

**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 18, 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: 926 5445 2022 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.

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. HOLIDAY SAFETY TIPS

[2.] OLD BUSINESS – NONE.

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

3-A. MINUTES

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

- (1) Approving the minutes from the Regular meeting of October 21, 2020; and
- (2) Taking such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – OCTOBER 2020

It is recommended that the City Council consider:

- (1) Receiving and filing the monthly investment report; and
- (2) Taking such additional, related, action that may be desirable.

3-C. A RESOLUTION REPEALING RESOLUTION NO. 12173 ADOPTED JUNE 17, 2020 AND AUTHORIZING THE CITY MANAGER TO RESCIND THE CITY'S WRITTEN NOTICE OF INTENT TO WITHDRAW FROM THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA); AND APPOINTING REPRESENTATIVES TO THE GOVERNING BOARD OF THE ICRMA

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to rescind the notice of intent to withdraw membership from the Independent Cities Risk Management Authority (ICRMA).
- (2) Taking such additional, related, action that may be desirable.

3-D. COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM RFP

It is recommended that the City Council consider:

- (1) Approving the Community Power Resiliency Allocation to Cities Program RFP application and proposed budget in the amount of \$202,372 in Cal OES grant funds for the procurement of generator and generator connections items;
- (2) Authorizing the Management Service Department to allocate \$202,372 in the City budget to fund the applicant if the grant is awarded to Monterey Park;
- (3) Adopting a resolution authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Community Power Resiliency Allocation to Cities Program RFP; and
- (4) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. A PUBLIC HEARING TO CONSIDER THE PROPOSED SECOND SUBSTANTIAL AMENDMENT TO THE 2019-2020 ANNUAL ACTION PLAN

It is recommended that the City Council consider:

- (1) Opening the public hearing to receive testimonial and documentary evidence;
- (2) Approving the proposed second substantial amendment to the 2019-2020 Annual Action Plan;
- (3) Authorizing the City Manager, or designee, to execute and submit the necessary documents related to the second substantial amendment to the 2019-2020 Annual Action Plan to HUD for its review and approval;
- (4) Authorizing a budget appropriation of \$547,678 from CDBG-CV funds; and
- (5) Taking such additional, related, action that may be desirable.

[5.] NEW BUSINESS

5-A. SENATE BILL 970 – ELECTIONS DATE CHANGE

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code ("MPMC") § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 10403;
- (2) Provide direction to the City Clerk regarding the mayoral rotation schedule to be brought back at a future council meeting for consideration; and
- (3) Taking such additional, related, action that may be desirable.

5-B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 3.20 OF THE MONTEREY PARK MUNICIPAL CODE ("MPMC") REGARDING THE REGULATION OF PURCHASES OF GOODS, SUPPLIES AND SERVICES

It is recommended that the City Council consider:

- (1) Introducing and waiving of the first reading of an Ordinance amending Chapter 3.20 of the Monterey Park Municipal Code ("MPMC") regarding the regulation of purchased goods, supplies and services; and
- (2) Taking such additional, related, action that may be desirable.

5-C. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE TITLE 21 BY ADDING CHAPTER 21.09 TO REGULATE SHORT-TERM RENTALS IN THE CITY OF MONTEREY PARK

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of the ordinance and scheduling a public hearing, second reading, and adoption for December 2, 2020; and
- (2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Adopting the Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; and minor alterations in land use. The ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; and 15304(e). Further, adopting the ordinance is exempt from review under CEQA pursuant to CEQA Guidelines §15061(b)(3) because the ordinance is for general policies and procedure-making.

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

6-A. TREE MEMORIAL PROGRAM – DEDICATION TO MR. DAVID M. BARRON - REQUESTED BY MAYOR CHAN

It is recommended that the City Council consider:

- (1) Providing direction to staff regarding a tree memorial dedication to Mr. David M. Barron to be brought back at the next council meeting for consideration; and
- (2) Taking such additional, related, action that may be desirable.

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

ADJOURN



City Council Staff Report

DATE: November 18, 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) consider:

- (1) Approving the minutes from the Regular meeting of October 21, 2020; and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

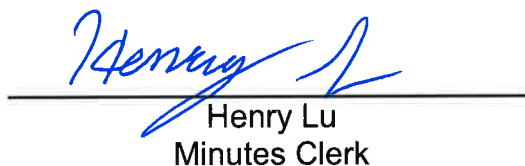
None.

Respectfully submitted,

Prepared by:

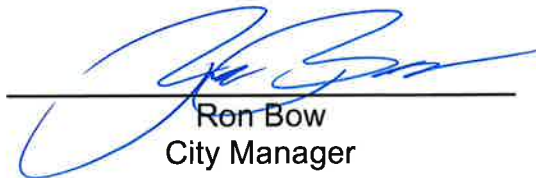


Vincent D. Chang
City Clerk



Henry Lu
Minutes Clerk

Approved By:



Ron Bow
City Manager

Attachment(s):

1. Minutes

ATTACHMENT 1

Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
OCTOBER 21, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, October 21, 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

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MISSION STATEMENT

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CALL TO ORDER:

Mayor Chan called the meeting to order at 6:32 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, 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, City Librarian Diana Garcia, Interim Director of Human Resources Danielle Tellez, Economics Development Manager Joseph Torres, Recreation and Community Services Manager Robert Aguirre, Recreation and Community Services Supervisor Orlando Muro, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

PUBLIC COMMUNICATIONS

- Orlando Muro, Recreation and Community Services Supervisor, invited the public to the Candy Caravan event to be held on Thursday, October 29, 2020. He informed the public that the Candy Caravan will be held at 5 locations: Bruggemeyer Library, Garvey Ranch Park, Highlands Park, Hillview Ave, and Langley Senior Center. For more information on the event, the public can contact the Recreation and Community Services Department at (626) 307-1388 or visit the City's website at www.montereypark.ca.gov.
- Matt Hallock, Fire Chief, reported that the City participated in the Great Shakeout on October 15, 2020. He reminded the public that there is a disaster preparedness guide available on the City's website. He reported that a vendor has been selected for the Shopping Cart Retrieval Program and informed residents that they can go to the City's website to submit information about abandoned shopping carts throughout the city.
- Vincent Chang, City Clerk, informed the public that the first in person voting opportunity will be on Saturday, October 24, 2020, from 10:00 a.m. – 7:00 p.m., at East Los Angeles College, 1301 Avenida Cesar Chavez, Monterey Park, CA 91754. He relayed that the Los Angeles County has begun picking up the Vote-By-Mail Ballot from the Official Ballot Drop Box on a daily basis.

1. **PRESENTATION**

None.

2. **OLD BUSINESS**

None.

3. **CONSENT CALENDAR ITEMS NOS. 3A-3F**

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

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Agenda Items Nos. 3A, 3B, 3C, and 3F on Consent Calendar, excluding Agenda Items Nos. 3D and 3E 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 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:	None

3A. **MONTHLY INVESTMENT REPORT – SEPTEMBER 2020**

As of September 30, 2020 invested funds for the City of Monterey Park is \$84,542,167.50.

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

3B. **MINUTES**

Approve the Minutes for the Special and Regular meetings of September 2, 2020.

Action Taken: The City Council approved the minutes for the Special and Regular meetings of September 2, 2020 on Consent Calendar.

3C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) CHAPTER 9.57 IN ITS ENTIRETY AND REPEALING SECTION 9.51.030 TO REGULATE SPECIAL EVENTS WITHIN THE CITY

The first reading and introduction of the Ordinance took place at the October 7, 2020 City Council meeting. The original staff report (from October 7, 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. 2195 on Consent Calendar.

Ordinance No. 2195, 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

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

The Movember Foundation is the leading global organization committed to changing the face of men’s health. The Movember community has raised \$911 million to date and funded over 1,250 programs in 20 countries (<https://us.movember.com/>). This work is saving and improving the lives of men affected by prostate cancer, testicular cancer and mental health programs.

The Foundation challenges men to grow mustaches during Movember (formerly known as November), to spark conversation and raise vital funds for its men’s health programs. To date, over 5 million mustaches have been grown worldwide.

The mustaches are a symbol to promote awareness regarding men’s health issues and to encourage yearly checkups regarding prostate and testicular cancer. The growth of a new mustache prompts a conversation, which in turn generates awareness and educates people on the health issues men face.

The Vision of the Movember Foundation is to have an everlasting impact of the face of men’s health.

Action Taken: The City Council adopted Resolution No. 12206 declaring the month of November as “Movember”.

Motion: Moved by Council Member Sornoso 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. 12206, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE MONTH OF NOVEMBER AS "MOVEMBER," AN ANNUAL EVENT INVOLVING MEN GROWING MUSTACHES DURING THE MONTH TO RAISE AWARENESS OF PROSTATE CANCER AND OTHER MALE CANCER AND ASSOCIATED CHARITIES

3E. CALIFORNIA LAW ENFORCEMENT RECORDS AND SUPPORT SERVICES DAY

The Monterey Park Police Department is celebrating California Law Enforcement Records and Support Personnel Day on Tuesday November 10th, 2020. This day, sponsored by the California Law Enforcement Association of Records Supervisors (CLEARS) is celebrated annually. It honors the thousands of men and women who are depended upon by law enforcement and the public for their vital role that they play to the law enforcement system. We are enlisting your support in the form of a resolution to honor these men and women for the work they do every day to protect the residents of Monterey Park.

Action Taken: The City Council adopted Resolution No. 12207 declaring Tuesday, November 10, 2020 to be Law Enforcement Records and Support Personnel Day.

Motion: Moved by Mayor Chan 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. 12207, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA DECLARING TUESDAY NOVEMBER 10TH, 2020 LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL DAY IN MONTEREY PARK

3F. AWARD OF CONTRACT TO WATERLINE TECHNOLOGIES, TO PROVIDE CHEMICALS TO BARNES PARK POOL, GEORGE ELDER POOL AND CASCADES WATERFALL

In September 2020, staff requested bids from pool chemical supply companies to provide and deliver pool chemicals to Barnes Park pool, George Elder Park pool and the Cascades Park waterfall.

Waterline Technologies submitted the lowest bid. Staff contacted references and all were satisfied with Waterline Technologies' level of service.

Waterline Technologies	\$72,587/yr
HASA, Inc.	\$79,538/yr
Lincoln Aquatics	\$84,934/yr
Fuller Engineering Inc.	\$89,586/yr

The annual cost is an estimate based on average use of chemicals when facilities are open at full programming capacity. The timely delivery of pool chemicals is essential to keeping the pool clean and operating safely.

CEQA (California Environmental Quality Act):

Since the proposed work is maintenance to an existing public facility, this project is Class 1 Categorically Exempt pursuant to the California Environmental Quality Act (CEQA).

Action Taken: The City Council awarded three (3) year contract (with an option to extend for an additional two (2) years) to Waterline Technologies, in the amount of \$72,587 per year, to provide necessary chemicals for two City pools and the Cascades waterfall and authorized the City Manager to execute a standard contract, in a form approved by the City Attorney, with Waterline Technologies on Consent Calendar.

4. PUBLIC HEARING

None.

5. NEW BUSINESS

5A. FY 2020-2021 1ST QUARTER FINANCIAL REPORT

As a result of economic instability due to COVID-19, the City Council implemented a quarterly financial review process. The purpose of this FY 2020-2021 1st Quarter Financial Report is to provide City Council and the residents of Monterey Park transparency in areas of revenue projection updates, expenditures projection

updates, revenues received to date, proposed budget adjustments, and a contingency plan if revenues received are below budget projections.

