03 and authorized the Director of Public Works to approve change orders and contingency up to \$28,833 (15%) of the contract amount, for a total project cost of \$221,054 on Consent Calendar.

3G. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 6.20.020 AND 9.100.020 TO INCLUDE CANNABIS AND ITS DERIVATIVES AS PART OF THE PROHIBITION ON SMOKING IN OUTDOOR PUBLIC AREAS AND REGULATION OF TOBACCO RETAILER LICENSING

The first reading and introduction of the Ordinance took place at the September 2, 2020 City Council meeting. The original staff report (from September 2, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2188 on Consent Calendar.

Ordinance No. 2188, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 6.20.020 AND 9.100.020 TO INCLUDE CANNABIS AND ITS DERIVATIVES AS PART OF THE PROHIBITION ON SMOKING IN OUTDOOR PUBLIC AREAS AND REGULATION OF TOBACCO RETAILER LICENSING

3H. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING TITLE 20 (SUBDIVISIONS) OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY IN ACCORDANCE WITH THE SUBDIVISION MAP ACT (GOVERNMENT CODE §§ 66410, ET SEQ.)

The first reading and introduction of the Ordinance took place at the August 19, 2020 City Council meeting. The original staff report (from August 19, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2189 on Consent Calendar.

Ordinance No. 2189, entitled:

AN ORDINANCE AMENDING TITLE 20 OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY REGULATING SUBDIVISIONS IN ACCORDANCE WITH THE SUBDIVISION MAP ACT (GOVERNMENT CODE §§ 66410, ET SEQ.)

RECESSED AND RECONVENED

The City Council recessed at 8:29 p.m. and reconvened with all council members present at 8:35 p.m.

4. PUBLIC HEARING

4A. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED “ACCESSORY DWELLING UNITS” TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22

At the September 2, 2020 meeting, the City Council continued this public hearing to September 16, 2020. The original staff report and accompanying documents are attached to the staff report hereto (September 2, 2020 City Council Agenda Item 2B and its attachments nos. 1-3).

On July 1, 2020, the City Council opted to act as the City’s Planning Agency. Government Code §§ 65852.2 and 65852.22 requires the City to amend the Monterey Park Municipal Code (“MPMC”) regulations governing accessory dwelling units (“ADUs”) and add regulations governing Junior Accessory Dwelling Units (“JADUs”). The draft Ordinance would implement those regulations.

CEQA (California Environmental Quality Act):

The Ordinance was revised for compliance with the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; “CEQA Guidelines”). The Ordinance is exempt from additional environmental review pursuant to CEQA Guidelines § 15282(h) because it is an Ordinance implementing the provisions of Government Code §§ 65852.1 and 65852.2 (as set forth in Public Resources Code § 21080.17) regarding accessory dwelling units in a single-family or multifamily residential zone.

Public Speakers:

- Tammy Sam stated that this ordinance will help increase the supply of housing units which would in turn reduce the price in housing. She mentioned that the RHNA (Regional Housing Needs Allocation) is 5,200 for the City of Monterey Park and stated that there will be a significant penalty that the City will be subjected to if it cannot reach the RHNA goals. She informed the City Council that the California Department of Housing and Community Development issued a PDF document which explains what Accessory Dwelling Units (ADU) are and explain the new laws in effect as of January 1, 2020. She spoke about Health and Safety Code 17958.12 and relayed that Building Officials have broad authority as part of their enforcement authority to render interpretations of the code and adopt policy and procedures to clarify that the application of its provision.

Action Taken: The City Council opened the continued public hearing at 8:41 p.m., took testimonial and documentary evidence, and closed the public hearing at 8:47 p.m.; and after considering the evidence, introduced and waived first reading of the Ordinance.

Motion: Moved by Council Member Liang and seconded by Council Member Lo motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Ordinance, 1st Reading, entitled:

AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED "ACCESSORY DWELLING UNITS" TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22

5. NEW BUSINESS

5A. CONSIDERATION AND POSSIBLE ACTION REGARDING LOCAL CAMPAIGN CONTRIBUTION LIMITS

Beginning January 1, 2021, Government Code § 85702.5 (added by AB 571) provides that (1) the default campaign contribution limits for elective county and city offices will be those established by the Fair Political Practices Commission (FPPC) for identical elective state offices; and (2) violations will be punishable as a misdemeanor and subject to specified penalties. The City may, however, impose its own campaign contribution limitation standards by ordinance or resolution; these may differ from the FPPC.

Action Taken: By consensus, the City Council received and filed the report and directed staff to prepare a cities comparison report and bring back the item for consideration at a future City Council meeting.

5B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) CHAPTER 21.44 REGULATING DEVELOPMENT AGREEMENTS AND CODIFYING

If adopted, the draft ordinance would amend MPMC Chapter 21.44 which regulates development agreements (“DA”) within the City. It would also codify the previously adopted BRDZ into MPMC Chapter 21.45.

DAs provide an important tool for land use planning within the City. Proposed changes to Chapter 21.44 would include updating the MPMC to both reflect current California law and remove duplicative regulation (i.e., regulations preempted by California law). It would also require a DA for “large-scale developments” as defined in the ordinance. Among other things, this would allow the City to ensure that residential or commercial projects with 10 or more units be required to establish and maintain an owner’s association. This will assist the City with code enforcement efforts as reflected in the newly established Monterey Park Homeowners Association Monitoring Program.

The City Council established the BRDZ as part of the 2020 Monterey Park Business Recovery Program. This ordinance would codify the BRDZ into the MPMC as a permanent overlay zone that could be activated with a development agreement.

Overall, the most substantive portion of the proposed ordinance are the regulations helping implement the Monterey Park Homeowners Association Monitoring Program. It is hoped that these will help with the City’s overall effort to improve the various multi-unit properties found throughout the community.

Action Taken: The City Council introduced and waived first reading of an Ordinance amending MPMC Chapter 21.44, regulating development agreements, and codifying the BRDZ at MPMC Chapter 21.45.

Motion: Moved by Council Member Liang and seconded by Council Member Lo motion carried by the following vote:

Ayes:	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Ordinance, 1st Reading, entitled:

AN ORDINANCE AMENDING CHAPTER 21.44 REGULATING DEVELOPMENT AGREEMENTS AND CODIFYING THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE ("BRDZ") ESTABLISHED BY ORDINANCE NOS. 2184 AND 2185 INTO CHAPTER 21.45 OF THE MONTEREY PARK MUNICIPAL CODE

5C. CREATING THE MONTEREY PARK HOMEOWNERS' ASSOCIATION MONITORING PROGRAM CONSIDERING AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.10.080 AND 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULATE HOMEOWNERS' ASSOCIATIONS WITHIN THE CITY (CONTINUED FROM SEPTEMBER 2ND)

At the September 2, 2020 meeting, the City Council continued this item to September 16, 2020. The original staff report and accompanying documents are attached to the staff report hereto (September 2, 2020 City Council Agenda Item 5B and its attachments nos. 1-2).

During the past two years, the City Council undertook a number of actions to help beautify the City of Monterey Park. Among other things, the City Council established the Neighborhood Improvement and Community Enhancement ("NICE") Task Force to combine the services of several different City Departments when responding to scofflaw properties throughout the City's jurisdiction. These proposed actions would help bolster those efforts. Specifically, these actions would strengthen the City's ability to ensure homeowner and owner associations (collectively, "HOA") enforce conditions of approval issued for planned residential and commercial developments. Responsive HOAs will help maintain common areas within planned developments to reduce the burden on the City's code enforcement officers to enforce the Monterey Park Municipal Code ("MPMC").

CEQA (California Environmental Quality Act):

The proposed actions are exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations ("CCR") §§ 15000, *et seq.*) because they establish rules and procedures to clarify existing policies and practices related to discretionary permitting; do not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitute an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, these actions do not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Action Taken: The City Council introduced and waived first reading of an Ordinance and adopted Resolution No. 12199 creating the Monterey Park Homeowners' Association Program.

Motion: Moved by Council Member Liang and seconded by Council Member Lo motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Ordinance, 1st Reading, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.10.080 & 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULATE HOMEOWNERS ASSOCIATIONS WITHIN THE CITY

Resolution No. 12199, entitled:

A RESOLUTION CREATING THE MONTEREY PARK HOMEOWNERS ASSOCIATION MONITORING PROGRAM FOR THE PURPOSE OF PREVENTING NUISANCE CONDITIONS BY ENSURING THAT HOMEOWNERS ASSOCIATIONS ARE ADEQUATELY RESPONSIVE TO THEIR RESPECTIVE PROJECTS

5D. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AN OMNIBUS ORDINANCE AMENDING VARIOUS CHAPTERS AND SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AND ADOPT AN ADMINISTRATIVE CODE ESTABLISHING CITY DEPARTMENTS

Over a period of time, the City Attorney's office identified various provisions of the Monterey Park Municipal Code ("MPMC") that are now preempted, superfluous, or in need of amendment. To be thorough, we requested all City Departments to submit requests for changes to the MPMC. The proposed ordinance constitutes a "Fall Cleaning" of the MPMC to reflect changes in City government, California law, and the City's practices and procedures.

Accompanying the ordinance is a resolution which, if adopted, would create the City's Administrative Code to organize the City's departments. Historically, the City's departments were listed in an organizational chart included with the City Budget. There is no record, however, of the City Council actually approving the number, names, or functions of the City's various departments. The Administrative Code would resolve that issue, authorize the City manager to make appropriate changes on a day-to-day basis, and cause the City Council to review the structure of City government every two years (in conjunction with the conflict of interest code).

Action Taken: The City Council introduced and waived first reading of an Ordinance amending and repealing various chapters and sections of the Monterey Park Municipal Code and adopted Resolution No. 12200 approving an Administrative Code establishing City departments.

Motion: Moved by Council Member Lo and seconded by Council Member Liang motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Ordinance, 1st Reading, entitled:

AN OMNIBUS ORDINANCE AMENDING AND REPEALING VARIOUS CHAPTERS AND SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AS SPECIFIED

Resolution No. 12200, entitled:

A RESOLUTION ADOPTING AN ADMINISTRATIVE CODE TO ESTABLISH CITY DEPARTMENTS, IDENTIFY DEPARTMENT DIRECTORS, AND IMPLEMENT DEPARTMENT RESPONSIBILITIES

- 5E. **CONSIDERATION AND POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO EXECUTE A THREE-YEAR EMPLOYMENT AGREEMENT WITH CITY MANAGER RON BOW IN A FORM APPROVED BY THE CITY ATTORNEY. FISCAL IMPACTS INCLUDE (1) AN APPROVED 1% INCREASE IN BASE COMPENSATION FOR A TOTAL OF \$220,180 BEGINNING JANUARY 1, 2021; (2) AN ANTICIPATED, BUT CONTINGENT, INCREASE IN COMPENSATION OF 1.5% FOR A TOTAL OF \$222,382 BEGINNING AUGUST 1, 2021; AND (3) AN ANTICIPATED, BUT CONTINGENT INCREASE IN COMPENSATION OF 2% FOR A TOTAL OF \$226,830 BEGINNING AUGUST 1, 2022. IF THE CONTINGENCY IN NO. 2, ABOVE, IS NOT IMPLEMENTED, THEN THE TOTAL BASE SALARY COMPENSATION BEGINNING AUGUST 1, 2022 IS \$225,685. THESE BASE SALARIES ARE IN ADDITION TO VARIOUS FRINGE BENEFITS INCLUDING, WITHOUT LIMITATION, RETIREE MEDICAL BENEFITS**

Upon direction from the City Council the City Attorney negotiated provisions for a three-year contract with Mr. Ron Bow.

Summary of this contract includes (see Attachment A attached to the staff report):

- A base salary of \$220,180 beginning January 1, 2021;
- An anticipated, but contingent, base salary of \$222,382 beginning August 1, 2021;
- An anticipated, but contingent, increase in compensation of 2% for a total of \$226,830 beginning August 1, 2022 or, in the alternative, a base salary of \$225,685.

- \$600 a month car allowances.
- Similar benefits (health, leave times, etc.) as other executive management employees.

Action Taken: The City Council authorized the Mayor to execute a contract with Mr. Ron Bow in a form approved by the City Attorney.

Motion: Moved by Council Member Liang and seconded by Council Member Sornoso motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Agenda Items Nos. 6A and 6B were heard together and adopted under one motion.

Action Taken: The City Council adopted Resolution Nos. 12201 and 12202.

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

Ayes: Council Members: Lo, Sornoso, Chan, Liang
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: Yiu

6A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING A MEMORANDUM OF UNDERSTANDING ON PROMOTING EXCHANGES AND COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND FOSHAN CITY, PEOPLE'S REPUBLIC OF CHINA – REQUESTED BY MAYOR CHAN

This item was heard together with Agenda Item No. 6B.

Action Taken: The City Council adopted Resolution No. 12201 finalizing a Memorandum of Understanding on promoting exchanges and cooperation between the City of Monterey Park and Foshan City, People's Republic of China. Motion taken with Agenda Item No. 6B.

Resolution No. 12201, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING A MEMORANDUM OF UNDERSTANDING ON PROMOTING EXCHANGES AND COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND FOSHAN CITY, PEOPLE'S REPUBLIC OF CHINA

6B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT TO ESTABLISH FRIENDSHIP CITY RELATIONSHIP BETWEEN THE CITY OF MONTEREY PARK AND WEI COUNTY, HEBEI PROVINCE, PEOPLE'S REPUBLIC OF CHINA – REQUESTED BY MAYOR CHAN

This item was heard together with Agenda Item No. 6A.

Action Taken: The City Council adopted Resolution No. 12202 finalizing an agreement to establish Friendship City relationship between the City of Monterey Park and Wei County, Hebei Province, People's Republic of China. Motion taken with Agenda Item No. 6A.

Resolution No. 12202, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT TO ESTABLISH FRIENDSHIP CITY RELATIONSHIP BETWEEN THE CITY OF MONTEREY PARK AND WEI COUNTY, HEBEI PROVINCE, PEOPLE'S REPUBLIC OF CHINA

COUNCIL COMMUNICATIONS

Council Member Liang had nothing to report.