Recommendation: That the City Council (1) receive and file the FY 2020-2021 1st Quarter Financial Report; (2) Lift the 5% General Fund expenditure hold (\$2,197,117) and authorize the City Manager to revise the budget in accordance with Section 4 of Resolution No. 12169, adopted June 17, 2020; (3) Authorize an additional budget appropriation of \$244,280 from the General Fund; and (4) Take such additional, related, action that may be desirable.

Action Taken: The City Council (1) received and filed the Fiscal Year 2020-2021 1st Quarter Financial Report; (2) authorized an additional budget appropriation of \$244,280 from the General Fund for the Election and other related matters; and (3) lifted the 5% General Fund Expenditure hold as amended to direct staff to make an analysis of the OPEB (Other Post-Employment Benefits) and UAL (Unfunded Accrued Liability) to determine whether it is more beneficial to pay or withhold the expenditure for consideration at a future City Council meeting.

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:	None

5B. 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

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

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.

Action Taken: The City Council introduced and waived first reading of an Ordinance.

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 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

5C. EXTENDING TIME FOR IMPLEMENTING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM

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

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

from the Program should be codified into the Monterey Park Municipal Code ("MPMC").

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.

Action Taken: The City Council received and filed 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 and introduced and waived 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.

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:	None

Ordinance, 1st Reading, entitled:

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

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Council Member Liang reported that he recently had a medical biopsy and stated that his result was benign.

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

Council Member Sornoso reported that he purchased a pink patch from the Police Department to support Breast Cancer Awareness. He encouraged the City Council to volunteer at the Candy Caravan and challenged the other Council Members to grow a moustache for Movember.

Council Member Lo reported that he purchased a pink patch from the Police Department to support Breast Cancer Awareness. He encouraged the public to go out and vote.

Mayor Pro Tem Yiu stated that October is also Domestic Violence Awareness month and encouraged the public to look out for each other.

Mayor Chan reported that he attended the League of California Cities Annual Conference & Expo 2020 and joined seminars on how to deal with COVID-19 and Homelessness. He reported that the San Gabriel Valley Metro Service Council is considering a fare-less program as 70% of riders are from very low-income. He announced that the SGVCOG (San Gabriel Valley Council of Governments) Traffic Committee has elected Jason Pu, from the City of San Gabriel, as Chair and Ed Reece from the City of Claremont, as Vice Chair. He reported that SGVCOG received an email from the City Manager voicing the concerns of the City regarding excessive trash and the homeless encampment between the Atlantic ramp and State Route 60 freeway.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:14 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-B

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – October 2020

RECOMMENDATION: It is recommended that the City Council:

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

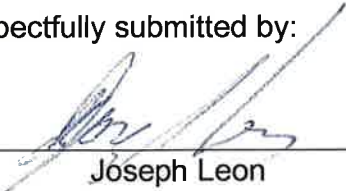
EXECUTIVE SUMMARY:

As of October 31, 2020 invested funds for the City of Monterey Park is \$83,978,708.21.

BACKGROUND:

In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates of maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months. The attached monthly investment report includes a summary investment report for the LA County Pooled Investment Fund, which displays the composition by type for the entire pooled investment fund.

Respectfully submitted by:



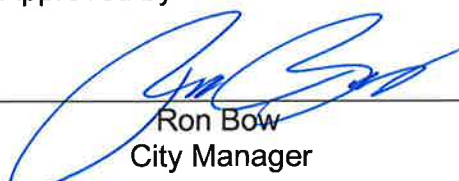
Joseph Leon
City Treasurer

Prepared by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Attachment 1 Monthly Investment Report

**CITY OF MONTEREY PARK
INVESTMENT REPORT
OCTOBER 31, 2020**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 10/31/2020 **\$ 83,978,708.21**

INVESTMENT COMPOSITION

(1) **LA COUNTY POOLED INVESTMENT FUND** ON DEMAND 0.680% **\$ 4,738,626.14**
(See Schedule A for LA County Pool Composition)

(2) **LOCAL AGENCY INVESTMENT FUND** ON DEMAND 0.620% **\$ 76,500,082.07**

		Purchase Date	Maturity Date	Interest Rate	
(3) <u>CERTIFICATES OF DEPOSIT</u>					
1	PREFERRED BANK	09/03/20	09/03/21	0.75%	140,000
2	PREFERRED BANK	09/08/20	09/08/21	0.76%	150,000
3	AMERICAN FIRST CREDIT UNION	03/06/20	03/07/22	1.60%	245,000
4	CITIBANK NATIONAL BANK	02/07/19	02/08/21	2.65%	245,000
5	DIRECT CFED CREDIT UNION	11/22/17	11/23/20	2.00%	245,000
6	ENVISION CREDIT UNION	06/07/19	06/07/21	2.50%	245,000
7	FIRST SOURCE FED CREDIT UNION	10/08/19	03/26/21	1.95%	245,000
8	IBERIABANK	05/30/18	11/30/20	2.70%	245,000
9	MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
10	THIRD FED SAVINGS & LOAN	12/21/17	12/21/20	2.10%	245,000
11	UNIVERSITY IOWA CMNTY	04/30/18	04/30/21	2.75%	245,000
12	WELLS FARGO BANK	02/13/19	02/16/21	2.65%	245,000
<i>Total CDs (12)</i>				1.607%	<u>\$ 2,740,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ **\$ 6,999,204.40**

AVERAGE MATURITY DAYS **8**

AVERAGE INTEREST RATE FOR THE MONTH **0.672%**

THE CITY'S INVESTMENT HAS SUFFICIENT LIQUIDITY TO MEET THE CITY'S EXPENDITURE REQUIREMENTS FOR THE NEXT 180 DAYS. THE 180-DAY LIQUIDITY DISCLOSURE IS REQUIRED PER GOVERNMENT CODE 53646.

INTEREST EARNINGS FOR 1ST QUARTER 2020-2021 (ESTIMATED) **\$ 312,164.00**

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

(1) Bank balance is maintained to cover outstanding warrants, payroll checks and on-going operating costs.

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS
AS OF SEPTEMBER 30, 2020

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 09/30/20		
At Cost	\$ 32,352,522,243	\$ 120,142,500
At Market	\$ 32,420,703,940	\$ 122,608,374
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	8.19%	0.00%
United States Government and Agency Obligations	61.17%	61.10%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	30.23%	0.00%
Municipal Obligations	0.09%	2.92%
Corporate and Deposit Notes	0.32%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	35.98%
1-60 days	47.76%	0.00%
61 days-1 year	19.55%	35.98%
Over 1 year	32.69%	64.02%
Weighted Average Days to Maturity	688	



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: A resolution repealing Resolution No. 12173 adopted June 17, 2020 and authorizing the City Manager to rescind the City's written Notice of Intent to Withdraw from the Independent Cities Risk Management Authority (ICRMA); and appointing representatives to the Governing Board of the ICRMA

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to rescind the notice of intent to withdraw membership from the Independent Cities Risk Management Authority (ICRMA).
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

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

On June 17, 2020, Monterey Park City Council adopted Resolution No. 12173 giving notice to ICRMA of the City's intent to withdraw from the risk pool in accordance with the bylaws established by ICRMA. Notice must be given by July 1st to be effective the following July 1st. If the City does not intend to proceed with withdrawal, notice to rescind must be given by December 1st to ICRMA.

The purpose of giving notice of intent to withdraw was to allow the City to review the current insurance programs and perform a due-diligence analysis of its' current method for purchase of insurance administration of related programs and the cost of said programs.

BACKGROUND:

The City Council directed staff to research insurance options for the City to ensure that the City of Monterey Park has the best policies and premiums available for insurance and risk pool coverage. For the past several months, staff worked with representatives

from an alternate risk pool as well as with insurance brokers for standalone insurance options. The process included a comparative review of the Liability, Workers' Compensation, and Property/ Crime insurance programs.

Following staff's analysis of coverage options, staff has determined that it is in the City's best interest to continue membership in ICRMA.

FISCAL IMPACT:

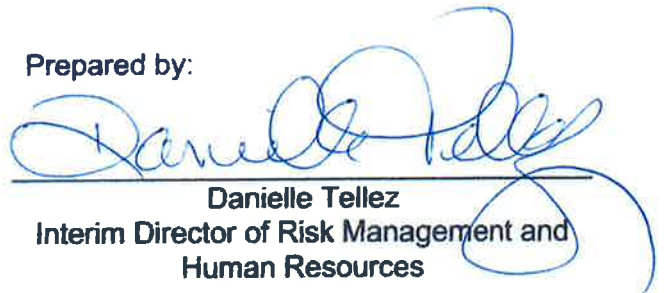
There is no fiscal impact.

Respectfully submitted by:



Martha Garcia
Director of Management Services

Prepared by:



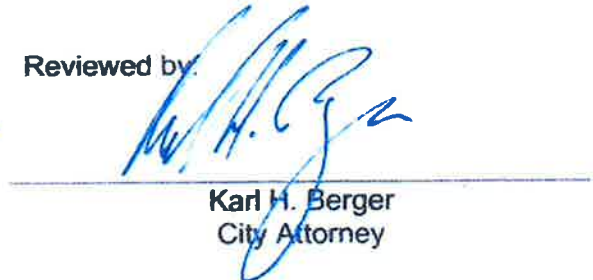
Danielle Tellez
Interim Director of Risk Management and
Human Resources

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. ICRMA By Laws regarding rescinding Notice of Intent to Withdraw
2. Notice to ICRMA of Rescinding Notice of Intent to Withdraw

ATTACHMENT 1

**ICRMA By Laws: Article V, F. regarding rescinding
Notice of Intent to Withdraw**

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

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

3. **Agreement to Pay Attorney's Fees and Expenses** – In the event either ICRMA or a Member is in default and the other party employs attorneys or incurs expenses for the collection of moneys, the enforcement of performance, or observance of any obligation under the **Agreement** on the part of the defaulting party, the losing party shall pay to the other party the reasonable fees of such attorneys and such other expenses so incurred by the other party.

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

1. **Limitations**

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

2. **Notice of Intent to Withdraw**

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

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

G. **Following Withdrawal or Expulsion**

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

ATTACHMENT 2
**Notice to ICRMA of Rescinding Notice of Intent to
Withdraw**

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council

Hans Liang
Peter Chan
Henry Lo
Yvonne Yiu
Fred Sornoso

City Clerk

Vincent D. Chang

City Treasurer

Joseph Leon

November 18, 2020

Independent Cities Risk Management Association
Attention: Adrienne Beatty
18201 Von Karman, Suite 200
Irvine, CA 92612

RE: Notice to rescind the Notice of Withdrawal from ICRMA

Dear Ms. Beatty:

Please accept this letter from the City of Monterey Park as a formal notice to rescind of the City's intent to withdraw from the Independent Cities Risk Management Authority (ICRMA)

Sincerely,

Ron Bow
City Manager
City of Monterey Park

Encl: Resolution No.:

RESOLUTION NO. ____

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

The City Council of the city of Monterey Park resolves as follows:

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

- A. The City of Monterey Park ("City") is a member of the Independent Cities Risk Management Authority ("ICRMA"), a joint powers authority created pursuant to the provisions of the California Government Code; and
- B. The providing written notice to withdraw before June 30, 2020, does not preclude the City from rescinding such notice should the City wish to remain with the Independent Cities Risk Management Authority (ICRMA) during the 2021/2022 fiscal year based upon any analysis completed by the City or based upon any need for additional time to conduct such analysis, provided that rescission is provided not later than December 1, 2020.