Council Member Lo thanked the Fire Department for fighting the Bobcat Fire in the San Gabriel Mountains.

Council Member Sornoso signed up to run the 2020 Los Angeles Marathon to raise funds for the World Vision Clean Water Project.

Mayor Pro Tem Yiu reported that she attended a virtual meeting with a Chinese reporter to talk about the future of Monterey Park and Municipal Bonds. She mentioned that she virtually spoke on Patriots Day and at the California International Music and Arts festival. She stated that she attended the LAX (Los Angeles Airport) Round Table meeting and reported that there is currently less airplane noise compared to previous years.

Mayor Chan stated that he attended the San Gabriel Valley Council of Governors meeting and reported that they discussed the Enhance Watershed Management Program for storm water solutions. He thanked the firefighters for fighting the August Complex Fire, the Bobcat Fire, and the Yucaipa Fire.

7. **CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)**
None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:41 p.m.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
SEPTEMBER 24, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Thursday, September 24, 2020 at 11:00 a.m. The special meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Via Email

Public comment was accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 917 6775 7014 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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

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

CALL TO ORDER:

Mayor Chan called the meeting to order at 11:01 a.m.

ROLL CALL:

Deputy City Clerk Cindy Trang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Fred Sornoso,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Director of Recreations and Community Services Inez Alvarez, Economic Development Manager Joseph Torres, Deputy City Clerk Cindy Trang

ORAL AND WRITTEN COMMUNICATIONS

Public Speakers:

- Caleb Kwok spoke on Closed Session Item No. 1. He talked about the Greater Monterey Park Chamber of Commerce's current tax status and their action plan to remedy their tax-exempt status.
- Deputy City Clerk Trang received and filed one written communication into the record from Caleb Kwok who spoke during Oral and Written Communications.

CLOSED SESSION

The City Council adjourned to closed session at 11:08 a.m.

1. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE § 54956.9 (D)(4). Number of Potential Cases: One. Facts and Circumstances (voluntarily provide): Notice of Breach to Greater Monterey Park Chamber of Commerce dated September 23, 2020. A copy of the Notice of Breach is on file with the City Clerk's office.

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 12:05 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
OCTOBER 7, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, October 7, 2020 at 5:30 p.m. The special meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Via Email

Public comment was accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 974 7756 5527 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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

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

CALL TO ORDER:

Mayor Chan called the meeting to order at 5:30 p.m.

ROLL CALL:

Deputy City Clerk Cindy Trang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Fred Sornoso,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Director of Management Services Martha Garcia, Deputy City Clerk Cindy Trang

ORAL AND WRITTEN COMMUNICATIONS

- Caleb Kwok spoke on Closed Session Item No. 2 and requested that the City Council provide more time for the Greater Monterey Park Chamber of Commerce to vacate.
- Deputy City Clerk Trang received and filed into the record one written communication from Caleb Kwok who spoke during Oral and Written Communications.

CLOSED SESSION

The City Council adjourned to closed session at 5:37 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – GOVERNMENT CODE § 54956.9(d). Number of Case(s): One

City of Monterey Park v. Watanabe (filed March 7, 2014), SSC Case No. 34-2014-80001777.

2. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE § 54956.9(D)(4). Number of Potential Case(s): One.

Facts and Circumstances (voluntarily provided): Notice of Breach to Greater Monterey Park Chamber of Commerce dated September 23, 2020. A copy of the Notice of Breach is on file with the City Clerk's office.

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:31 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
OCTOBER 7, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, October 7, 2020 at 6:30 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Via Email

Public comment were accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and, when feasible, read into the record during public comment. Written communications are limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 948 8244 8635 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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

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

CALL TO ORDER:

Mayor Chan called the meeting to order at 6:31 p.m.

FLAG SALUTE:

Mayor Chan

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Fred Sornoso,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, City Treasurer Joseph Leon, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, Police Chief Kelly Gordon, Director of Management Services Martha Garcia, Interim Director of Public Works Frank Lopez, Interim Director of Human Resources Danielle Tellez, City Librarian Diana Garcia, Economics Development Manager Joseph Torres, Recreation and Community Services Manager Robert Aguirre, Senior Management Analyst Hank Lu, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Attorney Berger announced that there was a correction made to the Resolution for Agenda Item No. 5B. He reported that there was a typographical error and the correction was distributed to the City Council and made available at the City Clerk's Office and will be identified during the agenda item.

PUBLIC COMMUNICATIONS

Public Speaker Disclaimer: Meetings are held virtually and the information listed for the speakers may or may not reflect the correct spelling of their respective name.

- Matt Hallock, Fire Chief, announced that the City will participate in the Great Shakeout scheduled for October 15, 2020 at 10:15 a.m. He informed the public that there is a disaster preparedness guide available on the City's website.
- Vincent Chang, City Clerk, reminded the public that November 3, 2020 is Election Day and informed the community that there various facilities that make it easy to vote. He informed the public that there are three Official Ballot Drop Box locations in the City: East Los Angeles College, Sierra Vista Park, and Monterey Park City Hall. There are also five Vote Centers: Brightwood Elementary School, East Los Angeles College, Hillcrest Elementary School, Langley Senior Center, and Union Church. He encouraged everyone to get their votes in and stated that they can contact the City Clerk's Office for more information.

- James Padgett expressed that he was shocked when he received his water/trash bill. He explained the fees/charges listed on his bill and stated that his bill has more than doubled. He urged the City Council to hold a public hearing to find revenue from other sources.

1. PRESENTATION

None.

2. OLD BUSINESS

None.

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

Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Items Nos. 3A, 3B, 3C, 3D, 3E and 3G on Consent Calendar, excluding Items Nos. 3F and 3H which were pulled for discussion and separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

Motion: Moved by Council Member Sornoso and seconded by Council Member Lo motion carried by the following vote:

Ayes:	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

3A. MINUTES

Approve the Minutes for the Special and Regular meetings of August 5, 2020 and August 19, 2020.

Action Taken: The City Council approved the minutes for the Special and Regular meetings of August 5, 2020 and August 19, 2020 on Consent Calendar.

3B. WAIVE FURTHER READING AND ADOPT AN OMNIBUS ORDINANCE AMENDING VARIOUS CHAPTERS AND SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE

The first reading and introduction of the Ordinance took place at the September 16, 2020 City Council meeting. The original staff report (from September 16, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2190 on Consent Calendar.

Ordinance No. 2190, entitled:

AN OMNIBUS ORDINANCE AMENDING AND REPEALING VARIOUS CHAPTERS AND SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AS SPECIFIED

3C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") §§ 4.10.080 AND 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULATE HOMEOWNERS' ASSOCIATIONS WITHIN THE CITY

This Ordinance was introduced and received first reading at the September 16, 2020 City Council meeting. The original staff report (from September 16, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2191 on Consent Calendar.

Ordinance No. 2191, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.10.080 & 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULATE HOMEOWNERS ASSOCIATIONS WITHIN THE CITY

3D. WAIVE FUTHER READING AND ADOPT AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED "ACCESSORY DWELLING UNITS" TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22

The Ordinance was introduced and received first reading at the September 16, 2020 City Council meeting. The original staff report (from September 16, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2192 on Consent Calendar.

Ordinance No. 2192, entitled:

AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED "ACCESSORY DWELLING UNITS" TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22

3E. WAIVE FUTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) CHAPTER 21.44 REGULATING DEVELOPMENT AGREEMENTS AND CODIFYING THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE (“BRDZ”) INTO MPMC CHAPTER 21.45

The introduction and first reading of the Ordinance took place at the September 16, 2020 City Council meeting. The original staff report (from September 16, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2193 on Consent Calendar.

Ordinance No. 2193, entitled:

AN ORDINANCE AMENDING CHAPTER 21.44 REGULATING DEVELOPMENT AGREEMENTS AND CODIFYING THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE (“BRDZ”) ESTABLISHED BY ORDINANCE NOS. 2184 AND 2185 INTO CHAPTER 21.45 OF THE MONTEREY PARK MUNICIPAL CODE

3F. A RESOLUTION DECLARING THE MONTH OF OCTOBER AS BREAST CANCER AWARENESS MONTH

National Breast Cancer Awareness Month takes place every year during the month of October. It is an annual health campaign organized by major breast cancer charities to increase the awareness of the disease and to raise funds for research into its cause, prevention, diagnosis, treatment and cure.

Action Taken: The City Council adopted Resolution No. 12203 declaring the month of October as Breast Cancer Awareness Month.

Motion: Moved by Mayor Chan and seconded by Mayor Pro Tem Yiu motion carried by the following vote:

Ayes:	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 12203, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA DECLARING THE MONTH OF OCTOBER AS BREAST CANCER AWARENESS MONTH

3G. TREE MEMORIAL PROGRAM RECOMMENDATION FOR 2020

Nominations for the Tree Memorial Award were advertised and accepted during the month of February 2020. The Recreation and Community Services Department received three nomination applications; two for David Kwok, and one for Takeshi Yabiku.

Subsequently, the Tree Memorial Program Committee consisting of three Community Participation Commissioners and two Recreation and Parks Commissioners met to review the nominations of Mr. David Kwok and Mr. Takeshi Yabiku and discuss their consideration for a Tree Memorial based on the criteria established in Resolution Nos. 10485 and 11484 (Attachment A to the staff report).

The Committee reviewed each nominee application. After reviewing the information provided on the nomination application for Mr. David Kwok (Attachment B to the staff report), the committee voted unanimously to recommend City Council approve to honor Mr. Kwok with a Tree Memorial for his service and positive impact on the Monterey Park Community.

As for the nomination application for Takeshi Yabiku (Attachment C to the staff report), the Committee is recommending City Council approve Mr. Yabiku be honored for his military service and for the ultimate sacrifice of his life for the defense of our country. Suggestions provided by the Committee included placing Mr. Yabiku's name on the Veterans War Memorial Monument in front of City Hall, which parallels the recognition of other community members military service or have City staff explore other options to honor Mr. Yabiku as well as other deceased Monterey Park veterans.

Action Taken: The City Council approved to honor Mr. David Kwok with a memorial tree and approved to honor Mr. Takeshi Yabiku on the Veterans War Memorial Monument on Consent Calendar.

3H. EMERGENCY REPAIRS OF WATER MAIN AND ROADWAY ON VERDE VISTA DRIVE

On Sunday September 27, 2020 Public Works staff received a report of a City water main break at approximately 7:30 AM. Staff responded and found a significant amount of water flowing up from under the roadway, later estimated at over 700,000 gallons. Additionally, the roadway appeared to begin buckling and sinking as the large amount of water caused the soil to be unearthed and consequently undermining the roadway. Attached to the staff report is the City Manager's administrative declaration of emergency.

CEQA (California Environmental Quality Act):

The emergency and extended repairs are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15269 (emergency repair to this public facility is necessary to maintain service essential to the public, health and welfare) and § 15301 (Existing Facilities). The extended repairs would result in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

Action Taken: The City Council (1) adopted Resolution No. 12204 upon 4/5ths vote declaring an emergency authorizing contracting without the need for bidding pursuant to Public Contracts Code §§ 20168 and 22050; (2) authorized the City Manager or designee, to (2a) execute a public works contract between the City of Monterey Park and a qualified contractor(s), for roadway and asphalt repairs on Verde Vista Drive, in a form approved by the City Attorney; and (2b) appropriated funds from the Water Capital accounts from the current fiscal year budget to cover the cost of these repairs; and (3) authorized the Interim Director of Public Works to approve change orders and contingency as appropriate up to 15% of the contract amount for this project.

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

Ayes:	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 12204, entitled:

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

4. **PUBLIC HEARING**

None.

5. NEW BUSINESS

5A. PENSION OBLIGATION BOND UPDATE

On September 2, 2020 the City Council retained UFI Financial Solutions as municipal advisor, Ramirez & Co., Inc. to serve as Senior Managing Underwriter, Stifel to serve as Co-Managing Underwriter, Stradling Yocca Carlson & Rauth to serve as Bond and Disclosure Counsel, Bartel and Associates to serve as consulting actuary, and HdL Companies to serve as property tax consultant in connection with the proposed issuance of Pension Obligation Bonds (the "POBs"). Based on the June 2020 CalPERS valuation reports, the City's UAL as of June 30, 2019 is \$43,319,901 and \$65,327,608 for the miscellaneous and safety plans respectively for a total of \$108,647,509.

Traditionally, issuing POBs requires a trip to court for a judicial validation. However, based on a legal review by the City's bond counsel the validation process completed by the City in 2004 allows for the issuance of "additional bonds". As a result, the City is not required to validate the proposed issuance of additional POBs.

The ability to move forward without a new validation has several positive impacts including the following:

- The legal fees of \$25,000 and court costs of approximately \$5,000 which would have been incurred for the validation are no longer required;
- The financing timeline can be accelerated by 3-4 months; and
- While we will not know the interest rate or actual savings until bonds are sold, assuming a POB interest rate of 3.5% versus the CalPERS discount rate of 7%, each month the financing can be accelerated saves \$343,511. A three (3) month acceleration of the schedule could save the City an additional \$1,030,533.

The next phase of the financing is the preparation of legal and bond financing documents. Based on the schedule below, staff and the financing team are estimating document completion and presentation to the City Council in the month of December with the bond closing occurring in late December or early January 2021.

Public Speakers:

- Michael Mejia, Senior Managing Underwriter from Ramirez Co., was present and available for questions.
- Michael Busch, Chief Executive and Strategy Officer of Urban Futures Inc., was present and available for questions.

Action Taken: By consensus, the City Council received and filed the report.

5B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A RESOLUTION APPROVING THE FINE SCHEDULE FOR VIOLATIONS OF THE MONTEREY PARK MUNICIPAL CODE

If adopted, the draft Resolution would establish a fine schedule that sets fine amounts less than \$1000 for some violations. For Monterey Park Municipal Code ("MPMC") sections not listed within the schedule, the default \$1000 fine could be imposed for a misdemeanor violation. For infraction violations, the MPMC establishes a default fine schedule of \$100/\$200/\$500.¹

Updating the fine schedule will allow the MPPD and MPFD to issue misdemeanor or infraction citations with uniform penalties.

CEQA (California Environmental Quality Act):

Adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the Resolution may have a significant effect on the environment.