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

SECTION 3: This Resolution will become effective immediately upon adoption.

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 18, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-D

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
Frank A. Lopez, Interim Director of Public Works/City Engineer
SUBJECT: Community Power Resiliency Allocation to Cities Program RFP

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving the Community Power Resiliency Allocation to Cities Program RFP application and proposed budget in the amount of \$202,372 in Cal OES grant funds for the procurement of generator and generator connections items;
2. Authorizing the Management Service Department to allocate \$202,372 in the City budget to fund the applicant if the grant is awarded to Monterey Park;
3. Adopting a resolution authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Community Power Resiliency Allocation to Cities Program RFP; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The California Governor's Office of Emergency Services (Cal OES) solicited proposals for the Community Power Resiliency Allocation to Cities Program RFP ("Community Power Resiliency Program"). The proposed budget is \$202,372 in Cal OES grant funds for the procurement of generator and generator connections items (Attachment 1).

Monterey Park Fire Department and Public Works Department seek City Council consideration and approval of the Community Power Resiliency Program application, a budget amendment if or when the City is awarded, and the attached resolution. The Community Power Resiliency Program Release Date was October 9, 2020. Monterey Park submitted the application on October 30, 2020. The performance period is July 1, 2020-October 31, 2021. When the grant award decision is made and if the grant is awarded to Monterey Park, staff will notify City Council.

BACKGROUND:

The procurement of generator and generator connections would replace the current City Hall generator, which is a unit from 1978 that breaks down and requires frequent repair. As of October 30, 2020, the City is using a rental generator because the City Hall generator is not functioning. With the recent natural disasters in the area, including fires, earthquakes, and strong winds, possibility of future events, and any other reason that can disrupt the power supply and power resiliency of the City, it is important for

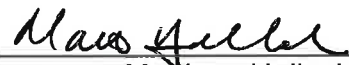
Monterey Park to be prepared in response to power outage events. Monterey Park would utilize the grant funds for allowable items to support critical infrastructure and resiliency while following applicable guidelines.

Monterey Park Fire Department and Public Works Department strive to meet the public safety and public works needs associated with City generator capabilities and power outage events. City Hall is an essential facility and reliable generator and generator connections are necessary for essential services at City Hall. Staff seeks City Council approval in confirming the Community Power Resiliency Program application for the procurement of generator and generator connections items for Monterey Park City Hall, and allowing for a budget amendment if and when the City is awarded the grant funds in the proposed budget amount of \$202,372. Staff seeks approval of a resolution authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Community Power Resiliency Program (Attachment 2).

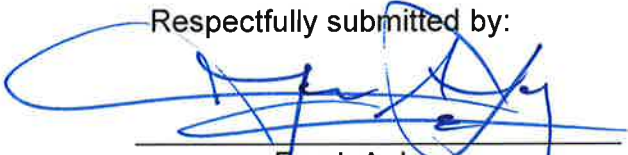
FISCAL IMPACT:

The total proposed budget allocation for the Community Power Resiliency Program is \$202,372 in Cal OES grant funds for the procurement of generator and generator connections items. Staff seeks City Council authorization for the City's Management Service Department to allocate \$202,372 in the City budget to fund the applicant if the grant is awarded to the City of Monterey Park.

Respectfully submitted by:


Matthew Hallock
Fire Chief

Respectfully submitted by:


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

Reviewed by:


Karl H. Berger
City Attorney

Reviewed by:


Martha Garcia
Director of Management Services

Staff Report
November 18, 2020
Page 3

Approved by:



Ron Bow
City Manager

ATTACHMENT:

1. Community Power Resiliency Allocation to Cities Program RFP Proposed Budget
2. Resolution

ATTACHMENT 1
Community Power Resiliency Allocation to Cities
Program RFP Proposed Budget

City of Monterey Park
Community Power Resiliency Allocation to Cities Program RFP Proposed Budget
Updated as of 10-30-2020

Description		Estimated Amount
Generator (Quantity 1)	\$	127,257.57
Switchboard (Quantity 2)	\$	11,958.31
Circuit Breaker (Quantity 7)	\$	45,598.28
Subtotal	\$	184,814.16
9.5% Tax	\$	17,557.35
Total	\$	202,371.51
 Rounded Total	 \$	 202,372.00

ATTACHMENT 2

Resolution

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE,
TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR
THE COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES
PROGRAM RFP.**

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

SECTION 1: The City Council finds as follows:

- A. The City applied for the Community Power Resiliency Allocation to Cities Program RFP ("Program") from the California Governor's Office of Emergency Services ("Cal OES"). The City applied for Cal OES grant funds for the procurement of generator and generator connections items for Monterey Park City Hall, in the amount of \$202,372.
- B. The Program description includes supporting California incorporated cities with additional preparedness measures in response to power outage events.
- C. The City applied for the Program on October 30, 2020. If the grant is awarded, the City Council believes that it is in the public interest to accept these grant monies for the procurement of generator and generator connections items for Monterey Park City Hall, in the amount of \$202,372.

SECTION 2: The City Manager, or designee, is authorized to apply for a grant from Cal OES to be used for the procurement of generator and generator connections items for Monterey Park City Hall.

SECTION 3: The City Manager, or designee, is authorized to execute any required documents to receive the grant for the purposes identified herein.

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.

SECTION 5: The City Council amends or supplements the City's Budget for fiscal year 2020-2021 to appropriate the monies identified by this Resolution to pay for the proposed budget 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: This Resolution will become effective immediately upon adoption.

Resolution No. _____

Page 2 of 2

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2020.

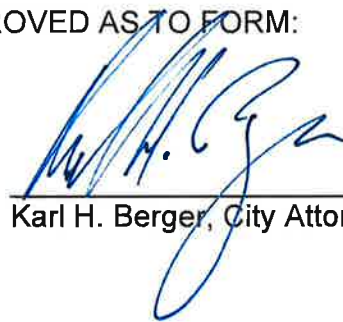
Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By:



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
____ day of _____, 2020, by the following vote:

Ayes:	Council Members:
Nays:	Council Members:
Absent:	Council Members:
Abstain:	Council Members:

Dated this ____ day of _____, 2020.

Vincent D. Chang, City Clerk
Monterey Park, California



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: A public hearing to consider the proposed second substantial amendment to the 2019-2020 Annual Action Plan.

RECOMMENDATION:

It is recommended that the City Council consider:

- 1) Opening the public hearing to receive testimonial and documentary evidence;
- 2) Approving the proposed second substantial amendment to the 2019-2020 Annual Action Plan;
- 3) Authorizing the City Manager, or designee, to execute and submit the necessary documents related to the second substantial amendment to the 2019-2020 Annual Action Plan to HUD for its review and approval;
- 4) Authorizing a budget appropriation of \$547,678 from CDBG-CV funds; and
- 5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

As a recipient of Community Block Development Grant (CDBG) funds, the City of Monterey Park is eligible to receive \$547,678 in Community Development Block Grant Coronavirus (CDBG- CV) Round 3 funds from the U.S. Department of Housing and Urban Development (HUD). CDBG-CV funds must be used to prevent, prepare for, or respond to the Coronavirus pandemic, and may not be used to supplant other funding sources. Additionally, CDBG-CV funds must meet a CDBG program national objective, and the activity must be CDBG-eligible. HUD also provided for communities to accept several regulatory waivers that facilitate the rapid use of CDBG-CV funds.

The purpose of this public hearing is to provide the public with an opportunity to comment on second substantial amendment proposed to the 2019-2020 Annual Action Plan that are necessary to prepare, prevent, or respond to coronavirus.

A summary of the programs recommended are as follows:

ROUND 3 CDBG-CV PROGRAMS		
Program	Description	Funding Amount
Small Business Rental Assistance Program	The City of Monterey Park's COVID-19 Small Business Assistance Program provides financial assistance to small businesses negatively impacted by COVID. This program offers a one-time grant to eligible businesses to re-open, re-hire staff, hire new staff, and offer quality services to the residents of Monterey Park. Grant funds may be used for rent. Businesses are not expected to pay back grants but agree to adhere to grant rules and regulations.	\$232,478
Temperature Screening Kiosk Program	CDBG-CV funds will be used to purchase temperature screening equipment for the library and senior center. These hands-free, self-service, temperature screening units' locations are for high volume areas that residents will frequent when buildings reopen.	\$6,200
Homeless services and prevention activities	The 2020 Coronavirus pandemic has caused social and economic instability in the city of Monterey Park. Due to the pandemic, homeless outreach teams have encountered an increase in homeless individuals seeking housing placement, employment, and food. The homeless clients have stated that their homeless situation is a direct result of the pandemic and the loss of employment at the various Chinese businesses in the city. Homeless services and prevention activities would consist of the following efforts: Rental assistance programs, Food assistance programs, Street outreach to respond to increased street homelessness, and mitigate encampment locations, while providing linkages to available resources.	200,000
Administration	Administer the grant in compliance with federal requirements. Administration costs are capped at 20% of the grant amount.	\$109,000
TOTAL CDBG-CV		\$547,678

The second substantial amendment to the Fiscal Year 2019-20 One-Year Action Plan was advertised in the Monterey Progress on November 13, 2020. The draft document was made available for public review via the City's website beginning November 13, 2020 and ending November 17, 2020.¹ After City Council approval, the plan will be submitted to the U.S. Department of Housing and Urban Development.

Staff recommends approval of the second substantial amendment to program the CARES Act (CDBG-CV3) special allocation.

BACKGROUND:

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act of 2020 (the "CARES Act") was signed into law by the Federal Government. The CARES Act provides \$5 billion in Community Development Block Grant funding ("CDBG") to assist "America's low-income families and most vulnerable citizens."

In response to the COVID-19 pandemic, on March 31, 2020, April 9, 2020 and April 10, 2020, HUD published memoranda of available regulatory waivers and flexibilities for the CDBG Program, HOME Program and the Consolidated Plan. The regulatory waivers and flexibilities are intended to prevent the spread of COVID-19 and facilitate assistance to households and businesses economically impacted by COVID-19.

CDBG-CV Funding – Round 1

On April 2, 2020, the City was notified by HUD that it would receive \$390,757 in "Round 1" CDBG-CV funds to be used for activities that prevent, prepare for, or respond to the impacts of the Coronavirus .

On May 20, 2020, City Council held a public hearing to amend the 2019-2020 Annual Action Plan to allocate Round 1 CDBG-CV funds (\$390,757) for programs that will benefit businesses and residents impacted by the Coronavirus pandemic.

CDBG-CV Funding - Round 3

On September 11, 2020, HUD announced the release of approximately \$2 billion in Round 3 CDBG-CV funds. Round 2 of CDBG-CV funding was allocated to states. The City of Monterey Park is eligible to receive \$547,678 in CDBG- CV Round 3 funds from HUD.

FISCAL IMPACT:

There is no fiscal impact to the General Fund.

¹ 85 Federal Register 51457-01 (August 20, 2020).

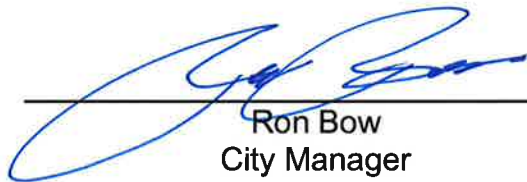
The second substantial amendment allocates \$547,678 in Community Development Block Grant Coronavirus (CDBG-CV) funds to the City of Monterey Park authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). These funds include \$109,000 for eligible administration costs.

Respectfully submitted by:



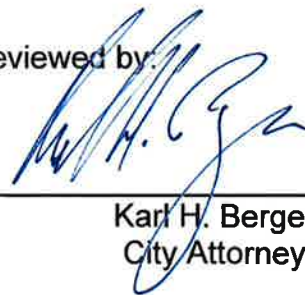
Martha Garcia,
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Second Substantial Amendment

ATTACHMENT1

Second Substantial Amendment

CITY OF MONTEREY PARK'S
SECOND SUBSTANTIAL AMENDMENT TO
FY 2019-2020
ANNUAL ACTION PLAN (DRAFT)



Management Services Department
320 West Newmark Ave.
Monterey Park, CA 91754

**SECOND SUBSTANTIAL AMENDMENT TO
FY 2019-2020 ANNUAL ACTION PLAN
CDBG & HOME PROGRAM**

INTRODUCTION

As a recipient of Community Development Block Grant (“CDBG”) and HOME Investment Partnerships Program (HOME) funding from the U.S. Department of Housing and Urban Development (“HUD”) the City is required to prepare and submit to HUD an Annual Action Plan. The Annual Action Plan describes how the City will utilize and distribute funds between eligible activities during the program year. This Annual Action Plan implements the City’s Five-Year Consolidated Plan and are developed through significant public input, analyses, and planning. This document is a second Substantial Amendment to the City of Monterey Park’s 2019-2020 Annual Action Plan, which was submitted to the U.S. Department of Housing and Urban Development (HUD).

REGULATORY BASIS

Title 24 Code of Federal Regulations Section 91.505 requires the City of Monterey Park to amend its approved plans whenever it makes one of the following decisions:

1. To make a change in its allocation priorities or a change in the method of distribution of funds;
2. To carry out an activity, using funds from any program covered by the Consolidated Plan (including program income) not previously described in the action plan; or
3. To change the purpose, scope, location, or beneficiaries of an activity.

The Regulation further requires that the City identify in its Citizen Participation Plan the criteria used to determining what constitutes a Substantial Amendment. Consistent with these requirements, the Citizen Participation Plan adopted by the City of Monterey Park identifies three criteria that will require a Substantial Amendment. A Substantial Amendment is required when the City:

1. Makes a change in allocation priorities or change in method of distribution of funds;
2. Carries out an activity not previously described in the Action Plan; or
3. Substantially changes the purpose, scope, location, or beneficiaries of an activity.

The proposed change meets one of these three criteria, and so requires a Substantial Amendment.

PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM SECOND SUBSTANTIAL AMENDMENT

The City is making the following amendment to its FY 2019-2020 Annual Action Plan:

1. **Allocate Round 3 CDBG-CV Funds** – The City will: (1) add \$547,678 in CDBG-CV (Round 3) funds for use in its 2019-2020 fiscal year; and (2) fund four eligible activities and programs to address the impact of COVID-19 including, without limitation, those shown in table below.

Round 3 CDBG-CV Funds	
Program/Activity	Funding Amount
1. Administration	\$109,000
2. Small Business Rental Assistance Program	\$232,478
3. Temperature Screening Kiosk Program	\$6,200
4. Homeless Services and Prevention Activities	\$200,000

CITIZEN PARTICIPATION

In accordance with 24 CFR § 91.105(c)(3) for local governments and HUD waiver published April 9, 2020, the second Substantial Amendment to the FY 2019-2020 Annual Action for the use of Round 3 CDBG-CV funds was made available for citizen review and comments for not less than 5 calendar days per 85 Federal Register 51457-01 (August 20, 2020).¹ During the 5-day public review and comment period beginning November 13, 2020 and ending November 17, 2020, the draft second Substantial Amendment was made available for public inspection on the City's website at <https://www.montereypark.ca.gov/231/Federal-HUD-CDBG-Program>.

At the time of preparing this staff report, the City *had not received* any written comments concerning the second Substantial Amendment to the FY 2019 Annual Action Plan. After City Council approval, the Substantial Amendment will be submitted to the U.S. Department of Housing and Urban Development. *Insert comments if received.*

¹ Notice of Program Rules, Waivers, and Alternative Requirements Under the CARES Act for Community Development Block Grant Program Coronavirus Response Grants, Fiscal Year 2019 and 2020 Community Development Block Grants, and for Other Formula Programs, 85 FR 51457-01.

EXHIBIT 1

PROOF OF PUBLICATION, 5-DAY COMMENT PERIOD, AND PUBLIC HEARING

EXHIBIT 2

SUMMARY OF CITIZEN COMMENTS



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
Karl H. Berger, City Attorney
SUBJECT: Senate Bill 970 – Elections Date Change

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code ("MPMC") § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 10403;
2. Provide direction to the City Clerk regarding the mayoral rotation schedule to be brought back at a future council meeting for consideration; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On September 18, 2020, the Governor signed Senate Bill (SB) 970 into law changing several sections of the California Elections Code effective January 1, 2021. In particular, SB 970 mandates the City Council change the date for the City's general municipal election to June or November 2022. This will affect the terms of office for all City Councilmembers, the City Clerk, and the City Treasurer. The extension of office terms will also affect the mayoral rotation schedule.

BACKGROUND:

In 2015, the California Legislature adopted the California Voter Participation Rights Act ("CVPRA"). The CVPRA was adopted to remedy declining voter turnout in municipal elections and was specifically intended to affect cities holding municipal elections in odd numbered years. Based upon certain voter turnout criteria (a more complete overview is included from the attached 2016 staff report), such cities (including Monterey Park) were required to consolidate their elections with the statewide elections in June or November

of even years. Practically, the CVRPA prohibits the City from holding a general municipal election on any date other than a statewide election date.

The CVRPA allowed cities – up until 2022 – to hold elections in odd-numbered years if they adopted a plan before January 1, 2018 to implement the CVRPA. In 2016, the City Council opted to postpone any action until sometime before the scheduled general municipal election in 2021. One of the main reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain council members by four months.

In 2017, the Legislature adopted SB 568 which became effective in 2019. SB 568 again changed the statewide election dates from June or November of even years, to *March* and November of even years.

This change allowed the City Council to change the date of the general municipal election from March of *odd* numbered years to March of *even* numbered years. Accordingly, this meant that elections originally scheduled for March 2021 would be rescheduled for March 2022. A consequence of that action (explained more below) was that the terms of councilmembers would be *extended by 12 months* pursuant to Elections Code § 10403.5(b).

Because the change in election dates would result in an extension in their terms of office, rather than a reduction as contemplated in 2016, the City Council opted to change the City's election date from March 2021 to March 2022 (see attached staff report from 2017). Based upon its actions in 2017, therefore, the City's general municipal election is scheduled for March 2022 at which time Council District Nos. 1 and 5 will be on the ballot.

Effective January 1, 2021, however, the statewide election dates become these:

- An election held in November of an even-numbered year.
- An election held in June of an even-numbered year that is not evenly divisible by four and **in March of each even-numbered year that is evenly divisible by four** (emphasis added).

As can be seen by the emphasized language, the City's March 2022 municipal election cannot be held (2022 is not evenly divisible by four). Consequently, the City Council *must* change its municipal election date from March to *either* June or November of 2022.

The City's voting records show that November elections typically have greater voter turnout and participation. As the Elections Official, City Clerk Chang recommends that the City Council change the municipal election date from March to November of even years. This change would also be more defensible under the CVRPA.

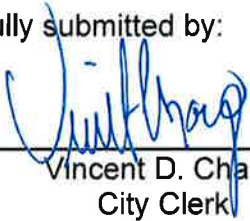
Whether the City Council chooses June or November, the terms of all elected officials will be extended by Elections Code § 10403.5. For officials elected in 2017 (Mayor Peter Chan, Councilmember Hans Liang, City Clerk Vincent Chang, and City Treasurer Joseph Leon), terms would be extended either three months (to June 2022) or eight months (to November 2022). For officials elected in 2020 (Mayor pro tem Yvonne Yiu, Councilmember Henry Lo, and Councilmember Fred Sornoso), terms would be extended the same length of time in 2024, i.e., from either three months (June 2024) or eight months (November 2024).¹

Based upon the election date selected by the City Council, the mayoral rotation approved earlier this year will require amending. Some direction from the City Council regarding how that rotation should occur would be helpful. For example, a determination whether Mayor Peter Chan and Councilmember Hans Liang should be included in the mayoral rotation (i.e., obtain additional time as mayor); if Mayor Chan's current mayoral term should be extended (i.e., beyond November 18, 2020); or if the mayor terms for Councilmembers elected in 2020 should be extended to coincide with the time extensions in 2024.

FISCAL IMPACT:

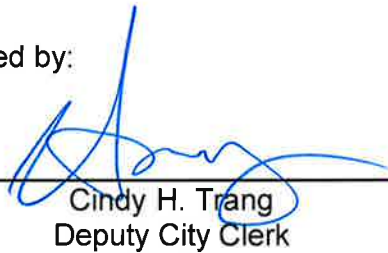
None.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



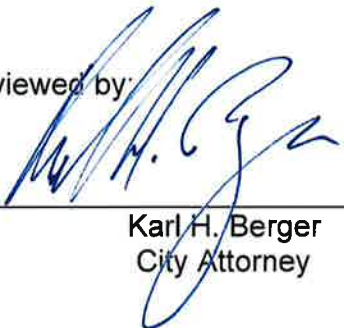
Cindy H. Trang
Deputy City Clerk

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. October 19, 2016 and December 6, 2017 Staff Reports (without attachments)

¹ The City Council could consider having different municipal election dates every two years, e.g., June or November beginning in 2022 and every four years afterward; and March in 2024 and every four years afterward. That, however, seems impractical and confusing for voters.

Staff Report
November 18, 2020

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.04.050 TO CHANGE THE ELECTION DATE OF GENERAL MUNICIPAL ELECTIONS AND REQUESTING CONSOLIDATION WITH LOS ANGELES COUNTY PURSUANT TO ELECTIONS CODE § 10403.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: *Recitals*. The City Council finds as follows:

- A. Elections Code § 1301 and § 10403.5 authorize the City to reschedule its general municipal election to the day of the statewide general election.
- B. Effective January 1, 2021, SB 970 amends Elections Code § 1001 which governs the dates of statewide elections. As a result, the City is required to change its election date from March 2022 to either June or November 2022.
- C. The City requests consolidation of its elections with the statewide general election conducted by the County of Los Angeles on the first Tuesday after the first Monday in March of even-numbered years.
- D. In order to accomplish the change in election date, the term of incumbent elected officials whose terms would otherwise end in March 2022 must be lengthened from March 2022 to _____ 2022 when elected officials elected in _____ 2022 take office. Additionally, elected officials whose terms would otherwise end in March 2024 must be lengthened from March 2024 to _____ 2024 when elected officials elected in 2024 take office.

SECTION 2: *Change to Election Date*. In accordance with Elections Code §§ 1301 and 10403.5, Monterey Park Municipal Code ("MPMC") § 2.04.050 is amended to read as follows:

"Section 2.04.050. *Municipal Elections*.

Beginning with elections held after March 2020, the general municipal election will be held on the first Tuesday after the first Monday in _____ of even-numbered years. The first general municipal election after the March 2020 general municipal election will be held on the first Tuesday after the first Monday in _____ 2022."