Action Taken: The City Council adopted Resolution No. 12205 establishing fines for misdemeanor and infraction violations of the Monterey Park Municipal Code as amended to correct a typographical error on page 4 to Exhibit A, Item No. 3, the numerical representation should reflect \$2,500.

Motion: Moved by Council Member Liang and seconded by Council Member Sornoso motion carried by the following vote:

Ayes:	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 12205, entitled:

A RESOLUTION ADOPTING A FINE SCHEDULE PURSUANT TO GOVERNMENT CODE § 36900 AND MONTEREY PARK MUNICIPAL CODE § 4.10.020

¹ This is slightly higher for violations of the building code and other safety regulations.

5C. ADOPTION OF ORDINANCES AMENDING THE MONTEREY PARK MUNICIPAL CODE TO REGULATE SPECIAL EVENT PERMITS WITHIN THE CITY

A review of the existing regulations in the Monterey Park Municipal Code ("MPMC") show that the process for approving special events is antiquated. It is crucial – particularly in the current circumstances – that the public and the City's officials are clearly informed regarding how to conduct special events; ensure that such events do not unduly interfere with the normal flow of vehicle and pedestrian traffic; protect public health, safety, and property; and promote the public's right to engage in constitutionally protected activities.

Action Taken: The City Council adopted an Urgency Ordinance No. 2194 upon 4/5ths vote regulating special event permits within the City and waived first reading and introduced an Ordinance regulating special event permits within the City.

Urgency Ordinance No. 2194, entitled:
AN URGENCY ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 9.57 IN ITS ENTIRETY AND REPEALING SECTION 9.51.030 TO REGULATE SPECIAL EVENTS WITHIN THE CITY

Ordinance, 1st Reading, entitled:
AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 9.57 IN ITS ENTIRETY AND REPEALING SECTION 9.51.030 TO REGULATE SPECIAL EVENTS WITHIN THE CITY

5D. THE GREATER MONTEREY PARK CHAMBER OF COMMERCE LEASE AGREEMENT OF EL ENCANTO – UPDATE

Last week, the City Manager's office discovered that, among other things, the corporate status of the Greater Monterey Park Chamber of Commerce (Chamber) was suspended by the State of California. Additional investigation into the matter resulted in the City Attorney's office sending the attached letter (dated September 23, 2020) to the Chamber. After a Special Meeting held on September 24, 2020, the City Council authorized the City Attorney to initiate litigation against the Chamber.

Since September 24th, the Chamber failed to comply with most of the direction provided by the City Attorney in his September 23rd demand letter. On October 1st, however, the Chamber did provide the City with a copy of its 2015 taxes that were filed with the State of California. A copy is attached to the staff report.

This matter was placed onto the agenda at the City Council's direction on September 24th to discuss "next steps" for both El Encanto and the City's relationship with the Chamber, if any.

Public Speakers:

- Isabel Wu read letters that spoke in support of the Chamber and urged the City Council to consider funding the Chamber.
- Ricardo Sandurelli voiced his support for the Chamber. He proposed that the City Council reconsider working more closely with the Chamber.
- Jojo Berango stated that he is a small business owner and voiced his support of the Greater Monterey Park Chamber of Commerce. He conveyed that the City Council should keep the Chamber.
- Caleb Kwok provided a status update on the Greater Monterey Park Chamber of Commerce. He proposed that the City Council allow the Chamber to continue its operations at El Encanto.
- Dora Leung stated that she is disappointed that the City is considering cutting ties with the Chamber. She stated that the Chamber's corporate status is currently suspended due to an administrative error. She informed the City Council that as of October 7, 2020, the Chamber has submitted the required paperwork needed to get back on track. She asserted that the Chamber has completed numerous projects for the betterment of Monterey Park.
- Qing Wong stated that he is working with Caleb Kwok to update the corporate status for the Chamber. He stated that the Chamber is a great source for businesses to acquire necessary resources.
- Steve Kong spoke about the Taste of Monterey Park an event that the Chamber is working on. He communicated that the Chamber is a good working organization that works for the betterment of Monterey Park.
- City Clerk Chang received, filed, and read into the record two written communications from Jillian Van Leuven and Adele Andrade Stadler. Both written communications were in support of the Greater Monterey Park Chamber of Commerce and urged the City Council to consider funding the Chamber.

Recommendation: That the City Council (1) Receiving and filing this report; (2) If desirable, providing direction to the City Manager and City Attorney regarding the use of El Encanto; (3) If desirable, providing direction to the City Manager and City Attorney regarding future promotion of businesses within the City including, without limitation, the potential creation of a community development corporation; and (4) Taking such additional, related, action that may be desirable.

Action Taken: The City Council received and filed the report; extended the eviction time to 30 days; and directed the City Attorney to dismiss the Lawsuit if the Greater Monterey Park Chamber of Commerce is able to vacate within the 30 days mandate.

Motion: Moved by Council Member Liang and seconded by Council Member Sornoso motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu
Noes: Council Members: Chan
Absent: Council Members: None
Abstain: Council Members: None

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Council Member Liang had nothing to report.

Council Member Lo thanked the Fire Department for fighting the August Complex Fire and the Bobcat Fire. He wished for a safe and speedy return of fire personnel. He informed the community that ActiveSGV will be celebrating their 10th anniversary on October 10, 2020.

Council Member Sornoso congratulated the Fire Department on the new fire station and requested information on the Candy Caravan event to be held on October 29, 2020 by the Recreation & Community Services Department.

Mayor Pro Tem Yiu reported that she has visited various restaurants in the surrounding cities. She encouraged city staff to work with local businesses on various options that maybe available for businesses to reopen outdoors.

Mayor Chan thanked the Fire Department for fighting the August Complex Fire and the Bobcat Fire. He reported that the Business Recovery Program has allowed 30 restaurants to open with outdoor dining. He encouraged the community to practice social distancing and proper hygiene to protect each other while dining out.

7. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)
None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:10 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: November 4, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-B

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works
SUBJECT: Waive further reading and adopt an Ordinance Amending Monterey Park Municipal Code § 16.01.040 and adding §§ 16.12.020 and 16.12.030 to Chapter 16.12 ("Existing Building Code") Regulating Self-Certification, Alterations, and Change of Occupancy

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving the second reading and adopting the proposed ordinance; and/or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Ordinance was introduced and received first reading at the October 21, 2020 City Council meeting. The original staff report (from October 21, 2020) is attached for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Respectfully submitted and prepared by:



Frank A. Lopez
Interim Director of Public Works

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

Attachments:

1. Draft Ordinance
2. October 21, 2020 Staff Report

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 16.01.040 AND ADDING §§ 16.12.020 AND 16.12.030 TO CHAPTER 16.12 ("EXISTING BUILDING CODE") REGULATING SELF-CERTIFICATION, ALTERATIONS, AND CHANGE OF OCCUPANCY.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. *Findings.* The City Council finds, determines and declares as follows:

- A. In response to the COVID-19 Pandemic, the City Council adopted Ordinance Nos. 2178, 2182, 2184, and 2185 which, collectively, constitute the Monterey Park Business Recovery Program (the "Program");
- B. Among other things, the Program establishes temporary regulations affecting Title 16 of the Monterey Park Municipal Code ("MPMC") which governs the construction of buildings in accordance with California law;
- C. The Program will expire on December 31, 2020. Based upon ongoing reports from the City Manager including, without limitation, updates from the Economic Development Manager, the City Council believes it is in the public interest to codify certain aspects of the Program within the MPMC;
- D. Accordingly, this Ordinance will amend MPMC Chapter 16.12 to help facilitate not just temporary recovery efforts, but also to improve economic growth even after the immediate emergency concludes.

SECTION 2. Section 105.3 of MPMC § 16.01.040 is amended to read as follows:

"105.3 Application for permit. To obtain a permit, the applicant must first file an application therefore in writing on a form furnished by the Building Official for that purpose. Such application must:

- 1. Identify and describe the work to be covered by the permit for which application is made.
- 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3. Indicate the use and occupancy for which the proposed work is intended.
- 4. Be accompanied by construction documents and other information as required in Section 106.

5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.
8. For self-certification see Section 16.12.030."

SECTION 3. Section 16.12.020 is added to MPMC Chapter 16.12 ("Existing Building Code") to read as follows:

"16.12.020 Sections 503.1 and 506.1 added. Sections 503.1 and 506.1 are added to read as follows:

503.1 (Alterations) General. Except as provided by Section 302.4, 302.5 or this section, alterations to any building or structure must comply with the requirements of the California Building Code or California Residential Code, as applicable, for new construction. Alterations created within a building or structure cannot cause the building or structure to be more out of compliance with the provisions of the California Building Code or California Residential Code, as applicable, than it was before the alteration was made.

Exceptions:

1. An existing stairway is not required to comply with the requirements of Section 1011 of the California Building Code where the existing space and construction does not allow a reduction in pitch or slope.
2. Handrails otherwise required to comply with Section 1011.11 of the California Building Code are not required to comply with the requirements of Section 1014.6 of the California Building Code regarding full extension of the handrails where such extensions would be hazardous because of plan configuration.
3. Where provided in below-grade transportation stations, existing and new escalators must have a clear width of less than 32 inches (815 mm).
4. A site assessment demonstrating, evaluating and certifying conformity with accessibility standards for public buildings, public accommodations, commercial buildings and/or public housing may be submitted by the design professional of record, or a CASp, in a form acceptable to the building official.

506.1 (Change of Occupancy) Compliance. A change of occupancy cannot be made in any building unless that building is made to comply with the requirements of the California Building Code for the use or occupancy. Any new occupancy

created within a building or structure cannot cause the building or structure to be more out of compliance with this code than it was before the change was made. Subject to the approval of the code official, changes of occupancy will be permitted without complying with all of the requirements of this code for the new occupancy, provided that the new occupancy is less hazardous, based on the life and fire risk, than the existing occupancy.

Exceptions:

1. The building is not required to comply with Chapter 16 of the California Building Code, unless required by Section 506.4.
2. An assessment by the design professional of record in a form acceptable to the building official may serve to certify compliance to this code.”

SECTION 4. Section 16.12.030 is added to MPMC Chapter 16.12 (“Existing Building Code”) to read as follows:

“16.12.030 Self-Certification Program.

- A. Purpose: To expedite building permit approvals by allowing Licensed Design Professionals to voluntarily self-certify building plans.
- B. Definitions: Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this Section:
1. “Licensed Design Professional” means the California Licensed Architect or Engineer, as applicable, identified as such on the building permit application and accompanying plans.
 2. “Self-Certification,” “Self-Certify” or “Self-Certified” means a submittal to the Building Official that is (1) made by a Licensed Design Professional identified in the building permit application; (2) accompanies plans filed with the Building Official by that Licensed Design Professional; and (3) for which the Licensed Design Professional attests such plans (a) do not contain any false information; (b) comply with all applicable law including, without limitation, the MPMC; and (c) were prepared by or under the direct supervision of, and signed and stamped by, that Licensed Design Professional.
- C. Eligible Participants: To participate in the Program, applicants must be registered and be in good standing as a Licensed Design Professional with the State of California.
- D. Insurance Requirements: For a project to be accepted for Self-Certification, the Licensed Design Professional is required to furnish the Building Official insurance in

accordance with the City's requirements and not less than the valuation of the permitted project.

E. Optional Prescreening Process: The Licensed Design Professional who intends on filing an application with a Self-Certification may meet with the Building Official, or designee, for a courtesy prescreening of the proposed project to ensure the submittal is complete.

F. Submittal Requirements: The Licensed Design Professional who intends on filing an application with a Self-Certification must submit that application to participate in the program to the Building Official. Self-Certified plans must contain all the information listed in the corresponding City of Monterey Park handout regarding building design criteria. A Self-Certification form and a "hold harmless" letter, in a form approved by the City Attorney, must be completed in its entirety and submitted for each project by the design team and the property owner. The Self-Certification program will be all inclusive, i.e., all construction trade work that requires permits for the project must be Self-Certified. Each page of the plans submitted, must be wet stamped and signed by a Licensed Design Professional for each applicable trade.

G. Non-Building Division Approvals: The Licensed Design Professional who intends on filing an application with a Self-Certification must provide documentation to the Building Official demonstrating final approvals from any affected City department before the Building Official issues a permit. That Licensed Design Professional must also provide documentation to the Building Official appropriate approvals of any applicable "outside" agency. Those outside agencies include, without limitation, the following: Los Angeles County Health Department and affected school districts.

H. Fees: All fees required by the Program will be established by City Council resolution.

I. Permits: Applications that have met all the criteria of this voluntary Self-Certification program will be issued a building permit the same day of completed and approved application submittal.

J. Inspection Protocol: All code-required State of California or City of Monterey Park inspections are required.

K. Audits: All Self-Certified plans are subject to auditing by the Building Official to determine whether plans comply with the applicable California and City of Monterey Park laws, codes, rules, and regulations. If plans are found not to comply, then the Licensed Design Professional who intends on filing an application with a Self-Certification will ensure compliance. If compliance is not obtained within a reasonable amount of time, then the Building Official may report the non-compliance items to the appropriate licensing board with the State of California."

SECTION 5. Conflicts. In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The Building Official is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 6. Environmental Review. This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this Ordinance is exempt from further environmental review pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 7. Construction. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8. Severability. If any part of this Ordinance 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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Recordation. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 10. Electronic Signatures. This Ordinance 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 11. Effective Date. This Ordinance will become effective 30 days after its adoption.

THIS ORDINANCE WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Timothy E. Campen, Assistant City Attorney

ATTACHMENT 2
October 21, 2020 Staff Report



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-B

TO: The Honorable Mayor and City Council

FROM: Frank A. Lopez, Interim Director of Public Works / City Engineer

SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance Amending Monterey Park Municipal Code § 16.01.040 and adding §§ 16.12.020 And 16.12.030 to Chapter 16.12 ("Existing Building Code") Regulating Self-Certification, Alterations, And Change Of Occupancy

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introduce and waive first reading of the draft Ordinance; or
2. Alternatively, taking such additional, related, action that may be desirable.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The proposed Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹ Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance, by itself, may have a significant effect on the environment. Any project utilizing the 2020 Monterey Park Business Recovery Program will undergo separate CEQA review.

EXECUTIVE SUMMARY:

In response to the COVID-19 Pandemic, the City Council adopted Ordinance Nos. 2178, 2182, 2184, and 2185 which, collectively, constitute the Monterey Park Business Recovery Program. Among other things, the program establishes temporary regulations affecting Title 16 of the Monterey Park Municipal Code ("MPMC") which governs the construction of buildings in accordance with California law. Accordingly, this Ordinance will amend MPMC Chapter 16.12 to help facilitate not just temporary recovery efforts, but also to improve economic growth even after the immediate emergency concludes by

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

implementing a self-certification process by which applicants could self-certify their building plans.

DISCUSSION:

A frequent complaint among applicants is the delay in having building plans reviewed and approved by the City. The Business Recovery Program proposes a self-certification process by which applicants could self-certify their building plans. In sum, this program would allow design professionals (e.g., architects and engineers) to certify plans for building applications as being correct; complying with the law; and prepared by that licensed professional. Currently, design professionals often rely upon the City's independent review of plans to correct any deficiencies in submitted plans. Practically, that both delays the time for processing plans (since it results in multiple corrections) and allows the design professional to further charge their clients for corrections. Self-certification places the burden on the design professionals to submit correct plans from the outset. And any problems found in the plans during the City's inspection of a project would be the fault of the design professional; any corrections required by such errors would be paid for by the design professional. This program – in other jurisdictions – has led to increased accountability and efficiency for private development projects.

As the City seeks to provide some immediate relief, but also improve economic growth even after the current emergency concludes it proposing the self-certification process as part of the Business Recovery Program. If adopted, the Ordinance will offer another option to applicants to facilitate and expedite processing of their plans.

FISCAL IMPACT:

None.

Respectfully submitted and prepared by:



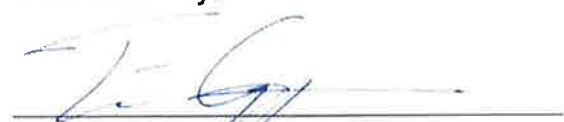
Frank A. Lopez
Interim Director of Public Works
/City Engineer

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

Attachments:

1. Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 16.01.040 AND ADDING §§ 16.12.020 AND 16.12.030 TO CHAPTER 16.12 (“EXISTING BUILDING CODE”) REGULATING SELF-CERTIFICATION, ALTERATIONS, AND CHANGE OF OCCUPANCY.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. *Findings.* The City Council finds, determines and declares as follows:

- A. In response to the COVID-19 Pandemic, the City Council adopted Ordinance Nos. 2178, 2182, 2184, and 2185 which, collectively, constitute the Monterey Park Business Recovery Program (the “Program”);
- B. Among other things, the Program establishes temporary regulations affecting Title 16 of the Monterey Park Municipal Code (“MPMC”) which governs the construction of buildings in accordance with California law;
- C. The Program will expire on December 31, 2020. Based upon ongoing reports from the City Manager including, without limitation, updates from the Economic Development Manager, the City Council believes it is in the public interest to codify certain aspects of the Program within the MPMC;
- D. Accordingly, this Ordinance will amend MPMC Chapter 16.12 to help facilitate not just temporary recovery efforts, but also to improve economic growth even after the immediate emergency concludes.

SECTION 2. Section 105.3 of MPMC § 16.01.040 is amended to read as follows:

“105.3 Application for permit. To obtain a permit, the applicant must first file an application therefore in writing on a form furnished by the Building Official for that purpose. Such application must:

- 1. Identify and describe the work to be covered by the permit for which application is made.
- 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3. Indicate the use and occupancy for which the proposed work is intended.
- 4. Be accompanied by construction documents and other information as required in Section 106.

5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.
8. For self-certification see Section 16.12.030."

SECTION 3. Section 16.12.020 is added to MPMC Chapter 16.12 ("Existing Building Code") to read as follows:

"16.12.020 Sections 503.1 and 506.1 added. Sections 503.1 and 506.1 are added to read as follows:

503.1 (Alterations) General. Except as provided by Section 302.4, 302.5 or this section, alterations to any building or structure must comply with the requirements of the California Building Code or California Residential Code, as applicable, for new construction. Alterations created within a building or structure cannot cause the building or structure to be more out of compliance with the provisions of the California Building Code or California Residential Code, as applicable, than it was before the alteration was made.

Exceptions:

1. An existing stairway is not required to comply with the requirements of Section 1011 of the California Building Code where the existing space and construction does not allow a reduction in pitch or slope.
2. Handrails otherwise required to comply with Section 1011.11 of the California Building Code are not required to comply with the requirements of Section 1014.6 of the California Building Code regarding full extension of the handrails where such extensions would be hazardous because of plan configuration.
3. Where provided in below-grade transportation stations, existing and new escalators must have a clear width of less than 32 inches (815 mm).
4. A site assessment demonstrating, evaluating and certifying conformity with accessibility standards for public buildings, public accommodations, commercial buildings and/or public housing may be submitted by the design professional of record, or a CASp, in a form acceptable to the building official.

506.1 (Change of Occupancy) Compliance. A change of occupancy cannot be made in any building unless that building is made to comply with the requirements of the California Building Code for the use or occupancy. Any new

occupancy created within a building or structure cannot cause the building or structure to be more out of compliance with this code than it was before the change was made. Subject to the approval of the code official, changes of occupancy will be permitted without complying with all of the requirements of this code for the new occupancy, provided that the new occupancy is less hazardous, based on the life and fire risk, than the existing occupancy.

Exceptions:

1. The building is not required to comply with Chapter 16 of the California Building Code, unless required by Section 506.4.
2. An assessment by the design professional of record in a form acceptable to the building official may serve to certify compliance to this code.”

SECTION 4. Section 16.12.030 is added to MPMC Chapter 16.12 (“Existing Building Code”) to read as follows:

“16.12.030 Self-Certification Program.

A. Purpose: To expedite building permit approvals by allowing Licensed Design Professionals to voluntarily self-certify building plans.

B. Definitions: Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this Section:

1. “Licensed Design Professional” means the California Licensed Architect or Engineer, as applicable, identified as such on the building permit application and accompanying plans.
2. “Self-Certification,” “Self-Certify” or “Self-Certified” means a submittal to the Building Official that is (1) made by a Licensed Design Professional identified in the building permit application; (2) accompanies plans filed with the Building Official by that Licensed Design Professional; and (3) for which the Licensed Design Professional attests such plans (a) do not contain any false information; (b) comply with all applicable law including, without limitation, the MPMC; and (c) were prepared by or under the direct supervision of, and signed and stamped by, that Licensed Design Professional.

C. Eligible Participants: To participate in the Program, applicants must be registered and be in good standing as a Licensed Design Professional with the State of California.

D. Insurance Requirements: For a project to be accepted for Self-Certification, the Licensed Design Professional is required to furnish the Building Official insurance in

accordance with the City's requirements and not less than the valuation of the permitted project.

E. Optional Prescreening Process: The Licensed Design Professional who intends on filing an application with a Self-Certification may meet with the Building Official, or designee, for a courtesy prescreening of the proposed project to ensure the submittal is complete.

F. Submittal Requirements: The Licensed Design Professional who intends on filing an application with a Self-Certification must submit that application to participate in the program to the Building Official. Self-Certified plans must contain all the information listed in the corresponding City of Monterey Park handout regarding building design criteria. A Self-Certification form and a "hold harmless" letter, in a form approved by the City Attorney, must be completed in its entirety and submitted for each project by the design team and the property owner. The Self-Certification program will be all inclusive, i.e., all construction trade work that requires permits for the project must be Self-Certified. Each page of the plans submitted, must be wet stamped and signed by a Licensed Design Professional for each applicable trade.

G. Non-Building Division Approvals: The Licensed Design Professional who intends on filing an application with a Self-Certification must provide documentation to the Building Official demonstrating final approvals from any affected City department before the Building Official issues a permit. That Licensed Design Professional must also provide documentation to the Building Official appropriate approvals of any applicable "outside" agency. Those outside agencies include, without limitation, the following: Los Angeles County Health Department and affected school districts.

H. Fees: All fees required by the Program will be established by City Council resolution.

I. Permits: Applications that have met all the criteria of this voluntary Self-Certification program will be issued a building permit the same day of completed and approved application submittal.

J. Inspection Protocol: All code-required State of California or City of Monterey Park inspections are required.

K. Audits: All Self-Certified plans are subject to auditing by the Building Official to determine whether plans comply with the applicable California and City of Monterey Park laws, codes, rules, and regulations. If plans are found not to comply, then the Licensed Design Professional who intends on filing an application with a Self-Certification will ensure compliance. If compliance is not obtained within a reasonable amount of time, then the Building Official may report the non-compliance items to the appropriate licensing board with the State of California."

SECTION 5. Conflicts. In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The Building Official is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 6. Environmental Review. This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this Ordinance is exempt from further environmental review pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 7. Construction. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8. Severability. If any part of this Ordinance 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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Recordation. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 10. Electronic Signatures. This Ordinance 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 11. Effective Date. This Ordinance will become effective 30 days after its adoption.

THIS ORDINANCE WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Timothy E. Campen, Assistant City Attorney



City Council Staff Report

DATE: November 4, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council

FROM: Ron Bow, City Manager

SUBJECT: Waive further reading and adopt an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving second reading and adopting an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

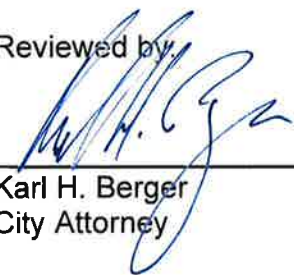
The first reading and introduction of the Ordinance took place at the October 21, 2020 City Council meeting. The original staff report (from October 21, 2020) is attached for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Respectfully submitted by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. October 21, 2020 Staff Report

Staff Report
November 4, 2020

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM AND EXTENDING ITS EFFECTIVE DATE TO JULY 1, 2021.

The City Council does ordain as follows:

SECTION 1. *Findings.* The City Council finds, determines and declares as follows:

- A. Since March 11, 2020, the City (and the nation) has been in a declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency").
- B. In July, the City Council adopted a series of regulations (Ordinance Nos. 2178, 2182, 2184, and 2185) which are, collectively, the 2020 Monterey Park Business Recovery Program (the "Program").
- C. To ensure that that the temporary regulations adopted by the Program would be properly vetted and implemented, the City Council determined that the Program would terminate on December 31, 2020 unless otherwise extended.
- D. Since the Program was adopted, the City Council took various actions to codify various regulations on a permanent basis. The bulk of the Program, however, continues to constitute temporary regulations that will expire at the end of 2020.
- E. The City Manager and Economic Development Manager provided a report to the City Council regarding the ongoing efforts to stimulate the local economy by using the Program's regulations. Based upon that report, the City Council finds it is in the public interest to extend the Program's effective date to 2021. This will give the City Manager additional time to recommend appropriate changes to the Monterey Park Municipal Code ("MPMC") that will help promote the City Council's intent to assist local businesses recover from the Emergency.

SECTION 2. *Environmental Assessment.* This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Adopting this Ordinance is exempt from further environmental review because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. The Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adopting the ordinance is also exempt from review under CEQA pursuant to CEQA

Guidelines § 15061(b)(3) because the ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Individual projects utilizing the 2020 Monterey Park Business Recovery Program will each be separately subject to an environmental assessment. Finally, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

SECTION 3. *Extension of Time.* The Sunset Clauses set forth in Section 6 of Ordinance Nos. 2178 and 2182; and Section 14 of Ordinance Nos. 2184 and 2185 are extended until June 30, 2021. To ensure that the City Manager reviews the MPMC as contemplated by the 2020 Monterey Park Business Recovery Program, this Ordinance (and, therefore, the Program) will automatically be repealed and will become ineffective on July 1, 2021, unless the City Council takes additional action to extend the effectiveness of this Ordinance or supersedes it via a subsequently adopted Ordinance.

SECTION 4. *Amendments.* Exhibit C to Ordinance Nos. 2184 and 2185 (the Business Recovery Development Agreement Zone) was superseded by Ordinance No. 2193. Accordingly, Exhibit C was amended as set forth in Ordinance No. 2193.

SECTION 5. *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. *Enforceability.* Amendment or repeal of any provision of any previously adopted Ordinance does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of any other ordinance by this Ordinance will be rendered void and cause such previous ordinance to remain in full force and effect for all purposes.

SECTION 8. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

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

SECTION 9. *Severability.* If any part of this Ordinance 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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. *Recording.* The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. *Electronic Signatures.* This Ordinance 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 12. *Effective Date.* This Ordinance will become effective 30 days after its adoption and remain effective unless superseded or repealed.

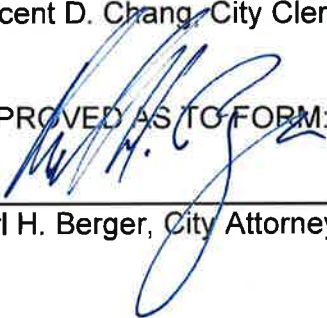
PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Staff Report
November 4, 2020

ATTACHMENT 2

October 21, 2020 Staff Report



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-C

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
SUBJECT: Extending time for implementing the 2020 Monterey Park Business Recovery Program

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing a progress report from the City Manager and Economic Development Manager regarding recovery of the local economy and progress with the 2020 Monterey Park Business Recovery Program;
2. Introduce and waive first reading of an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021; and
3. Take such additional, related, action that may be desirable.

CEQA:

The proposed Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹ Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance, by itself, may have a significant effect on the environment. Any project utilizing the 2020 Monterey Park Business Recovery Program will undergo separate CEQA review.

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

EXECUTIVE SUMMARY:

On July 1st and 15th, the City Council adopted ordinances implementing the 2020 Monterey Park Business Recovery Program (the "Program"). At that time, the City Council determined it would be in the public interest for the Program to automatically expire on December 31, 2020 unless extended by additional City Council action.

Since July, the City processed 43 different permits for Restaurants and Personal Service establishments. And, the City Council adopted a series of additional ordinances that codified certain portions of the Program. To ensure that the ongoing efforts for restarting the local economy continue smoothly (and are monitored closely), it seems that the Program should be extended until at least 2021. This will give the City additional data to determine which parts of the Program are most effective and allow the City Council to conscientiously consider whether regulations from the Program should be codified into the Monterey Park Municipal Code ("MPMC").