SECTION 3: *Adjustment of Terms of Office*. In accordance with Elections Code §§ 1301 and 10403.5(d), due to the change of election date, the terms of office of those elected officials presently serving whose terms would previously have expired in March 2022 will instead vacate in their office upon certification of the results and administration

of oaths of office after the ____ 2022 General Municipal Election. The terms of office of those elected officials presently serving whose terms would previously have expired in March 2024 will instead vacate in their office upon certification of the results and administration of oaths of office after the ____ 2024 General Municipal Election

SECTION 4: Consolidated Election. Pursuant to Elections Code § 1301, the City Council requests the County of Los Angeles approve consolidation of the City's 2022 City Council election with the statewide general election conducted by the County in ____ of each even-numbered year.

SECTION 5: Notice to Voters. Pursuant to Elections Code § 10403.5, within 30 days after this Ordinance becomes effective, the City Clerk must cause a notice to be mailed to all registered voters of the City of Monterey Park (pursuant to the last report of registration by the County Clerk to the Secretary of State) informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in election date, elected city officeholders' terms in office will be changed.

SECTION 6: Date of the First City Council Election in 2022. If this Ordinance becomes effective, the first City Council election to be held in 2022 will be ____.

SECTION 7: Request to the County. The City Clerk is directed to forward, without delay, a certified copy of this Ordinance to the Los Angeles County Board of Supervisors and the County Election Department.

SECTION 8: Savings Clause. Repeal of any provision of the MPMC or any other regulation by this 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 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: Validity of Previous Code Sections. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 11: Effective Date. This Ordinance will only become effective upon approval by the Los Angeles County Board of Supervisors pursuant to Elections Code § 1301(b)(1).

SECTION 12: Publication. The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for

and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Monterey Park.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2020.

_____, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Staff Report
November 18, 2020

ATTACHMENT 2
October 19, 2016 and December 6, 2017 Staff Reports



City Council Staff Report

DATE: October 19, 2016

AGENDA ITEM NO: New Business
Agenda Item 6-J.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CALIFORNIA STATE SENATE BILL 415) AND CONSOLIDATION WITH A STATEWIDE GENERAL ELECTION DATE

RECOMMENDATION:

It is recommended that the City Council consider:

1. Provide direction to staff concerning the option desired for a statewide consolidation date, Option A or B:

Option A - introduce and waive first reading of an ordinance to change the election dates to November even years beginning November 6, 2018 or November 3, 2020 and repealing Ordinance No. 1885, and schedule second reading and adoption for November 2, 2016;

OR

Option B – take action to reaffirm the election date in Ordinance No. 1885 and plan to reconsider the matter not later than 2021; and

2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The California Voter Participation Rights Act (SB 415) was passed on September 1, 2015. This new legislation prohibits a local government from holding an election on any date other than a statewide election date if holding the election on a date nonconcurrent with the statewide election has previously resulted in a "significant decrease in voter turnout." A "significant decrease in voter turnout" is defined as voter turnout for a regularly scheduled election that is at least twenty-five percent (25%) less than the average voter turnout within that city for the previous four (4) statewide general elections. SB 415 requires cities with insufficient voter turnout to either change their election dates to June or November of even year, or, prior to January 1, 2018, adopt a plan to consolidate future election with a statewide election not later than the November 8, 2022, statewide general election.

BACKGROUND:

SB 415 adds a new chapter to the California Elections Code (Section 14050 -14057) that attempts to remedy declining voter turnout in municipal elections. Under SB 415, general law cities must hold municipal elections on a statewide election date if holding the municipal election on a date other than the statewide election previously resulted in a voter turnout that was at least 25% less than the average voter turnout of the previous four statewide elections. Such cities are required to consolidate their elections with the statewide elections in June or November of even years.

Accordingly, to determine if Monterey Park is required to consolidate with a statewide general election date, it is necessary to review the recent election voter turnout data.

Statewide General Election Data - Monterey Park			
Election Date	Registered Voters	Ballots Cast	Voter Turnout (percentage)
Nov. 2008	25,660	18,748	73.06%
Nov. 2010	26,785	12,753	47.61%
Nov. 2012	26,796	16,865	62.94%
Nov. 2014	27,565	7,328	26.58%
State subtotal of Four Years <i>(Ballots/Registered=Voter Turnout)</i>			210.19%
State Four Year Average <i>(210.19/4)</i>			52.55%
State Four Year Average Less 25% <i>(52.55x.25=13.14-52.55=39.41)</i>			39.41%
General Municipal Election Data - Monterey Park			
March 2015	27,474	5,356	19.49%

As the above data illustrates, the voter turnout for the City's most recent municipal election was 19.49%. This is lower than the minimum threshold of 39.41%. Since the City experienced a "significant decrease in voter turnout," Monterey Park must begin conducting its general municipal elections on statewide general election dates as soon as 2018. SB 415 requires the local jurisdiction to either consolidate its election with a statewide election, or by January 1, 2018 adopt a plan to consolidate its election with the statewide election not later than the November 8, 2022 statewide general election.

In order to accommodate the statewide election dates, cities are required to increase or decrease terms of office depending on their existing election schedule. Elections Code Section 10403.5(b) limits increases or decreases to terms of office to no more than twelve months. Since the City of Monterey Park (the "City") holds its regular elections in March of odd years, any term increase to June or November of the following even year exceeds the 12 month cap established by Elections Code Section 10403.5(b).

For the City Council's consideration, following are two potential options for compliance with the provisions of SB 415:

Reducing of the upcoming Council member terms of office by 4 months (March of an odd year, to the prior November of an even year).

Option A is reflected in the draft ordinance that changes the City's general municipal election to November of even years with consolidation to begin November 6, 2018 or November 3, 2020. Consolidation for the November 2018 election will affect the terms of office that began March 2015 and 2017; consolidation for the November 2020 will affect the terms of office beginning March 2017 and 2019. Option A requires adoption of an ordinance, requesting the County Board of Supervisors for approval for future consolidation, and compliance with the noticing requirement.

Option B is simply a decision to postpone taking any immediate action. Instead, the Council would plan on reexamining the issue until not later than 2021. At that time, the City Council could consider any changes to California law (which are anticipated in the next five years) and take appropriate action (if any). Option B would simply be a minute action that can be forwarded to the County Board of Supervisors with an accompanying cover letter (which would include Ordinance No. 1885).

Another possible option to consider is increasing the terms in a two-step process by changing the election dates from March of odd years to November of odd years and again, changing the election dates from November of odd years to November of even years. This action may cause voter confusion due to the changes of election dates in such a small window of time.

Actions to change the election date require the City to adopt an ordinance changing its current election date. Elections Code Section 1301(b)(1) provides for the City Council to enact an Ordinance requiring its general municipal election to be held on the same day as the statewide general election. The ordinance would become operative upon approval by the County Board of Supervisors. Due to the constraints of the County's current voting system, if the City Council desires to consolidate early, time is of the essence in submitting a request for consolidation to the County. The County needs to perform an analysis of the City to determine if consolidation is possible prior to 2020. City staff has reached out to the County and requested for a preliminary analysis and the County had expressed support for the City to consolidate its future elections with the County general elections beginning November 2018. The final decision, however, is dependent on the approval from the Board of Supervisors. Upon approval of the Board of Supervisors, the City is required to notify all registered voters of the City regarding the change of election date and the terms it affect. An additional funding of \$12,000 per notification is required to complete this task.

Per the County Elections Division, no city, on a nonconcurrent calendar, currently meets the 25% requirement and all will be required to shift to statewide consolidation. The County of Los Angeles is set to unveil a new voting system in 2020 and has expressed concern that cities transitioning to statewide elections prior to 2020 would exceed the capacity of its current optical scan voting system. There is speculation as to whether or

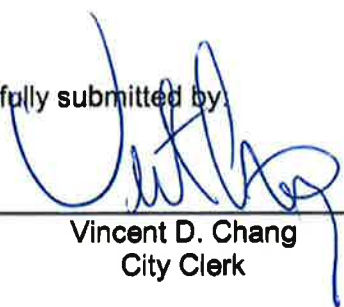
not the Los Angeles County has the capacity to handle all elections in June and November of even years by November 8, 2022. There are talks that some cities are considering circulating a petition seeking an alternate solution to increase voter participation and to allow the continuance of stand-alone elections. Some cities have already taken actions to move their election date to June or November of even years. Some cities are taking some actions by adopting a plan to consolidate future elections with the statewide elections no later than November 8, 2022. Still, some cities are deferring taking action while waiting to see if there will be a legislative solution, mindful of the January 1, 2018 deadline.

FISCAL IMPACT:

Traditionally, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.

When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



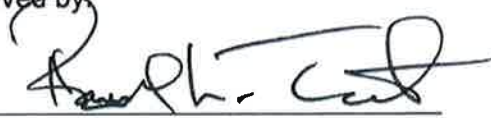
Vincent D. Chang
City Clerk

Prepared by:



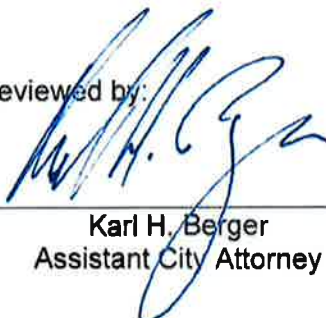
Cindy H. Trang
Deputy City Clerk

Approved by:



Paul L. Talbot
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney



City Council Staff Report

DATE: December 6, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-D.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF WHETHER TO CONSOLIDATE GENERAL
MUNICIPAL ELECTIONS WITH A STATEWIDE GENERAL
ELECTIONS IN EVEN YEARS

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution ratifying its October 19, 2016 decision to postpone a decision to consolidate future elections with the statewide elections; AND
2. Introduce and waive first reading of an ordinance to change the election dates to November even years beginning March 3, 2020 or March 8, 2022 and repealing Ordinance No. 1885, and schedule second reading and adoption for December 20, 2017; OR
3. Provide other direction as to consideration of the California Voter Participation Rights Act (California State Senate bill 415) and consolidation with a statewide general election date; and
4. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In October 2016, the City Council opted to postpone any decision regarding consolidating the City's general municipal elections with statewide elections until sometime before 2021. This decision allowed the City to continue conducting its elections in odd-numbered years pursuant to Ordinance No. 1885 (adopted December 12, 1994). Since then, the Los Angeles County Elections Division requested that the City Council memorialize its decision in a written resolution rather than simply rely upon the minute order from that date. By adopting the resolution, the City will have more time to further discuss and decide on an action.

Separately, on September 27, 2017 the Governor signed SB 568 which becomes effective in 2019. In brief, SB 568 only changes the date of the statewide direct primary and the presidential primary.

Starting in 2019, those will both be on the first Tuesday after the first Monday in March in either an even-numbered year or a year divisible by four.

SB 568 potentially affects the City Council's decision regarding consolidating the City's general municipal election. Specifically, Monterey Park's general election is held the first Tuesday after the first Monday in March of *odd*-numbered years. Changing the election date to the first Tuesday in March of *even*-numbered years (per SB 568) may extend the term for certain city councilmembers in accordance with applicable law (as explained in 2016).

Additionally, the conventional wisdom is that SB 568's enactment – and the resulting change in election dates by many municipalities – may cause the vendor traditionally providing election services to cease operations. There simply will be insufficient business from public entities for it to continue. Should that occur, Monterey Park would likely pay significantly more for holding municipal elections in odd-numbered years.

BACKGROUND:

A copy of the staff report from October 2016 is attached for reference. It provides an overview of the California Voter Participation Rights Act (SB 415) and its effect on the City of Monterey Park. In short, SB 415 mandates that cities holding elections during odd-numbered years with historically low voter turnout to consolidate with countywide elections in even numbered years. Cities can continue – up to 2022 – to hold elections in odd-numbered years if they adopt a plan before January 1, 2018 to implement consolidation. The City Council's plan was to implement changes before 2021. A resolution confirming that decision from October 2016 is attached for City Council consideration. This resolution should be adopted regardless of whether the Council opts to introduce the draft ordinance: the Board of Supervisor meeting occurs on December 19, 2017 – a day before the second reading of the ordinance (if it were introduced).

One of the reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain councilmembers by four months. Enactment of SB 568, however, would allow the City to consolidate with statewide elections in *March* of even numbered years. This would *extend* the term of certain councilmembers by one year pursuant to Elections Code § 10403.5(b).

Moving the election date to March 2020 will increase the term of office by 12 months for terms of offices beginning March 2015 and 2017. Moving the election date to March 2022 will increase the term of office by 12 months for terms of offices beginning March 2017 and March 2019.

Since 2015, SB 415 caused many cities to consolidate with county elections. As a result, the future viability of the City's vendor for election materials and implementation may be uncertain. That vendor provides elections consultant work, and all election materials and services including the certified ballot counter.

The company recently downsized and its level of services may be inadequate in the future. Moreover, cities will also see a substantial increase in costs for the similar type of services. Should the City's vendor cease operations, it may be difficult for the City to scramble to either consolidate with the County or trying to find a substitute vendor. The County is not legally obligated to accept the City's request for consolidation and the City would then be challenged in trying to operate an election using its own resources.

As of October 2017, 52 of the 88 cities in Los Angeles County either already consolidated with statewide elections or have plans to do so.

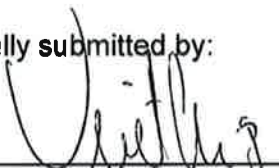
The City Council could opt to implement consolidation now. Attached is an ordinance – that is substantially the same as from October 2016 – that would implement election consolidation. A year for when this would be implemented is left blank for City Council direction.

FISCAL IMPACT:

Historically, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.

When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



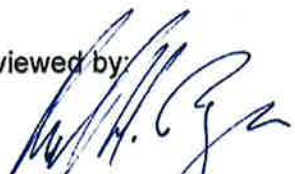
Cindy H. Trang
Deputy City Clerk

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-B

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Consideration and possible action to introduce and waive first reading of an ordinance amending chapter 3.20 of the Monterey Park Municipal Code ("MPMC") regarding the regulation of purchases of goods, supplies and services.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving of the first reading of an Ordinance amending Chapter 3.20 of the Monterey Park Municipal Code ("MPMC") regarding the regulation of purchased goods, supplies and services; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Chapter 3.20 of the MPMC was adopted for the purpose of authorizing city officers to procure services, supplies, and equipment and establishing the manner by which such actions may occur. On August 19, 2020, the City Council adopted an Ordinance amending Monterey Park Municipal Code § 3.90.050 regarding signature authority for the City Manager and Department Directors when executing contracts on the City's behalf (Ordinance No. 2187). The thresholds for purchasing and bidding, however, have not been amended to align with the signature thresholds outlined in Ordinance No. 2187. The proposed amendments to Chapter 3.20 will bring the City's procurement process in line with the updated signature authorities.

BACKGROUND:

MPMC Chapter 3.20 regulates the purchases of goods, supplies and services. The chapter as it is currently written, requires all purchases of \$25,000 or more to have a formal competitive bid process and City Council authorization.

Amending Chapter 3.20 to increase the requirement of the formal competitive bid process to purchases over \$60,000 would bring this chapter in line with the City's new signature authority and stay within the procurement requirements of the Federal Office of

Management and Budget (OMB) (see 2 CFR 200.320 – Methods of procurement to be followed).

Specifically, 2 CFR 200.320 (b), allows for small purchase procedures to be relatively simple and informal in its procurement methods for securing services, supplies, and other property that do not cost more than the “Simplified Acquisition Threshold” (which is set by the Federal Acquisition Regulation (at 48 CFR Subpart 2.1) and in accordance with 41 U.S.C. 1908). The current Simplified Acquisition Threshold is \$150,000.

The proposed ordinance maintains the City’s informal procurement methods for purchases \$60,000 and under – below the Simplified Acquisition Threshold of \$150,000 – while also staying within compliance of 2 CFR 200.320.

FISCAL IMPACT:

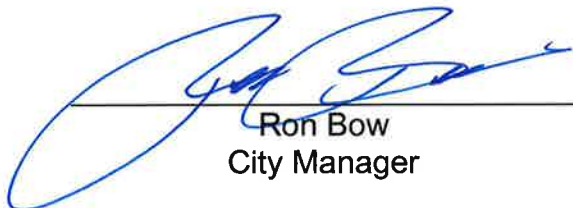
No fiscal impact is anticipated.

Respectfully submitted by:



Martha Garcia
Management Services Director

Approved by:



Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

ATTACHMENT:

1. Ordinance No.

ATTACHMENT 1

Ordinance No.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE
CHAPTER 3.20 IN ITS ENTIRETY TO REGULATE PURCHASES OF
GOODS, SUPPLIES AND SERVICES.**

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

SECTION 1. Monterey Park Municipal Code ("MPMC") Chapter 3.20 is amended in its entirety to read as follows:

"Chapter 3.20

PURCHASING

3.20.010 Purpose.

This chapter is adopted for the purpose of authorizing city officers to procure services, supplies, and equipment and establishing the manner by which such actions may occur. Nothing in this chapter is intended to, nor does it, apply to public works projects as defined by state law.

3.20.020 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 chapter:

- A. "Contract" may include a purchase order or professional services agreement as the context may dictate.
- B. "General Services" means services that are manual or routine in nature as opposed to services that are predominately intellectual and varied in character or require specialized knowledge of an advanced type generally acquired from study at an institution of higher learning.
- C. "Professional Services" means those services provided to the City by independent consultants that are predominantly intellectual and varied in character – as opposed to manual or routine in nature – which require specialized knowledge of an advanced type generally acquired from study at an institution of higher learning, and entail the exercise of a wide degree of discretion and judgment when performing the services (e.g., lawyers, engineers, architects, certified public accountants and land-use planners).
- D. "Purchase" includes renting, leasing, purchasing, licensing, or a trade of supplies.

- E. "Supplies" includes general services; equipment; materials; goods, parts; miscellaneous commodities; and other office supplies. "Supplies" does not include professional services.

3.20.030 Purchasing agent.

The city manager is designated as the city's purchasing agent. The city manager may delegate purchasing agent responsibilities to another appointed agent in writing. Supplies for city departments must be purchased in accordance with this code, any administrative regulations promulgated pursuant to this chapter, and such additional regulations that the city council may adopt by written resolution. The duties of the purchasing agent may be combined with those of any other office or position and include, without limitation, the following:

- A. Purchasing or contracting for supplies required by any department.
- B. Promulgating administrative policies and procedures to implement the purposes of this chapter as approved by the city manager in writing.
- C. Facilitating the inspection of all supplies purchased under this chapter to determine their quality and ensure conformance with city specifications.
- D. Recommending the transfer of surplus or unused supplies and equipment between departments as needed.
- E. Selling or disposing of supplies cannot be used by any department or which have become unsuitable for city use.
- F. Performing such other tasks as may be necessary for the proper conduct of purchasing of supplies.

3.20.040 Purchasing.

Except as otherwise provided in this code all purchases and contracts for supplies must be accomplished either by or through the purchasing agent.

3.20.050 Exceptions to bidding.

Bidding is not required for the following:

- A. Emergency Purchasing. During a declared state of local emergency, bidding is not required. The city manager must provide a report to the city council in accordance with applicable law regarding such emergency purchases.
- B. Convenience. When the supply can be obtained from only one vendor or

there are circumstances demonstrating only one vendor is best qualified to provide the supplies.

- C. Best Value. The city manager may select the lowest responsible bidder based on objective criteria for evaluating the qualifications of bidders with the resulting selection representing the best combination of price and qualifications along with the nature of the goods, supplies, or equipment.
- D. Cooperative Purchasing. Where the purchasing agent identifies a cooperative competitive bidding procedure, being prepared by and processed through another local, state, or federal governmental agency, the purchasing agent may join into an existing written purchase contract through a competitive bidding process prepared by and awarded by another local, state or federal governmental agency.
- E. Supplies less than \$3,000. Purchases made for supplies with an estimated value of less than \$3,000 may be purchased on the open market without bidding requirements.

3.20.060 Bidding.

Purchases made for supplies with an estimated value of between \$3,000 and \$60,000 require the following:

- A. Purchases must, whenever possible, be based upon at least three bids and be awarded to the lowest responsible bidder.
- B. Bids may be obtained either verbally or in writing.
- C. Department directors, or designee, may solicit proposals for such supplies.
- D. The city manager may require that supplies purchased pursuant to this section be formally bid and awarded. Before requiring such bidding, the city manager must promulgate administrative policies and procedures, in a form approved by the city attorney, establishing such formal bidding procedures.

3.20.070 Purchasing – Above \$60,000.

Purchases made for supplies with an estimated value of \$60,000 or more require the following:

- A. Notice Inviting Bids. Notices inviting informal bids must be posted at city hall distributed (either electronically or otherwise) at least 10 days before the deadline for submitting bids to all vendors on the city's list for the supplies being sought and to such other vendors as the purchasing agent deems appropriate. The notice soliciting bids must describe the supplies needed in

general and generic terms, identify security required for the bid, how bid specifications can be obtained, and designate the deadline and place for submitting informal bids. The purchasing agent is responsible for soliciting sealed bids from all responsible prospective vendors whose names are on the bidders' list maintained by the requesting department.

- B. **Bidder's Security.** The purchasing agent may require bidders to secure bids and performance in a manner approved by the purchasing agent and in a form approved by the city attorney. Unsuccessful bidders are entitled to the return of bid security within 60 days after the date of the award. When deemed necessary by the purchasing agent, bidders' security may be prescribed in the notices inviting bids. Bidders are entitled to return of bid security; provided, that a successful bidder forfeits his bid security upon refusal or failure to execute the contract within 10 days after the notice of award of contract has been mailed, unless the city is responsible for the delay. If a successful bidder refuses to comply with, or fails to execute, a contract issued by the city within 10 days after being awarded the contract, the city may cancel the award and retain any bid security. Compliance with contract requirements includes, without limitation, submission of insurance documentation. Should this occur, the city council may award the contract to the next lowest responsible bidder.
- C. **Performance Bonds.** The city council or purchasing agent may require a performance bond in an amount reasonably necessary to protect the best interests of the city. If the city council or purchasing agent requires a performance bond, the form and amount of the bond will be described in the notice inviting bids.
- D. **Bid Opening Procedure.** Sealed bids must be submitted to the purchasing agent in an envelope clearly marked as a bid along with the bidder's name and project number written on the outside. The purchasing agent will open properly submitted bids at the time and place stated in the notice inviting bids. A written record and tabulation must be made at the time all bids are received and then opened. Bids received after the time specified in the notice inviting bids will not be accepted.
- E. **Council Approval.** All bids received as part of the formal bidding process must be submitted to the city council by the purchasing agent. The city council may reject all bids or award the purchase contract to the best qualified bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the solicitation, provided that the contract award amount is within the unencumbered appropriation for that item. The city council may waive any minor bid irregularities. If the city does not receive any bids, the city council may:
 - 1. Abandon the purchase;

2. Authorize rebidding the purchase on an informal basis; or
 3. Authorize purchasing the supplies on a direct negotiated contract.
- F. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, the city council may accept one of them or accept the lowest bid made by negotiation with the tie bidders at the time of or after the bid opening.