DISCUSSION

Since taking office in April, the City Council undertook unprecedented efforts to cope with the COVID-19 Pandemic. One of the keystones of the City Council's response was adopting the 2020 Monterey Park Business Recovery Program in July. Since its adoption, the Program assisted 132 businesses in dealing with the economic fallout resulting from the Pandemic. The City Council's outstanding efforts is reflected in the relative stability of sales tax revenue (discussed in a separate Agenda item) and the flood of positive feedback from the business community.

The Program was adopted on an urgency basis, i.e., there was little opportunity to carefully consider what impacts the regulations would have upon the City and the potential unintended consequences. Accordingly, the City Council decided to automatically discontinue the Program on December 31, 2020. This time gave the City's administration time to report back to the City Council regarding the Program's effectiveness and make recommendations on what is working.

Since July, the City Manager recommended that several parts of the Program be codified into the MPMC. One of those pieces is a separate item on this Agenda (the self-certification program). How to implement other regulations from the Program, however, should still be reviewed so that the City Council can make an informed decision regarding whether to make those sections of the Program permanent. For example, the Program relaxed off-street parking requirements during the Pandemic so that outdoor dining and retail events could occur. Additional data are needed to determine whether this policy should continue on a long-term basis and the types of impacts that may have on the City's streets.

Additionally, the Program's success should not be interrupted by potential disruption in the process, i.e., if the City Council acts now to codify certain parts of the Program, businesses may be discouraged in participating.

Finally, there is a cost associated with codifying the Program. As may be seen in the separate Agenda item regarding the Budget, an adjustment is needed to pay for changes to the MPMC. A quick review of the legislative agenda since July shows that the City Council adopted 27 ordinances since April. This could not have been anticipated at the time the Budget was adopted. Postponing a decision regarding codifying the remainder of the Program will help reduce costs for the City Clerk's office.

Based upon the above, it seems prudent to extend the Sunset Clause of the Program from December 31, 2020 to June 30, 2021. This will give the City Council ample time to decide whether the Program (or certain parts of it) should be codified into the MPMC.

FISCAL IMPACT:

There are no direct foreseeable direct costs with extending the Program. It is anticipated that the Program will assist local businesses. This will also help stabilize the City's revenue projections for budgeting purposes.

Respectfully submitted and prepared by:



Ron Bow, City Manager

Reviewed by:



Karl H. Berger,
City Attorney

Attachment(s):

1. Ordinance extending the time of the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021.

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM AND EXTENDING ITS EFFECTIVE DATE TO JULY 1, 2021.

The City Council does ordain as follows:

SECTION 1. *Findings.* The City Council finds, determines and declares as follows:

- A. Since March 11, 2020, the City (and the nation) has been in a declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency").
- B. In July, the City Council adopted a series of regulations (Ordinance Nos. 2178, 2182, 2184, and 2185) which are, collectively, the 2020 Monterey Park Business Recovery Program (the "Program").
- C. To ensure that that the temporary regulations adopted by the Program would be properly vetted and implemented, the City Council determined that the Program would terminate on December 31, 2020 unless otherwise extended.
- D. Since the Program was adopted, the City Council took various actions to codify various regulations on a permanent basis. The bulk of the Program, however, continues to constitute temporary regulations that will expire at the end of 2020.
- E. The City Manager and Economic Development Manager provided a report to the City Council regarding the ongoing efforts to stimulate the local economy by using the Program's regulations. Based upon that report, the City Council finds it is in the public interest to extend the Program's effective date to 2021. This will give the City Manager additional time to recommend appropriate changes to the Monterey Park Municipal Code ("MPMC") that will help promote the City Council's intent to assist local businesses recover from the Emergency.

SECTION 2. *Environmental Assessment.* This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Adopting this Ordinance is exempt from further environmental review because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. The Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adopting the ordinance is also exempt from review under CEQA pursuant to CEQA

Guidelines § 15061(b)(3) because the ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Individual projects utilizing the 2020 Monterey Park Business Recovery Program will each be separately subject to an environmental assessment. Finally, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

SECTION 3. Extension of Time. The Sunset Clauses set forth in Section 6 of Ordinance Nos. 2178 and 2182; and Section 14 of Ordinance Nos. 2184 and 2185 are extended until June 30, 2021. To ensure that the City Manager reviews the MPMC as contemplated by the 2020 Monterey Park Business Recovery Program, this Ordinance (and, therefore, the Program) will automatically be repealed and will become ineffective on July 1, 2021, unless the City Council takes additional action to extend the effectiveness of this Ordinance or supersedes it via a subsequently adopted Ordinance.

SECTION 4. Amendments. Exhibit C to Ordinance Nos. 2184 and 2185 (the Business Recovery Development Agreement Zone) was superseded by Ordinance No. 2193. Accordingly, Exhibit C was amended as set forth in Ordinance No. 2193.

SECTION 5. Construction. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. Enforceability. Amendment or repeal of any provision of any previously adopted Ordinance does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of any other ordinance by this Ordinance will be rendered void and cause such previous ordinance to remain in full force and effect for all purposes.

SECTION 8. Reliance on Record. Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

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

SECTION 9. *Severability.* If any part of this Ordinance 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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. *Recording.* The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. *Electronic Signatures.* This Ordinance 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 12. *Effective Date.* This Ordinance will become effective 30 days after its adoption and remain effective unless superseded or repealed.

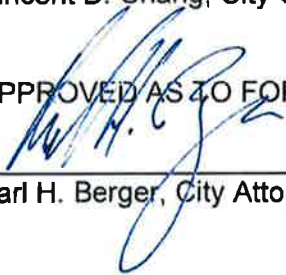
PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: November 04, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: A Resolution Amending the Monterey Park Administrative Code by Changing "Management Resources Department" to "Management Services Department."

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution amending the Monterey Park Administrative Code by Changing "Management Resources Department" to Management Services Department"; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

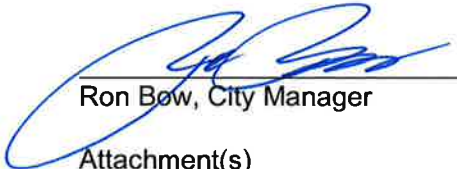
On September 16, 2020, City Council adopted Resolution No. 12200, the Administrative Code. The Administrative Code authorizes the City Manager to make appropriate changes on a day-to-day basis and cause the City Council to review the structure of City government every two years (in conjunction with the conflict of interest code).

The Administrative Code inadvertently renamed the Management Services Department to "Management Resources Department." The draft Resolution would change it back.

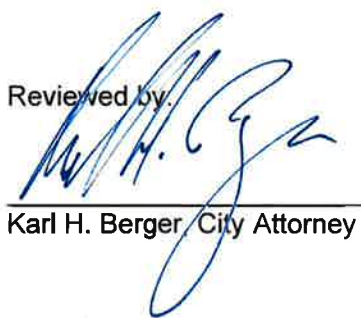
Respectfully Submitted and prepared by:


Martha Garcia, Director of Management Services

Approved by:


Ron Bow, City Manager

Reviewed by:


Karl H. Berger, City Attorney

Attachment(s)

1. Resolution 12200
2. Resolution Amendment

ATTACHMENT 1

Resolution 12200

RESOLUTION NO. 12200

A RESOLUTION ADOPTING AN ADMINISTRATIVE CODE TO ESTABLISH CITY DEPARTMENTS, IDENTIFY DEPARTMENT DIRECTORS, AND IMPLEMENT DEPARTMENT RESPONSIBILITIES.

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

SECTION 1: *Purpose.* This Resolution adopts an Administrative Code for the City of Monterey Park which is intended to implement the following:

- A. Organization, conduct and operation of the offices and departments established by this Resolution and as authorized by the general laws of the State of California.
- B. Creation of additional departments, divisions, offices and agencies, and for their alteration, consolidation or abolition after recommendation by the City Manager.
- C. Assignment or reassignment of functions, duties, offices and agencies to other offices and departments, after recommendation by the City Manager.
- D. Policy statements of the Council concerning personnel administration, salary and wage administration, hours of work, conditions of employment, employee benefits, centralized purchasing and other administrative procedures.

SECTION 2: *Definitions.* As used in this Resolution, unless a different meaning is apparent from the context:

- A. "City" means the City of Monterey Park.
- B. "City Manager" means the City Manager of the City of Monterey Park.
- C. "Code" means this Resolution, as it now exists or is amended, implementing an Administrative Code.
- D. "Council" means the City Council of the City of Monterey Park.

SECTION 3: *Construction.* The following rules apply in construing this Code:

- A. The masculine gender includes the feminine.

- B. The singular number includes the plural, and the plural the singular.
- C. The present tense includes the past and future tenses. The future tense includes the present.
- D. Any article, section or other headings contained in this Code does not in any manner affect the scope, meaning, or intent of the provisions of this Code.
- E. Whenever, by the provisions of this Code, a power is granted to or duty imposed upon, a particular City officer or employee, the power may be exercised or duty performed by a designee of the officer or employee, unless it is expressly provided otherwise.
- F. Whenever any reference is made to any provision of this Code, the Monterey Park Municipal Code or other City ordinances, or to any applicable law, the reference also applies to its amendments and additions.

SECTION 4: *Administrative Regulations.* Except as otherwise provided in this Code or the MPMC, the City Manager is authorized to issue Administrative Policies and Procedures ("AP&P"), in a form approved by the City Attorney, for the operation and administration of the City government and its offices, departments and agencies.

SECTION 5: *Creation of Additional Departments, Divisions, Offices and Agencies.* Upon recommendation by the City Manager, the City Council may create new offices and agencies by amending this Code or the MPMC. The City Manager is authorized to create additional departments and divisions and may delegate authority, in writing, to department heads to create new divisions within their respective departments. Any such administrative changes must be memorialized via an AP&P and, thereafter, by amending this Code at least every two years, coinciding with updates to the City's Conflict of Interest Code.

SECTION 6: *Organization and Operation.* In addition to any powers delegated by applicable law including the MPMC, the City Manager is the City officer responsible for directing and supervising the administration of all departments, offices and agencies of the City, and is responsible for the general overall administration of City government. This office is also responsible for coordinating intergovernmental relations and promoting community relations and economic vitality.

SECTION 7: *Management Resources Department.*

- A. **Organization.** The Management Resources Department is established all of which are under the direction and administration

of the Management Resources Director. These areas are:

1. Finance;
2. Data Processing;
3. Revenue Collection;
4. Central Support Services;
5. Communication/Duplication; and
6. Community Housing Assistance.

B. Establishment of Funds and Accounts. The following City funds are established:

1. General Fund - The General Fund is established as a medium of control of and accounting for municipal activities other than activities authorized or contemplated by special funds or other governmental funds. All revenues and receipts which are not by law or otherwise pledged or encumbered for special purposes will be credited to the General Fund.
2. Special Revenue Funds - Special Revenue Funds will be established to account for revenues designated for particular purposes under the governmental funds group.
3. Capital Projects Funds - Capital Projects Funds will be established to account for all revenues designated for the acquisition of capital facilities except those facilities financed by special assessment.
4. Debt Service Fund - A Debt Service Fund within the governmental fund group and in each proprietary fund, as appropriate, will be established to service the revenue and expense accounts devoted to the payment of interest and principal on long-term revenues and general obligation debt other than that payable from special assessments.
5. Trust Funds - Trust Funds will be established to account for revenues held by the City as a trustee.
6. Internal Service Funds - Internal Service Funds may be established to provide services efficiently and economically

to other funds or departments and be accounted for under proprietary fund rules.

7. Special Assessment Funds - Special Assessment Funds will be established to account for the construction of public improvements that are financed by special levies against properties adjudged to receive benefits different than those received by the city residents, and for the maintenance and upkeep of such assets.
8. Enterprise Funds - Enterprise Funds will be established as proprietary funds with full accrual accounting that specialize in providing for utility or other fee-supported services to the public. These funds include water, wastewater, and solid waste.
9. Petty Cash Account - A Petty Cash Account will be established as an interest cash account in an amount to be fixed by finance departmental policy. These funds are set aside for the purpose of making change or paying small obligations for which the issuance of a formal voucher and check could be too expensive and time consuming. The annual audit of City funds provides for a review of these disbursements.
10. Groups of Accounts - The City may employ self-balancing groups of accounts. These groups are general fixed assets group and general long-term debt group for governmental funds.

SECTION 8: ***Department of Recreation and Community Services.***

A Department of Recreation and Community Services is established under the direction and administration of the Recreation and Community Services Director. These areas are:

- A. Facilities Supervision;
- B. Aquatics;
- C. Langley Center;
- D. Youth Activities;
- E. Recreational Activities;
- F. Community Participation;

- G. Media Production; and
- H. Community Transportation.

SECTION 9: ***Police Department.*** The Police Department is established under the direction and administration of the Chief of Police. These areas include:

- A. Administration;
- B. Community Services;
- C. Traffic Bureau;
- D. Field Services;
- E. Investigations;
- F. Animal Services;
- G. Communications;
- H. Jail;
- I. Records; and
- J. Computer Services.

SECTION 10: ***Fire Department.*** The Fire Department is established under the direction and administration of the Fire Chief. These areas include:

- A. Administration;
- B. Prevention. Prevention is responsible for the implementation of a Building and Safety program, Fire Prevention program, Hazardous and Toxic Materials regulatory program;
- C. Emergency Operations. Emergency Operations is responsible for the protection of life and property through the quick and effective extinguishment of fires, delivery of emergency medical services to victims of sudden illness and injury, mitigation of toxic and hazardous materials emergencies, response to a variety of emergency conditions which may threaten lives and property of the public, the planning and coordination of a City-wide disaster preparedness program, and the delivery of information and

educational programs to the public;

- D. Emergency Medical Services;
- E. Community Risk Reduction; and
- F. Code Enforcement. Code Enforcement is responsible for a general enforcement program, Housing Rehabilitation program, Public Education program and other activities related to permitting, plan checking, inspections and the enforcement of community standards.

SECTION 11: ***Public Works Department.*** A Public Works Department is established under the direction and administration of the Public Works Director. These areas are:

- A. Community transportation;
- B. Street maintenance;
- C. Storm drain maintenance;
- D. Sanitary sewer maintenance;
- E. Street cleaning;
- F. Traffic control;
- G. Street lighting;
- H. Refuse collection;
- I. Administration;
- J. Water Commercial;
- K. Water Production;
- L. Water Distribution;
- M. Water Capital Projects;
- N. Parkway maintenance;
- O. Parks;

- P. Building Maintenance;
- Q. Motor Pool Shop;
- R. Engineering;
- S. Planning; and
- T. Building and Safety.

SECTION 12: ***Human Resources and Risk Management Department.*** A Department of Human Resources and Risk Management is established under the direction and administration of the Human Resources and Risk Management Director. Under the direction of the Human Resources Director, the Department is responsible for recruitment and selection, classification, compensation and benefits, training, employee relations and labor negotiations, and risk management.

SECTION 13: ***Community and Economic Development.***¹ A Department of Community and Economic Development is established under the direction and administration of the City Planner or Community and Economic Development Director. These areas are:

- A. Planning;
- B. Building;
- C. Economic Development;
- D. CDBG Administration;
- E. HOME housing program;
- F. Affordable housing program; and
- G. Business improvement area.

SECTION 14: ***Library.*** A Library is established in accordance with the MPMC under the direction and administration of the Librarian. The Library is divided into the following areas:

- A. Administration;

¹ Currently managed by the Public Works Department.

- B. Reference and Adult Services;
- C. Technical Services;
- D. Circulation;
- E. Literacy; and
- F. Children's Services.

SECTION 15: *Effect of Reorganization.* Any new titles for departments, divisions, department heads and division heads as enacted by this Resolution supersede and replace any inconsistent terms, titles, or references appearing in previously enacted City of Monterey Park Ordinances, Resolutions, AP&P, and written policies.

SECTION 16: *Environmental Review.* This resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations ("CCR") §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to government organization; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a "project" that requires environmental review (*see specifically 14 CCR § 15378(b)(4-5)*).

SECTION 17: *Conflicts.* In the event of a conflict between the provisions of this Resolution and the provisions the MPMC, any other resolution, or any resolution, the provisions of this Resolution govern. The City Manager is authorized to resolve any ambiguities. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 18: *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.

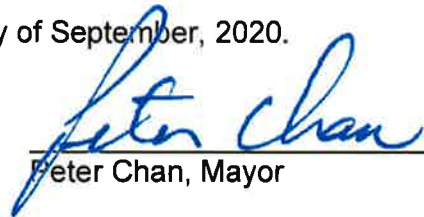
SECTION 19: *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 20: *Severability.* If any part of this Resolution or its

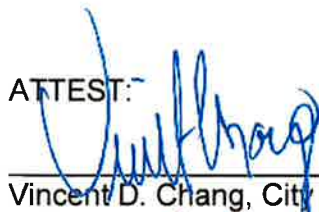
application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 21: *Effective Date.* This Resolution will take effect immediately upon adoption.

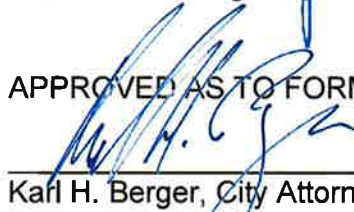
PASSED AND ADOPTED this 16th day of September, 2020.


Peter Chan, Mayor

ATTEST:


Vincent D. Chang, City Clerk

APPROVED AS TO FORM


Karl H. Berger, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 12200 was duly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 16th day of September, 2020, by the following vote:

Ayes	Council Members:	Liang, Sornoso, Lo, Yiu, Chan
Noes:	Council Members:	None
Abstain:	Council Members:	None
Absent:	Council Members:	None

Dated this 16th day of September, 2020.


Vincent D. Chang, City Clerk
City of Monterey Park, California

ATTACHMENT 2

Resolution Amendment

RESOLUTION NO. ____

A RESOLUTION AMENDING THE MONTEREY PARK ADMINISTRATIVE CODE BY CHANGING “MANAGEMENT RESOURCES DEPARTMENT” TO “MANAGEMENT SERVICES DEPARTMENT.”

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

SECTION 1: *Management Services Department.* Section 7 of Resolution No. 12200 is amended to rename the Management Resources Department as the “Management Services Department.” Other than amended by this Resolution, Resolution No. 12200 remains in full force and effect.

SECTION 2: *Effect of Reorganization.* Any new titles for departments, divisions, department heads and division heads as enacted by this Resolution supersede and replace any inconsistent terms, titles, or references appearing in previously enacted City of Monterey Park Ordinances, Resolutions, AP&P, and written policies.

SECTION 3: *Environmental Review.* This resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations (“CCR”) §§ 15000, *et seq.*) because it establishes rules and procedures to clarify existing policies and practices related to government organization; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

SECTION 4: *Conflicts.* In the event of a conflict between the provisions of this Resolution and the provisions the MPMC, any other resolution, or any resolution, the provisions of this Resolution govern. The City Manager is authorized to resolve any ambiguities. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 5: *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 6: *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the City Council’s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 7: *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 provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 8: *Effective Date.* This Resolution will take effect immediately upon adoption.

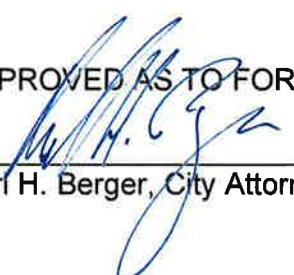
PASSED AND ADOPTED this _____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM



Karl H. Berger, City Attorney



City Council Staff Report

DATE: November 4, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-E

TO: Honorable Mayor and Members of the City Council

FROM: Inez Alvarez, Assistant City Manager
Robert Aguirre, Recreation Manager

SUBJECT: Adopt a Resolution authorizing the City Manager, or designee, to apply for, receive and approve grant funds for the Statewide Park Development and Community Revitalization Program (SPP) Grant regarding proposed improvements to the Barnes Park Pool

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution authorizing the City Manager, or designee, to apply for, receive and approve funds for the SPP Grant; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Barnes Park Pool is over 50 years old and is consistently in need of repairs due to dilapidated conditions. Staff has been working toward obtaining the necessary funds to renovate the pool by applying for grants. Unfortunately, the City has not been awarded any funding. Even though several mechanical components have been replaced over the years to keep the pool in operation, the entire facility needs to be renovated to meet current ADA standards and a pool recirculation system needs to be installed to recycle water.

The Statewide Park Development and Community Revitalization Program (SPP) grant provides an opportunity for the City to apply for grant funds to design, engineer, and construct a new aquatic facility. A resolution approving an application is a requirement of the SPP grant and therefore City staff recommends the adoption of said resolution.

BACKGROUND:

The Barnes Park pool facility serves our community members by providing access to physical fitness through swimming activities; life saving swim education classes; training and competition facility for swim and water polo teams; recreational space for fun and relief during warm months; and overall is a positive place to socialize.

SPP Grants are managed by the State Parks Department and funded through the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Public Resources Code §§ 80000 *et seq.* "Proposition 68"). Proposition 68 provides over \$650 million for SPP that will be distributed over several funding rounds. SPP grant allocations do not require fund matching and may be disbursed between \$200,000 - \$8,500,000. The City's grant application will be submitted in the next competitive round of the SPP funding. Grant applications are due December 14, 2020.

The project will also address renewable energy components by using solar panels to provide electricity for both the facility and to operate the mechanical pool equipment as well as providing heat for the pool. Based on a preliminary engineering estimate, the total cost of the project would be \$8,006,000. upon renovations needed at Barnes Park Pool, City staff has obtained a preliminary engineer's estimate of \$8,006,000.

SPP is highly competitive and its purpose is to create new parks and new recreation opportunities in critically underserved communities across California. The City was 1 of the 478 applications submitted in 2019.

The proposed Barnes Park Pool Project fits the grant criteria of having a ratio of less than 3 acres of park space per 1,000 residents and has a median household income lower than \$56,982 within a half-mile radius of the park, which qualifies as a disadvantaged community.

SPP allows Grant Applications for up to \$8.5 million with no match required. Grants will be awarded in Summer 2021 and projects must be completed and open to the public by March 2025.

The proposed improvements would include demolition of existing pool; construction of a new teaching/therapy pool and new competition pool including a recirculation system; new mechanical room; new concrete deck; drought tolerate landscaping; energy efficient lighting; shade structures for viewing areas; and a new administrative facility with inclusive locker room facilities. The project will also address renewable energy components by using solar panels to provide electricity for both the facility and to operate the mechanical pool equipment as well as providing heat for the pool.

Additionally, the Alhambra Unified School District (AUSD) agreed to become a partner in renovating the entire aquatic facility at Barnes Park. City staff was able to successfully collaborate with AUSD and it has agreed, once again, to commit approximately \$100,000 of funding to support the Barnes Park Pool Project. City staff will continue to reach out to other school districts and local organizations to seek potential opportunities to work in partnership to provide aquatic programming for all community members.

FISCAL IMPACT:

If the grant is received, there is no match funding required. The total cost of the Barnes Pool Project is anticipated to be \$8,006,000 which includes \$100,000 from AUDS and \$7,906,000 from The Statewide Park Development and Community Revitalization Program.

Respectfully submitted by:



Inez Alvarez
Assistant City Manager

Prepared by:



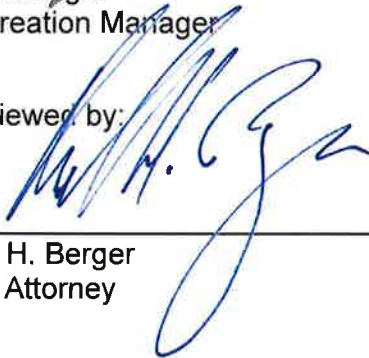
Robert Aguirre
Recreation Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
TO APPLY FOR, RECEIVE AND APPROVE GRANT FUNDS FOR THE
STATEWIDE PARK DEVELOPMENT AND COMMUNITY
REVITALIZATION PROGRAM**

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

SECTION 1: The City Council finds and declares that:

- A. The State Department of Parks and Recreation ("DPR") has been delegated the responsibility by the California Legislature to administer the Statewide Park Development and Community Revitalization Grant Program ("SPP"). SPP competitive grants are meant to facilitate the creation of new parks and new recreation opportunities in critically underserved communities across California. Projects eligible for SPP funding include developments to either create a new park, expand an existing park, or renovate an existing park. Renovations must include at least one recreation feature (an acceptable example of which includes aquatic centers and swimming pools).
- B. Public Resources Code §§ 80000 *et seq.* ("The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018" approved in Proposition 68) allows for the distribution of \$650,275,000 throughout multiple application rounds, of which the City may be eligible for a minimum of \$200,000 and a maximum of \$8,500,000.
- C. The City is currently proposing improvements that would include demolition of the existing pool; construction of a new teaching/therapy pool and new competition pool (including a recirculation system), new mechanical room, new concrete deck, and new administrative facility (with inclusive locker room facilities); and installation of drought tolerate landscaping, energy efficient lighting, and shade structures for viewing areas ("the Project"). Furthermore, the City qualifies as a "critically underserved community" (as defined by DPR) because the area within the proximity of the Project has a ratio of less than three acres of park space per 1,000 residents, as well as a median household income lower than \$56,982.
- D. The procedures established by the DPR require the City to certify by resolution the approval of the application before submission of said application to the State. The City Council would like to authorize the City Manager, or designee, to execute documents to apply for, and potentially receive, up to \$8,500,000 and at least \$200,000 in grant monies from the DPR related to the Project.

SECTION 2: *Authorizations.* The City Manager, or designee, is authorized to apply for a \$7,906,000 grant from DPR to be used for the Project.

SECTION 3: The City Manager, or designee, is authorized to conduct all negotiations, sign and submit all documents (including, but not limited to applications, agreements, amendments), and payment requests, which may be necessary to receive the grant for the purposes identified herein, in addition to any documents necessary or appropriate to evidence and secure the City's obligations related to the grant.

SECTION 4: The City Manager, or designee, is authorized to accept and spend the grant monies identified in this Resolution for the purposes set forth herein. If the City's application is approved by DPR: (a) the City will be subject to the terms of the Competitive Grant Program Contract and must use the funds for eligible uses in the manner presented in the application as provided by DPR in accordance with the Grant Administration Guide and the City's SPP grant program application; and (b) to the extent practicable, consider undertaking the actions identified in Public Resources Code § 80001(b)(8)(A)-(G).

SECTION 5: The City Council hereby amends or supplements the City's Budget for fiscal year 2020-21 to appropriate the monies identified herein to pay for the Project proposed by the City in support of its grant application. The City Manager, or designee, is authorized to implement the purpose of this section.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: This Resolution does not affect any penalty, forfeiture, or liability incurred before, or precludes prosecution and imposition of penalties for any violation occurring before this Resolution's effective date. any such amended part will remain in full force and effect for sustaining action or prosecuting violation occurring before the effective date of this Resolution.

SECTION 8: 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 provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 9: *Effective Date.* This Resolution becomes effective immediately upon adoption and will remain effective until repealed or superseded.

SECTION 10: *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.

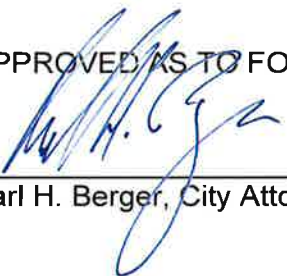
Approved and adopted the 4th day of November, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

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

I, Vincent D. Chang, 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 meeting held on the 4th day of November 2020, by the following vote:

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

Dated this 4th day of November, 2020.

Vincent D. Chang, City Clerk Monterey Park, California



City Council Staff Report

DATE: November 4, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-F

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works/City Engineer
SUBJECT: On-Call Electrical Maintenance Services Contract

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute two three-year agreements, in a form approved by the City Attorney, with ECM Peco, Inc. and Hampton Tedder Electric Company, for a combined total not to exceed \$100,000 annually; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed work involves minor alterations to existing public facilities and therefore is Class 1 Categorically Exempt pursuant to the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY:

On August 17, 2020, staff released a notice inviting bids for on-call electrical maintenance services. Staff is requesting award of contract to both ECM Peco, Inc. and Hampton Tedder Electric Company. The term of the contracts is three years each with a combined total not to exceed \$100,000 annually.