3.20.080 Lowest responsible bidder.

- A. For the purposes of this chapter, in addition to price, "lowest responsible bidder" will be determined based on consideration of the following factors:
1. The ability, capacity and skill of the bidder to perform the contract or provide the supplies;
 2. Whether the bidder has the facilities to perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
 3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 4. The bidder's record or performance of previous contracts or services;
 5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
 6. The sufficiency of the financial resources and ability of the bidder to perform the contract; and
 7. The quality, availability and adaptability of the supplies to the particular use required.
- B. In addition to the foregoing, for the purpose of calculating the lowest responsible bidder, preference will be awarded to local vendors, when the following criteria are met:
1. The vendor is a person or legal entity with a place of business within the city and a valid current business license issued by the city; and
 2. The difference between bids from the local vendor and those outside the city is less than the current sales tax benefit the city would receive.

3.20.090 Professional services.

The city manager may contract for professional services in an amount not to exceed \$60,000. Professional services costing more than \$60,000 must be purchased by the city council. The manner by which all professional services are selected and contracted may be governed by administrative policy and procedures promulgated by the city manager and approved as to form by the city attorney.

3.20.100 Segmentation Prohibited.

It is a violation of this chapter to knowingly take action to separate purchases into smaller units or segments solely for the purpose of evading the competitive formal or informal bidding requirements set forth in this chapter.”

SECTION 2. *Environmental Review.* The this ordinance 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 §§ 15000, *et seq.*) because it consists only of revisions and clarifications to existing purchasing regulations and procedures related thereto. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings.

SECTION 3. Repeal of any provision of the MPMC, or any other City resolution or ordinance herein will 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 4. 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 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. The City Clerk 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 7. This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this 18th day of November 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By: 

Natalie C. Karpeles,
Deputy City Attorney



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-C

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works/City Engineer/City Planner
SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance amending Monterey Park Municipal Code Title 21 by adding Chapter 21.09 to regulate Short-term Rentals in the City of Monterey Park.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of the ordinance and scheduling a public hearing, second reading, and adoption for December 2, 2020; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Adopting the Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; and minor alterations in land use. The ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; and 15304(e). Further, adopting the ordinance is exempt from review under CEQA pursuant to CEQA Guidelines §15061(b)(3) because the ordinance is for general policies and procedure-making.

EXECUTIVE SUMMARY:

The City does not currently regulate short-term rentals. The popularity of vacation rental sites such as Airbnb and VRBO, combined with the City's demographics and desirable geographical location, prompted a review of the Monterey Park Municipal Code ("MPMC") to ensure that the City regulates such rentals and also recovers tax revenue owed to the City as a result of such rentals.

The proposed MPMC Chapter 21.09 would govern short-term rentals (e.g., vacation rentals, Airbnb, VRBO, or other on-line hosting platforms).

BACKGROUND

Mayor Peter Chan suggested that the City review its regulation of short-term rentals in early 2018. Staff changes and other projects intervened with the City's review of the subject. Now, however, there is time to consider regulating short-term rentals.

If adopted, the proposed Ordinance would add Chapter 21.09 to the MPMC to regulate short-term rentals. These are defined as a dwelling unit (other than a unit located in a hotel or motel) that is rented to a person or person for a period shorter than 30 days. Short-term rentals require permitting and payment of applicable taxes. To obtain a permit would require, among other things, that an applicant provide the City with a Nuisance Response Plan that would ensure the timely and corrective response to complaints from neighbors that typically can arise out of parking impacts; noise; or trash and debris resulting from tenants using dwelling units within established neighborhoods.

FISCAL IMPACT:

Implementation of Chapter 21.09 facilitates the collection of the City's Transient Occupancy Tax ("TOT") and business license taxes. TOT is a Tax imposed on "Transient" guests for the privilege of staying in any hotel, inn, motel or other lodging establishment for lodging or sleeping purposes for a period of 30 days or less. These taxes are collected by the operator for the City and are forwarded to the City on a quarterly basis, thereby resulting in increased revenues to the City's General Fund.

Respectfully submitted by:



Frank A. Lopez
Interim Director, Public Works
Department

Prepared by:



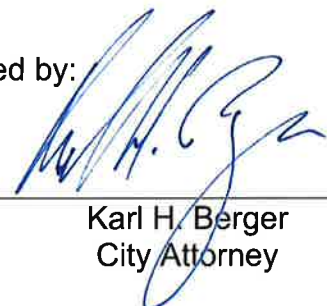
Jason Moquin
Interim Planning Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Draft Ordinance

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE ADDING A NEW CHAPTER 21.09 TO THE
MONTEREY PARK MUNICIPAL CODE (“MPMC”) TO
REGULATE SHORT-TERM RENTAL PROPERTIES.**

The City Council does ordain as follows:

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

- A. The City’s ability to exercise its powers in accordance with Article XI, § 7 of the California Constitution to regulate land use is well-established. This ordinance is intended to regulate aesthetics, traffic, parking, public peace, and other, similar, matters related to public health, safety, and welfare.
- B. Short-term tenants that stay only for one night, a week, or even a few months in its residential area have little interest in public agencies or the welfare of its citizenry as they do not participate in local government and community organizations that strengthen a City and its residents.
- C. This Ordinance is tailored to preserve the residential character of a neighborhood by regulating short-term rentals to preserve the neighborhood characteristics of R-1, R-2 and R-3 zones. Regulations prohibiting or regulating transient commercial uses of residential property are valid (*see Ewing v. City of Carmel-By-The-Sea* (1991) 234 Cal.App.3d 1579) because such regulations are rationally related to preservation and enhancement of the residential character of the neighborhood and stability of the community
- D. The proposed amendment is consistent with the goals, policies, and objectives of the General Plan. It is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park’s residential neighborhoods. To ensure that the residential character is maintained, a General Plan policy is that the City should pursue code enforcement efforts that simultaneously work to enhance the visual quality of residential neighborhoods and to ensure safe and decent housing for all City residents. The proposed code amendments will provide the City with additional tools for ensuring safe and decent housing.
- E. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC.

SECTION 2: A new Chapter 21.09 is added to the Monterey Park Municipal Code (“MPMC”) to read as follows:

“Chapter 21.09

SHORT-TERM RENTALS

§ 21.09.010 Purpose.

This chapter is adopted in accordance with California Constitution Article XI, § 7 and Civil Procedure Code § 731, including any successor statutes, for the purpose of regulating short term rentals and identifying public nuisances. Adopting this Chapter is a municipal affair and will protect public health, safety, and welfare by ensuring that the characteristics of rental neighborhoods is preserved; reducing the secondary effects that may result from permissible short-term rentals; proactively combatting public nuisances; and imposing criminal and civil penalties upon persons violating this chapter.

§ 21.09.020 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 chapter.

“Director” means, unless otherwise designated by the City Manager, the City Planner.

“Owner” means the person or persons holding fee title or leasing a dwelling unit operated and used as a short-term rental, or the agents of any such persons.

“Nuisance response plan” means a written plan designed to mitigate the secondary effects of allowing short term rentals within residential neighborhoods as described in this chapter.

“Responsible person” has the same meaning as set forth in Section 4.20.030 of this code.

“Short-term rental” means a dwelling unit other than a unit located in a hotel or motel that is rented to a person or persons for a period shorter than 30 consecutive days.

§ 21.09.030 Prohibitions.

The following constitute a violation of this chapter and are unlawful:

- A. For any person to own, operate, or maintain a short-term rental without a valid permit issued pursuant to this chapter.

- B. For any person to rent, offer to rent, or advertise for rent a short-term rental to another person without a valid permit issued pursuant to this chapter.
- C. For any person to offer to rent or advertise for rent a short-term rental without including in the offer or advertisement the permit number applicable to the property substantially in the form of "Monterey Park Permit No. _____." The permit number must be printed in the same size type as the largest type used in the main body of the offer or advertisement.
- D. Failure of an owner to respond to a nuisance complaint arising out of the occupancy and use of the short-term rental by a tenant, or the tenant's visitors or guests in the manner and within the time required by a nuisance response plan.
- E. Failure of an owner to keep a nuisance response plan on file with the Director containing the name of the current responsible person for responding to a nuisance complaint.
- F. Failure of an owner to keep a valid surety bond on file with the Director during the effective term of the permit.
- G. Failure of any person to comply with or cause compliance with any performance standard listed in this chapter.

§ 21.09.040 Administration by Director.

The Director will receive applications; issue and revoke permits; interpret; and otherwise implement this chapter. The Director may promulgate administrative policies and procedures to implement this chapter.

§ 21.09.050 Notices.

- A. Where this chapter require that an applicant/permittee be provided notice, such notice will be served when personally delivered to such applicant/permittee; when electronically mailed to the last known email address; or when deposited in the first class U.S. Mail, addressed to such applicant/permittee at the applicant/permittee's last known address.
- B. Unless otherwise provided, written notification to a permittee/applicant of a permit decision will state with particularity the basis for such decision.
- C. Where this chapter requires that notice be provided to surrounding properties, such notice must be in writing and be provided in person; by

mail; or other physical means approved by the Director, e.g., by door hangers. Electronic mail is not acceptable.

- D. Failure to receive actual notice does not invalidate actions taken pursuant to this chapter including, without limitation, the validity of a permit.

§ 21.09.060 Fees.

Except as otherwise provided by applicable law, all fees applicable to this chapter will be established by City Council resolution.

§ 21.09.070 Permit Application – Form and Content.

- A. Permit applications will be filed by a natural person and be accompanied by an application fee.
- B. Permit applications will be in a form prescribed by the Director and will contain the following information:
 - 1. The name, mailing address, and daytime and evening telephone numbers of the person filing the application;
 - 2. A nuisance response plan containing the information required by this chapter;
 - 3. A transient occupancy registration certificate issued by the Management Resources Director pursuant to this Code;
 - 4. Proof of homeowner's or renter's insurance for the short-term rental;
 - 5. A surety bond in the amount of \$1500 in a form required by this chapter or, in unusual circumstances, as approved by the City Attorney;
 - 6. A written declaration affirming that, at least 30 days before filing an application, occupants of all residences and businesses located within 200 feet from the proposed short-term rental were notified of the proposed permit and were informed in writing in a form acceptable to the City of the proposed use and the contact information with the City.
 - 7. In addition to the information required by this section, applications for all permits will include such supplemental information which the Director may find reasonably necessary.

§ 21.09.080 Action on Permit Application – Permit Issuance.

- A. The Director must issue a permit if
 - 1. The application was complete in accordance with this chapter;
 - 2. There are no grounds for denying the permit; and
 - 3. Applicant accepts the permit approval or conditional approval in writing.
- B. Use of any permit issued pursuant to this chapter will conform to the general permit conditions of this chapter and, if applicable, special permit conditions reasonably deemed necessary by the Director to protect public, safety or welfare. Such special conditions may include, without limitation, conditions for controlling pedestrian or vehicle traffic and for protecting public or private property.
- C. A permit is not valid until the Director receives the applicant's written acceptance in accordance with this chapter.

§ 21.09.090 Action on Permit Application – Permit Denial.

A permit may be denied for the following reasons:

- A. The application is incomplete;
- B. The applicant failed to provide reasonable supplemental application information requested by the Director;
- C. Information submitted by the applicant is materially false;
- D. A permit may be denied if a short-term rental permit issued to the applicant or for the property was suspended or revoked in the previous 24 months.