BACKGROUND:

Staff released a notice inviting bids for on-call electrical maintenance services on August 17, 2020. The bid was sent electronically to a list of local vendors and posted on the City's website. The bid closed on September 22, 2020 and two firms submitted proposals – ECM Peco, Inc. and Hampton Tedder Electric Company. Both firms meet the specifications required of the bid.

The City retained both ECM Peco and Hampton Tedder in the past for routine maintenance and emergency repair work. Both firms are reliable and perform above satisfactory work. Their costs for this on-call maintenance contract are summarized in the table below:

Firm	Straight Time Hourly Rates	
	Foreman	Journeyman
ECM PECO, Inc.	\$135.00	\$130.00
Hampton Tedder Electric Co.	\$142.00	\$136.00

While ECM Peco's straight time rates are lower, their Sunday and holiday overtime rates are higher.

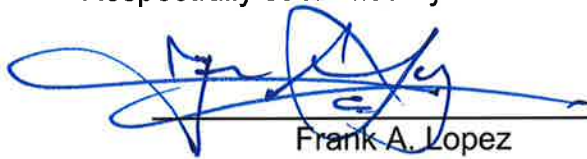
Firm	Sunday/Holiday Overtime Hourly Rates	
	Foreman	Journeyman
ECM PECO, Inc.	\$270.00	\$260.00
Hampton Tedder Electric Co.	\$252.00	\$248.00

Given that the firms' rates are comparable, staff is recommending that City Council award contract to both firms for on-call electrical maintenance services. ECM Peco, Inc. will be called upon for work during normal business hours while Hampton Tedder will be used for after hour emergencies. In the event that one firm is not available, the other firm will be called upon. The term of the contracts is for three years, for an annual amount not to exceed \$100,000.00 (combined total for both contracts).

FISCAL IMPACT:

The FY2021 budget includes funding for on-call electrical maintenance services. The sources are general funds and water operations and treatment funds, (101-4210-5251, 401-4210-5251, 401-4222-5335, 402-4229-5211). Costs for work related to the cleanup of the South El Monte Operating Unit (SEMOU) will be reimbursed by the Water Quality Authority/Environmental Protection Agency (WQA/EPA).

Respectfully submitted by:



Frank A. Lopez
Interim Director of Public Works/
City Engineer

Prepared by:



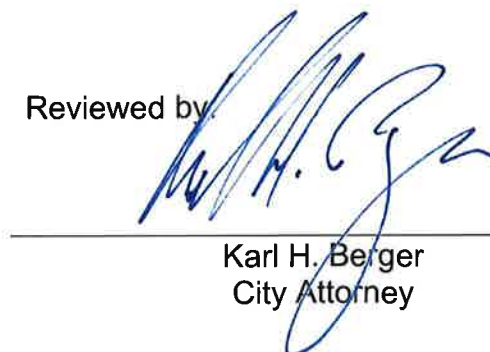
Richard Gonzales
Water Utility Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS:

1. ECM Peco, Inc. Bid Form
2. Hampton Tedder Electric Co. Bid Form

ATTACHMENT 1

ECM Peco, Inc. Bid Form

EXHIBIT B
CITY OF MONTEREY PARK
ON-CALL ELECTRICAL MAINTENANCE SERVICES

BID FORM

ANNUAL CONTRACT COST IS \$100,000

Contractor's Name: ECM PECO, INC DBA PRECISION ELECTRIC CO

Item A. Electrician Labor Hourly Rates

	Straight Time	Overtime	Sunday & Holidays
Foreman	\$ 135.00	\$ 202.50	\$ 270.00
Journeyman	\$ 130.00	\$ 195.00	\$ 260.00
Apprentice	\$	\$	\$

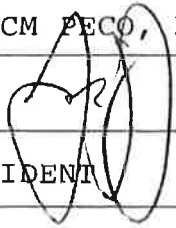
Item B. Truck Charge

Truck Charge	\$ 20.00	☒ Hour ☐ Day
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Item C. Mark up

Item	Percentage
Percentage markup for Materials/Parts above Contractor's cost	20 %
Percentage markup for Equipment Rental above Contractor's cost	20 %

The undersigned has carefully checked all of the above figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Contractor <u>ECM PECO, INC DBA PRECISION ELECTRIC COMPANY</u>	
Signature 	Name (Print) <u>FRANK J. HERNANDEZ</u>
Title <u>PRESIDENT</u>	Date <u>9-21-20</u>

ATTACHMENT 2

Hampton Tedder Electric Co. Bid Form

EXHIBIT B
CITY OF MONTEREY PARK
ON-CALL ELECTRICAL MAINTENANCE SERVICES

BID FORM

ANNUAL CONTRACT COST IS \$100,000

Contractor's Name: Hampton Tedder Electric Co.

Item A. Electrician Labor Hourly Rates

	Straight Time	Overtime	Sunday & Holidays
Foreman	\$ 142.00	\$ 252.00	\$ 252.00
Journeyman	\$ 136.00	\$ 248.00	\$ 248.00
Apprentice	\$ 118.00	\$ 217.00	\$ 217.00

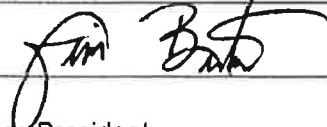
Item B. Truck Charge

Truck Charge	\$ 50.00	☒ Hour ☐ Day
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Item C. Mark up

Item	Percentage
Percentage markup for Materials/Parts above Contractor's cost	15 %
Percentage markup for Equipment Rental above Contractor's cost	15 %

The undersigned has carefully checked all of the above figures and understands that the City of Monterey Park, or any officer thereof, will not be responsible for any errors or omissions on the part of the undersigned in submitting this bid.

Contractor <u>Hampton Tedder Electric Co.</u>	
Signature 	Name (Print) <u>Jim Brenton</u>
Title <u>Sr. Vice President</u>	Date <u>8/19/2020</u>



City Council Staff Report

DATE: November 4, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-G.

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works/City Engineer
SUBJECT: Garfield and Graves Traffic Signal Improvements - Award of Contract

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with PTM General Engineering Services, Inc., in the amount of \$445,544.00 for the Garfield and Graves Traffic Signal Improvements, Specification No. 2020-05;
2. Authorizing the appropriation of \$41,642 from Proposition C (Prop C) Funds and \$86,250 from Water Operations Funds for the construction of the project;
3. Authorizing the Director of Public Works to approve change orders and contingency up to \$67,000 (15%) of the contract amount, for a total project cost of \$512,544; and
4. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

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

EXECUTIVE SUMMARY:

On June 17, 2020, the City Council adopted a resolution approving the design and plans for the Garfield and Graves Traffic Signal Improvements project and authorized the solicitation of bids. The deadline for the submittal of bids was September 14, 2020. Four bids were received. Staff completed the review of the bids and recommended that the contract be awarded to PTM General Engineering Services, Inc in the amount of \$445,544. A 15% contingency is requested for a total project cost of \$512,544. This project is currently funded by Prop C funds and the total FY 2020-21 Adopted Budget for traffic signal improvements projects is \$384,652. A total of \$127,892 in additional budget appropriation is requested to complete this project.

BACKGROUND:

A safety analysis was recommended and conducted by engineering consultant KOA Corporation to improve safety and operation at the intersection with subsequent street and signal improvements. The Garfield and Graves Traffic Signal Improvements project includes installation of left-turn phasing in the Northbound and Southbound directions of Garfield Avenue at the intersection of Graves/Grandridge as well as improvements to bring crosswalks and ADA ramps into compliance with appropriate standards.

An increase to the project cost above the original cost estimate was due in part to the ADA ramp improvements, replacement of several traffic signal poles to meet current standards, and the relocation of an existing 18-inch water valve and vault structure. The outdated 18-inch valve and vault structure on the City's transmission line is being replaced in coordination with the signal project to allow for ADA ramp improvements on Graves Ave median. Installation of a new gate valve will provide an improvement to our water system reliability; funding for this replacement would be directed to water funds used for water distribution maintenance.

On June 17, 2020, the City Council adopted a resolution approving the design and plans for the Garfield and Graves Traffic Signal Improvements and authorizing solicitation of bids. Staff opened bids on September 14, 2020 and has completed the review of all bids submitted. The bids are listed in the table below:

RANK	BIDDER	BASE BID AMOUNT
1	PTM General Engineering Services, Inc	\$445,544.00
2	Select Electric, Inc	\$458,500.00
3	Crosstown Electrical & Data	\$470,643.00
4	Comet Electrical, Inc	\$525,629.00

The bid submitted by PTM General Engineering Services, Inc. is the lowest responsive bid from a responsible bidder. PTM's contractor's license was verified with the California State Contractor's License Board to be current, active and in good standing. Registration with the California Department of Industrial Relations (DIR) was verified. Staff also contacted references to confirm that the contractor provides good quality work.

FISCAL IMPACT:

This project is currently funded by Prop C Funds. The FY 2020-21 Adopted Budget includes \$227,247 in the Garfield and Graves Traffic Signal Improvements project

(Account No. 2415003-5501-96015) and \$157,405 from the Citywide Traffic Signal Upgrades project (Account No. 2415003-5501-96005) for a total budget of \$384,652.

A contract with PTM General Engineering Services, Inc. to complete the construction of the project would increase the total project costs by \$127,892. A budget appropriation increase in the amount of \$41,642 in Prop C Funds (Account No. 2415003-5501-96015) and \$86,250 in Water Operations Funds (Account No. 4015001-5501-96015) for a total appropriation of \$127,892 is recommended.

Respectfully submitted by:



Frank A. Lopez
Interim Director of Public Works /
City Engineer

Prepared by:



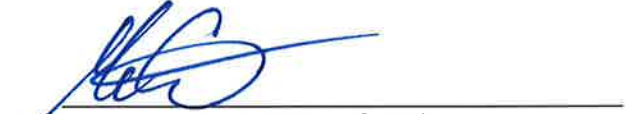
Cesar Vega
Civil Engineering Associate

Reviewed by:



Bonnie Tam
Principal Management Analyst

Reviewed by:



Martha Garcia
Management Services Director

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. PTM General Engineering Services, Inc. Bid Proposal

ATTACHMENT 1

PTM General Engineering Services, Inc. Bid Proposal

SECTION C. BIDDERS PROPOSAL

(Entire section C shall be submitted with the bid)

BIDDER'S NAME: PTM GENERAL ENGINEERING SERVICES , INC.

In accordance with the City's Notice Inviting Sealed Bids, the undersigned BIDDER, hereby proposes to furnish all materials, equipment, tools, labor, and incidentals required for the above stated project as set forth in the Plans, Specifications, and contract documents therefore, and to perform all work in the manner and time prescribed therein.

BIDDER declares that this proposal is based upon careful examination of the work site, Plans, Specifications, Instructions to Bidders, and all other contract documents. If this proposal is accepted for award, BIDDER understands that failure to enter into a contract in the manner and time prescribed will result in forfeiture to the City of Monterey Park of the guarantee accompanying this proposal.

BIDDER understands that a bid is required for the entire work. The contract will be awarded on the prices shown on the bid schedule. It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties and fees. In the case of discrepancies in the amounts of bid, unit prices shall govern over extended amount, and words shall govern over figures.

If awarded the Contract, the undersigned further agrees that in the event of the BIDDER'S default in executing the required contract and filing the necessary bonds and insurance certificates within ten working days after the date of the City's notice of award of contract to the BIDDER, the proceeds of the guarantee accompanying this bid shall become the property of the City and this bid and the acceptance hereof may, at the City's option, be considered null and void.

BID SCHEDULE

To the Monterey Park's City Council, herein called the "Council".

Pursuant to and in compliance with your Notice Inviting Bids and the other documents relating thereto, the undersigned bidder, having familiarized himself with the work, and with the terms of the contract, the local conditions affecting the performance of the contract, and the cost of the work at the place where the work is done, and with the drawings and specifications and other contract documents, hereby proposes and agrees to perform, within the time stipulated, the contract, including all of its component parts, and everything required to be performed, and to provide and furnish any and all of the labor, materials, tools, expendable equipment, and all applicable taxes, utility and transportation services necessary to perform the contract and complete in a workmanlike manner, all in strict conformity with the Contract Documents on file at the office of the City Clerk of said City, per the following bid schedule:

BID SCHEDULE					
CITY OF MONTEREY PARK - GARFIELD-GRAVES TRAFFIC SIGNAL IMPROVEMENTS					
SPECIFICATION NO. 2020-005					
ITEM NO.	ITEM DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL AMOUNT
1	Mobilization and Demobilization.	LS	1	\$ 8,000.00	\$ 8,000.00
2	Traffic Control.	LS	1	\$ 9000.00	\$ 9,000.00
3	Potholing of Utilities	LS	1	\$ 2,186.25	\$ 2,186.25
4	Furnish and Install Traffic Signal Modifications at Garfield-Graves-Grandridge	LS	1	\$ 270,300.00	\$ 270,300.00
5	Furnish and Install Traffic Signage, Striping and Markings per Plans.	LS	1	\$ 18,800.00	\$ 18,800.00
6	Demolish and Construct ADA ramps and Guard Railings per Plans	EA	5	\$ 11,000.00	\$ 55,000.00
7	Construct PCC sidewalk	SF	415	\$ 10.35	\$ 4,295.25
8	Construct PCC Curb and Gutter	LF	50	\$ 63.25	\$ 3,162.50
9	Furnish all labor, material and equipment necessary to Abandon Ex. 18 in Gate Valve & Vault and Install Flanged Spool as noted on the plans.	LS	1	\$ 42,000.00	\$ 42,000.00
10	Furnish all labor, material and equipment necessary to install New 18-inch GATE VALVE as noted in the specifications. City of Monterey Park shall supply the gate valve.	LS	1	\$ 32,200.00	\$ 32,200.00
TOTAL BID PRICE (ITEMS 1 THROUGH 10):				\$ 445,544.00	
TOTAL BASE BID PRICE (ITEMS 1 THROUGH 10) WORDS:					
Four hundred Forty Five Thousand Five Hundred Forty - Four Dollars.					

PTM GENERAL ENGINEERING SERVICES, INC.

Bidder (Company Name)

ELIZABETH H. MENDOZA DE MCRAE PRESIDENT / CFO

Authorized Signature Title

The low bid will be established based on the "Base Bid". Any "Additive Alternate" bid items must also be filled out, but will not be taken into account in determining the lowest responsible bidder, but may be awarded to the awardee at the sole and complete discretion of the City as part of the performance of the contract

- The bid prices shall include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.
- All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.
- The City reserves the right to add, delete, increase or decrease the amount of any quantity shown and to delete any item from the contract and pay the contractor at the bid unit prices so long as the total amount of change does not exceed 25% (plus or minus) of the total bid amount for the entire project. If the change exceeds 25%, a change order may be negotiated to adjust unit bid prices.
- A bid is required for the entire work. The quantities set forth in the Bid Schedule will be used to calculate total bid amount. The final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.

DESIGNATION OF SUBCONTRACTORS

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: <i>IE General Engineering Inc.</i> Address: <i>1440 Beaumont Ave # A2-130</i> Tel: <i>Beaumont, Ca. 92223</i> <i>951. 775. 6615</i>	<i># 2 - Ptn T/C</i> <i># 6 to 10 - concrete</i> <i>& valve work</i> <i>Lic # 1815380 Dir 1000043058</i>	<i>\$ 123,985-</i>
Name: <i>Cal Stripe</i> Address: <i>2040 East Steel Rd.</i> Tel: <i>Colton, Calif. 92704</i> <i>909. 771. 1261</i>	<i># 5 - Striping & Mkg.</i>	<i>\$ 16,275-</i>
Name: Address: Tel:		\$ _____
Name: Address: Tel:		\$ _____
Name: Address: Tel:		\$ _____
Name: Address: Tel:		\$ _____
Name: Address: Tel:		\$ _____
Total Subcontract Amount (shall not exceed 49% of Total Bid Amount)		\$ _____

REFERENCES

References shall be for projects constructed by the bidding company; references for other projects performed by principals or other individuals of the bidding company may not be included. References shall be either minimum from 3 Public Agencies; or minimum from 2 Public Agencies plus 2 Private Entities for which BIDDER has performed similar work within the past three years.

Reference 1		
Agency Name <u>City of Garden Grove</u>	Project Name and Brief Description Project No. 7164,7131,7132,7134 HSIPL 5328 (078), (080),(081),(082) T/S Mod & Ped Countdown Signal Heads	
Contact Name and Title <u>Mr. Ken Vu, Engineer</u>		
Tel: <u>714.741.5184</u> E-mail: <u>kenv@ggcity.org</u>	Contract Value: \$ <u>939,039.00</u>	Year Completed: <u>2019</u>

Reference 2		
Agency Name <u>City of Colton</u>	Project Name and Brief Description T/S Mod @ Mt. Vernon Ave.	
Contact Name and Title <u>Mr. Victor Ortiz, Engineer</u>	HSIPL-5065(026)	
Tel: <u>909.370.5065</u> E-mail: <u>vortiz@coltonca.gov</u>	Contract Value: \$ <u>920,020.00</u>	Year Completed: <u>2020</u>

Reference 3		
Agency Name <u>Riverside County of Transp.</u>	Project Name and Brief Description Gilman Springs Rd & Bridge St. T/S & Ltg Proejct No. C8-0066	
Contact Name and Title <u>Mr. Joes Jimenez, Eng.</u>		
Tel: <u>951.955.1537</u> E-mail: <u>jrjimenez@rivco.org</u>	Contract Value: \$ <u>442,244.00</u>	Year Completed: <u>2019</u>

Reference 4		
Agency Name <u>City of Pico Rivera</u>	Project Name and Brief Description T/S Safety Imp. Citywide HSIPL5351(030); Project No. 21305	
Contact Name and Title <u>Mr. Kenner Guerrero, Eng.</u>		
Tel: <u>562.801.4351</u> E-mail: <u>kguerrero@pico-rivera.org</u>	Contract Value: \$ <u>829,029.00</u>	Year Completed: <u>2019</u>

SITE INSPECTION

The Bidder declares that he/she has carefully read and examined the plans, specifications, bid documents, and he/she has made a personal examination of the site (indicate name of the person, representing the bidder, who inspected the site and date below) and that he/she understands the exact scope of the Project without question.

Name of Person who inspected the site: BRIAN MENDOZA

Date of Inspection: 9.11.2020

ADDENDA ACKNOWLEDGMENT

The Bidder acknowledges receipt of the following Addenda and has included their provisions in this Proposal:

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

BIDDER certifies that all previous contracts or subcontracts, all reports which may have been due under the requirements of any Agency, Site, or Federal equal employment opportunity orders have been satisfactorily filed, and that no such reports are currently outstanding.

AFFIRMATIVE ACTION CERTIFICATION

BIDDER certifies that affirmative action has been taken to seek out and consider minority business enterprises for those portions of work to be subcontracted, and that such affirmative actions have been fully documented, that said documentation is open to inspection, and that said affirmative action will remain in effect for the life of any contract awarded hereunder. Furthermore, BIDDER certifies that affirmative action will be taken to meet all equal employment opportunity requirements of the contract documents.

INSURANCE REQUIREMENTS

To be awarded this contract, the successful bidder shall procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability:	\$2,000,000
Business automobile liability	\$2,000,000
Workers compensation	Statutory requirement.

Commercial general liability insurance shall meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above shall be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies shall be endorsed to name the City, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by the City will be excess thereto. Such endorsement shall be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance shall be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

Automobile coverage shall be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

The Contractor shall furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance shall be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) shall reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. The Contractor shall require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

By signing this form, the bidder certifies that it has read, understands, and will comply with these insurance requirements if it is selected as the City's Contractor. Failure to provide this insurance will render the bidder's proposal "nonresponsive."

Bidder's Name:

PTM GENERAL ENGINEERING SERVICES, INC.

Authorized Signature:

Name and Title:

ELIZABETH H. MENDOZA DE MCRAE, PRESIDENT / CFO

Date:

9.11.2020

PUBLIC CONTRACT CODE SECTION 7106**Noncollusion Declaration by Bidder**

The undersigned declares:

I am the PRESIDENT / CFO of PTM GENERAL ENGINEERING SERVICES, INC., the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

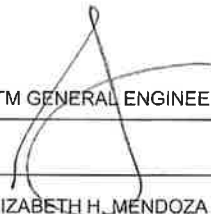
Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bidder's Name:

PTM GENERAL ENGINEERING

Authorized Signature:



Name and Title:

ELIZABETH H. MENDOZA DE MCRAE, PRESIDENT / CFO

Date:

9.11.2020

PUBLIC CONTRACT CODE SECTION 10162

In conformance with the above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder

has never been YES has been _____ (indicate YES or NO after applicable answer)

disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

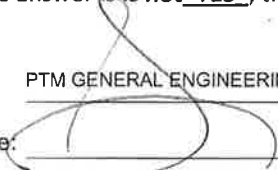
If the answer is **has been YES** explain the circumstances below:

In conformance with Labor Code § 1725.5, the bidder

is YES is not _____ (indicate YES or NO after applicable answer)
DIR: 1000001433

registered with the Department of Industrial Relations. [If the answer is **is not YES**, the City requires to reject your bid as nonresponsive]

Bidder's Name: PTM GENERAL ENGINEERING SERVICES , INC.

Authorized Signature: 

Name and Title: ELIZABETH H. MENDOZA DE MCRAE , PRESIDENT / CFO

Date: 9.11.2020

PUBLIC CONTRACT CODE SECTION 10232

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that no more than one final, unappealable finding of contempt of court by a federal court

has not been ^{YES}_____ has been _____ (indicate YES or NO after applicable answer)

issued against the bidder within the immediately preceding two-year period because of the contractor's failure to comply with an order of a federal court which orders the contractor to comply with an order of the National Labor Relations Board. For purposes of this section, a finding of contempt does not include any finding which has been vacated, dismissed, or otherwise removed by the court because the contractor has complied with the order which was the basis for the finding.

Bidder's Name:

PTM GENERAL ENGINEERING SERVICES ,INC.

Authorized Signature:

Name and Title:

ELIZABETH H. MENDOZA DE MCRAE , PRESIDENT / CFO

Date:

9. 11 .2020

PUBLIC CONTRACT CODE SECTION 10285.1

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder or any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof

has never been YES has been _____ (indicate YES or NO after applicable answer)

convicted within the preceding three years by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including, for the purposes of this article, the Regents of the University of California or the Trustees of the California State University.

Bidder's Name:

PTM GENERAL ENGINEERING SERVICES , INC.

Authorized Signature:

Name and Title:

ELIZABETH H. MENDOZA DE MCRAE , PRESIDENT / CFO

Date:

9.11.2020

BIDDER INFORMATION

Bidder's Name: PTM GENERAL ENGINEERING SERVICES , INC.

Address: 5942 ACORN STREET , RIVERSIDE , CA 92504

Form of Legal Entity: CA CORPORATION

If a Corporation, State of Incorporation: CALIFORNIA

State Contractor's Class and License No.: 891265

DIR Registration No.: 1000001433

Contact Person Information:

Name: ELIZABETH H . MENDOZA DE MCRAE Title: PRESIDENT . CFO

E-mail: ELIZABETH@PTM-ENG.COM Tel: 951.710.1000 / CELL: 951.722.5678

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

ELIZABETH H. MENDOZA DE MCRAE , PRESIDENT / CFO TEL: 951.722.5678
ADDRESS: 15525 VIA BARRANCA ST PERRIS , CA 92570

BRIAN MENDOZA SECRETARY / VP TEL: 951.722.5755
ADDRESS: 11080 Kay Jay St. Riverside, CA. 92503

The date(s) of any voluntary or involuntary bankruptcy judgements against any principal having an interest in this proposal are as follows:

NOT APPLICABLE

All current and prior DBA'S, alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

Brian Mendoza Sole Owner of Freeway Electric CSLB 684572 (inactive)
Elizabeth H. Mendoza de McRae Sole Owner of Jade Electric CSLB 684573 (inactive)
Freeway Electric Inc. CSLB 947817 (dissolved) Brian Mendoza, President I CFO ,
Elizabeth H. Mendoza de McRae, Secretary I VP

Previous contract performance history:

Was any contract terminated previously: NO

If the answer to the above is "yes", provide the following information:

Contract/project name and number: NOT APPLICABLE

Date of termination: _____

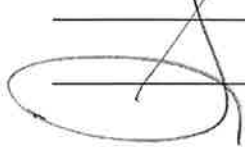
Reason for termination: _____

Owner's name: _____

Owner contact person and tel. no.: _____

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 14th day of Sept, 2020

BIDDER PTM General Engineering Services, Inc.
5942 Acorn St.
Riverside, CA 92504
#38118 951.722.5678

 Elizabeth H. Mendoza de McRae
President / CFO

Subscribed and sworn to this _____ day of _____, 20__.

See Attached

NOTARY PUBLIC _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of LOS ANGELES)
 On 9.14.2020 before me, PHILIP VEGA, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer
 personally appeared ELIZABETH H. MENDOZA de McRAE
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

PROPOSAL GUARANTEE

BID BOND

Bond No.: BBSU

KNOW ALL MEN BY THESE PRESENTS that PTM GENERAL ENGINEERING SERVICES, INC. as BIDDER, AND GREAT AMERICAN INSURANCE COMPANY as SURETY, are held and firmly bound unto the City of Monterey Park, in the penal sum of TEN PERCENT OF AMOUNT BID (\$10%) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the GARFIELD - GRAVES TRAFFIC SIGNAL IMPROVEMENTS, SPECIFICATIONS NO. 2020-005 ("Public Project"), for the payment of which sum, BIDDER and SURETY agree to be bound, jointly and severally, firm by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas BIDDER is about to submit a bid to the City of Monterey Park for the above stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by BIDDER in the manner and time specified, then this obligation shall be null and void, otherwise it shall remain in full force and effect in favor of the City of Monterey Park.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this 4TH day of SEPTEMBER, 20 20.

SIGNED AND SEALED this 4TH day of SEPTEMBER, 20 20.

PTM GENERAL ENGINEERING SERVICES, INC.

PRINCIPAL

PTM General Engineering
Services, Inc.
Elizabeth H. Mendoza de McRae
President /CFO

GREAT AMERICAN INSURANCE COMPANY

SURETY

PHILIP E. VEGA, ATTORNEY-in-FACT

PRINCIPAL'S MAILING ADDRESS:

5942 ACORN ST.

RIVERSIDE, CA 92504

SURETY'S MAILING ADDRESS:

534 E. BADILLO ST.

COVINA, CA 91723

NOTE: All signatures shall be acknowledged by a notary public.

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than FOUR

No. 0 20974

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below:

Name	Address	Limit of Power
PHILIP E. VEGA	ALL OF	ALL
KEVIN VEGA	COVINA, CALIFORNIA	\$100,000,000
BRITTON CHRISTIANSEN		
MYRNA F. SMITH		

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 7TH day of FEBRUARY, 2020



Atty L C. B.

Assistant Secretary

Mark V. Vicario

Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss.

On this 7TH day of FEBRUARY, 2020

MARK VICARIO (877-377-2405)

before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



Susan A. Kohorst
Notary Public, State of Ohio
My Commission Expires 05-10-2020

Susan A. Kohorst

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008:

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 4TH day of SEPTEMBER, 2020



Atty L C. B.

Assistant Secretary

S1029AG (07/18)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

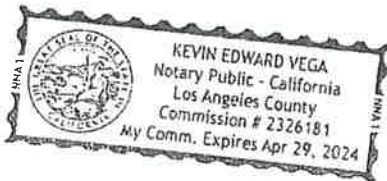
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of LOS ANGELES)
 On SEP 04 2020 before me, KEVIN EDWARD VEGA, NOTARY PUBLIC
 Date Here Insert Name and Title of the Officer
 personally appeared PHILIP E. VEGA
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
 Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of LOS ANGELES)
 On 9.12.2020 before me, PHILIP VEGA, NOTARY PUBLIC
 Date Here Insert Name and Title of the Officer
 personally appeared ELIZABETH H. MENDOZA de McRAE
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

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☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____