§ 21.09.100 General Permit Conditions.

- A. A permit does not create a property interest and is personal to the permittee.
- B. Permittees must execute a hold harmless agreement in a form approved by the city attorney which will, in part, indemnify city, its officers, employees, and agents, from any liability arising from permittee's event in a form approved by the city attorney's office. Such agreement must be

filed with the Director before a permit is issued.

- C. Permittee must provide evidence to the Director that the short-term rental is insured with valid homeowners or renter's insurance.
- D. Every permit must specify the maximum number of overnight occupants allowed at the short-term rental and the maximum number of vehicles associated with the overnight occupancy of the short-term rental which can be parked at the property. Notice of the permit approval must be provided to everyone who files a written request for such notice.
- E. Every permit will incorporate the approved nuisance response plan.
- F. Every permit will incorporate the performance standards.
- G. The validity of every permit is contingent upon the effectiveness of the surety bond required by this chapter.

§ 21.09.110 Nuisance Response Plans.

- A. Each nuisance response plan must be in a form required by the Director and, at a minimum, contain the following information:
 - 1. The mailing address and telephone number of the owner of the residential dwelling unit or units to be used as a short-term rental pursuant to the permit.
 - 2. The name, address and telephone number of the responsible person who will be available by telephone, and who will be responsible for promptly responding to or causing a prompt response to a nuisance complaint arising out of the occupancy or use of the short-term rental(s) by tenants, their visitors and/or their guests. For the purposes of this chapter, a return telephone call to a complainant within 30 minutes of the initial complaint is "prompt."
 - 3. The manner of responding to or causing a response to a nuisance complaint including, without limitation, how the complainant or complainants will be notified of the response and the method of documenting prompt responses and timely corrective action.
 - 4. The manner of assuring timely corrective action to remedy the conditions that caused the nuisance complaint. For the purposes of this chapter, "timely corrective action" includes, at least, a telephone call to the primary adult occupant of the short-term rental within 30 minutes of the initial nuisance complaint.

**City of Monterey Park
Ordinance No. xxxx**

5. The proposed maximum number of overnight occupants, with supporting documentation identifying unusual size, interior layout, parking or other physical characteristics, if any, that support a request for occupancy greater than two persons plus two persons per bedroom.
 6. The number of off-street parking spaces and number of bedrooms available at the short-term rental.
- B. At any time, the owner may change the content of the nuisance response plan approved as part of the permit by filing an amended nuisance response plan with the Director. Such amended nuisance response plan must contain the information and be in the form required by this chapter and be accompanied by an amended response plan fee.
- C. Promptly after a permit is issued, or an amended nuisance response plan is approved, the Director will require the permittee to provide proof that the nuisance response plan was mailed by first class mail addressed to the owner or occupant of every property, any part of which is located within a 200-foot radius of the property that is to be used and occupied as a short-term rental, pursuant to such permit.

§ 21.09.120 Performance Standards.

Each owner, and each tenant or occupant of a short-term rental, must comply with or cause compliance with these performance standards:

- A. The owner must ensure that the short-term rental complies with all applicable codes regarding fire, building and safety, and all other applicable laws.
- B. The owner must require the primary overnight and daytime occupant of the short-term rental to be an adult 18 years of age or older. This adult must provide a telephone number to the owner and be accessible to the owner by telephone at all times.
- C. Before occupancy, the owner must obtain the name, address, and a copy of the government issued identification of the primary adult occupant of the short-term rental. The owner must require that adult to sign a formal acknowledgement that he or she is legally responsible for compliance of all occupants of the short-term rental or their guests with all provisions of this chapter. This information must be provided by the responsible person identified in the nuisance response plan upon request of any police officer or employee of the City authorized to enforce this code or applicable law.
- D. The owner must limit overnight occupancy of the short-term rental to a

specific number of occupants, with the maximum number of overnight occupants being two persons within each short-term rental plus a number that does not exceed two persons per bedroom within each short-term rental.

- E. The owner must limit the number of vehicles associated with the overnight occupancy of the short-term rental to a specific number of vehicles, with the maximum number of vehicles being the number of off-street parking spaces available at the property.
- F. Trash and refuse cannot be left stored within public view, except in proper containers for the purpose of collection on scheduled trash collection days. The owner of the short-term rental must provide sufficient trash collection containers and service to meet the demand of the occupants.
- G. Each lease or rental agreement for a short-term rental must include the following terms, notifications and disclosures, which terms will also be posted in a conspicuous location inside the unit:
 - 1. The maximum number of overnight occupants and day use visitors that are permitted.
 - 2. The maximum number of vehicles that overnight occupants may park at the short-term rental.
 - 3. Notification that on-street parking is extremely limited in some areas of the City.
 - 4. The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
 - 5. Notification that the occupant may be cited or fined by the City and/or immediately evicted by the owner pursuant to applicable law, in addition to any other remedies available at law, for violating any other provisions of this code.
 - 6. Notification that failure to conform to the occupancy requirements of the short-term rental is unlawful.
 - 7. Notification that amplified sound, including radios, televisions and other electronic devices are subject to the noise regulations in this code.
 - 8. A prohibition on illegal loud parties, along with notification of the City's right to recover the costs of special enforcement needed to

address certain loud parties.

9. The name of the managing agency, agent, rental manager, local contact person, or owner of the unit, and a telephone number at which that party may be reached at all times.
10. A copy of the "Good Neighbor Guidelines" which may from time to time be prepared by the Director. These guidelines may include location-specific information, such as neighborhood quiet hours, local speed limits and the prohibition of fireworks.
11. Notification that the property is part of the City of Monterey Park's Short-term rental Program.
12. A copy of this chapter as it may be amended from time to time.
13. Upon receiving a nuisance complaint or upon notification of an allegation that any occupant and/or guest of the short-term rental created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of this code or any applicable law, the owner must promptly respond and take timely corrective action to prevent a recurrence of such conduct by those occupants or guests. Failure of the owner to respond promptly and/or to take timely corrective action regarding the condition, operation, or conduct of occupants of the short-term rental is a violation of this chapter. An owner is not required or authorized to act as a peace officer or to intervene in situations that pose a risk to personal safety. The owner, or his or her agent, must maintain records of the name, violation, date, and time of each complaint, disturbance, response and corrective action.
14. The owner must cause a copy of the nuisance response plan to be posted in a conspicuous place within the property.
15. The owner must annually provide to Director written confirmation of compliance with all elements of the performance standards and the approved nuisance response plan and confirming that the nuisance response plan is current and accurate.
16. The performance standards may be modified by the Director upon request of the owner based upon site-specific circumstances for the purpose of allowing reasonable accommodation of a short-term rental occupant as may be required by applicable disability laws. All requests must be in writing and identify how the strict application of the standard conditions creates an unreasonable hardship to a property such that, if the requirement is not modified, reasonable

use of the property for a short-term rental would not be allowed.

§ 21.09.130 Surety Bonds.

- A. Each surety bond accompanying an application for a permit required by this chapter must be issued by a surety licensed to do business in the State of California that has an A.M. Best Financial Strength Rating of at least "A-"; must name the city as the bond obligee; and be conditioned on the payment of any administrative fine assessed in the manner provided for by this Code if:
 - 1. The administrative fine was assessed either against the permittee or against any tenant or other person occupying or using the short-term rental operated pursuant to such permit; and
 - 2. Arose out of a violation of this chapter, or the occupancy or use of such short-term rental in a manner that violated any provision of this Code.
- B. At any time after a permit is issued, the permittee may file a substitute surety bond with the Director issued by a surety that meets the requirements of this section. Upon determining that such substitute bond conforms to such requirements, the Director will return the bond being replaced by the substitute surety bond to the permittee.
- C. Where the owner of property used and occupied as a short-term rental pursuant to a permit approved and issued in the manner provided for by this chapter determines to cease such use, the property owner must promptly cause a notice of such determination to be filed with the Director. Within 30 days following confirmation that there are no pending enforcement actions arising from violations of this chapter, the Director will return the surety bond provided to the City to the permittee.

§ 21.09.140 Subsequent Conditions.

- A. The Director may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.
- B. Except where otherwise provided, a permittee may seek review of imposition of subsequent conditions to the Director as provided in this chapter.

§ 21.09.150 Administrative Review.

- A. Except as otherwise provided, an applicant may request administrative review of the Director's decision pursuant to this chapter.

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- B. Except as otherwise provided, a request for review must be commenced within five days from the date on which written notice of the Director's decision is served on the applicant/permittee.
- C. If request is untimely, the Director may, nevertheless, extend the time for commencing such review for good cause shown.
- D. A request for administrative review will be on a form provided by the Director and contain the following information:
 - 1. The name, address and telephone number of the person making the request;
 - 2. A description of the decision, determination or order which is the subject of the review, and the date such decision, determination or order was made or issued;
 - 3. A brief description of all grounds for making the request; and
 - 4. Such other information as may be required by the Director.
- E. Upon request for administrative review being filed, the Director will provide a copy of the notice to the City Manager within two business days.
- F. Upon receiving a request for review from the Director, the City Manager will review the request and, within 10 business days of receiving the request notice, provide the appellant with a written notification that:
 - 1. The Director's decision is affirmed;
 - 2. The Director's decision is modified. Any notification to the requestor must set forth any modifications of the Director's decision;
 - 3. The Director's decision is reversed and a permit is issued or issued without special conditions.
- G. The City Manager may, but is not required to, conduct a hearing at a time and place determined at the City Manager's sole discretion.
- H. The City Manager's decision is final. There is no right to appeal to the City Council.

§ 21.09.160 Permit Revocation.

- A. The Director will revoke a permit upon learning or discovering facts

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requiring permit denial not previously disclosed or reasonably discoverable.

- B. The Director may revoke a permit when the permittee or event violates the permit's terms and conditions, or when tenants of a short-term rental violate applicable laws or regulations.
- C. A permittee is entitled to appeal the Director's decision in accordance with the time limits set forth for administrative reviews in this chapter.
- D. Any notification of action, whether oral or written, will describe with particularity the facts and the reasons for the decision.
- E. The City Manager's decision is a final determination. There is no right of City Council appeal.

§ 21.09.170 Emergency Suspension.

The Director and any sworn public safety officer may temporarily suspend a permit whenever there is an emergency that requires such action to protect public safety. Should this occur, the permittee and tenants of a short-term rental will immediately comply with the suspending officer's instructions. The Director will immediately attempt to notify the applicant orally and will notify the applicant and the City Manager in writing, within 24 hours after the suspension, citing with particularity the facts and the reasons for the suspension."

SECTION 3: *Environmental Review.* Adopting the Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; and minor alterations in land use. The ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; and 15304(e). Further, adopting the ordinance is exempt from review under CEQA pursuant to CEQA Guidelines §15061(b)(3) because the ordinance is for general policies and procedure-making.

SECTION 4. *Effectiveness.* Repeal of any provision of the Monterey Park Municipal Code will 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 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

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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. *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 7. *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 8. *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 9. *Effective Date.* This Ordinance will become effective 30 days after its adoption.

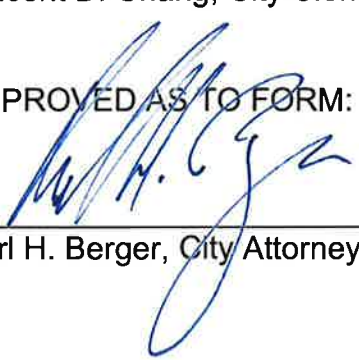
PASSED AND ADOPTED this _____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney