

**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
December 2, 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: 920 8393 2072 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. MAYOR'S OUTGOING ADDRESS

1-B. REORGANIZATION OF MONTEREY PARK CITY COUNCIL

It is recommended that the City Council consider:

- (1) Appointing the Mayor and the Mayor Pro Tem in accordance with City Council Resolution Nos. 12155 and 12195; and
- (2) Taking such additional, related, action that may be desirable.

1-C. PROCLAIMING DECEMBER 18, 2020 AS LOS ANGELES LAKERS DAY PROCLAMATION

1-D. PROCLAIMING DECEMBER 21, 2020 AS LOS ANGELES DODGERS DAY PROCLAMATION

1-E. HOLIDAY SAFETY & CRIME PREVENTION TIPS

[2.] OLD BUSINESS

2-A. TREE MEMORIAL PROGRAM NOMINATION OF DAVID M. BARRON

It is recommended that the City Council consider:

- (1) Approving to honor Mr. David M. Barron with a memorial tree; and
- (2) Taking such additional, related, action that may be desirable.

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

3-A. WAIVE FURTHER READING AND ADOPT 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) Waiving second reading and adopting the proposed ordinance amending MPMC Chapter 3.20 regarding the regulation of purchases of goods, supplies and services; or
- (2) Taking such additional, related, action that may be desirable.

3-B. CONSIDERATION OF A RESOLUTION APPOINTING REPRESENTATIVES TO THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA)

It is recommended that the City Council consider:

- (1) Adopt a Resolution appointing Director of Management Services, Martha Garcia as the City's primary representative to the ICRMA Governing Board; appointing City Attorney, Karl Berger and Senior Management Analyst, Hank Lu as alternate representatives; and
- (2) Taking such additional, related, action that may be desirable.

3-C. BARNES PARK PLAYGROUND & FITNESS COURT IMPROVEMENTS - AWARD OF CONTRACT

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with R.E. Schultz Construction, Inc., in the amount of \$267,025 for the Barnes Park Playground & Fitness Court Improvements Specification No. 2020-006;
- (2) Authorizing the appropriation of \$60,000 from Fund 231 Development Impact Fees for Parks, Library, Public and Aquatics Funds for the construction of the project;
- (3) Authorize the Director of Public Works to approve change orders and contingency up to \$31,509 (approximately 12%) of the contract amount, for a total project cost of \$298,534; and
- (4) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, et seq.) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, i.), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt pursuant to CEQA Guidelines § 15301 (Existing Facilities).

[4.] PUBLIC HEARING

4-A. A PUBLIC HEARING TO WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ORDINANCE AMENDING MPMC TITLE 21 BY ADDING CHAPTER 21.09 TO REGULAR SHORT-TERM RENTALS IN THE CITY OF MPK

It is recommended that the City Council consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Waiving the second reading and adopting the proposed ordinance; and/or
- (5) Taking such additional, related, action that may be desirable.

[5.] NEW BUSINESS – NONE.

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

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

ADJOURN



City Council Staff Report

DATE: December 2, 2020

AGENDA ITEM NO: Old Business
Agenda Item 2-A

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Assistant City Manager
Robert Aguirre, Recreation Manager
SUBJECT: Tree Memorial Program Nomination of David M. Barron

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving to honor Mr. David M. Barron with a memorial tree; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

At the November 18th City Council meeting, City Council nominated Mr. David M. Barron for the 2020 Tree Memorial Program for his dedication and service to the community. Tree Memorial honorees are nominated based on the criteria established in Resolution 10485 and 11484 (Attachment A).

In addition, there were several community members that provided oral and written communications in support City Council's nomination of Mr. Barron and requested that a tree be planted/selected at the Bruggemeyer Library. If approved by City Council, Mr. Barron will be honored with a Tree Memorial for his service and positive impact on the Monterey Park Community.

BACKGROUND:

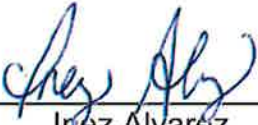
Mr. David M. Barron was a Monterey Park resident since 1966 and contributed many years of dedicated volunteer service as a library board member, city commissioner, committee member, service club member and board member, chamber of commerce member, youth sports club coach and self-published journalist. Mr. Barron's service to the Monterey Park community also included almost 25 years as city clerk, one of the City's longest serving elected officials. Most recently, he served as the President and Lieutenant Governor of the LAMP Optimist Club and was the honorary Grand Marshal for the Play Days Parade in 2011.

Mr. Barron passed away in early November 2020 and is survived by his wife Mary Ellen, four children, 10 grandchildren, and two great-grandchildren.

FISCAL IMPACT:

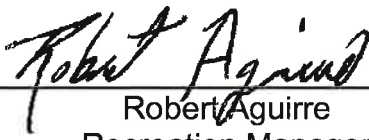
The Tree Memorial plaque and dedication ceremony (when gatherings can resume) would cost approximately \$400 and funding is included in the FY 20-21 adopted budget in the Community Participation Division fund, account no. 1016508-5242.

Respectfully submitted by:



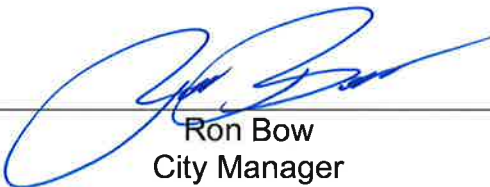
Inez Alvarez
Assistant City Manager

Prepared by:



Robert Aguirre
Recreation Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

ATTACHMENTS:

A. Resolution 10485 and 11484

ATTACHMENT A

Resolution 10485 and 11484

RESOLUTION NO. 10485

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA TO ESTABLISH A TREE MEMORIAL NOMINATION AND AWARD

WHEREAS, the City of Monterey Park would like to acknowledge important and distinguished members of the City, by recognizing them with the dedication of a tree in their honor; and,

WHEREAS, on August 18, 1999 the City Council of Monterey Park directed staff to form a Committee, consisting of 2 members of the Recreation and Parks Commission and 2 members from the Historical Heritage Commission, to establish guidelines regarding an individual being considered for a Tree Memorial; and,

WHEREAS, members of the above mentioned Commissions have met and have submitted their recommendations to the City; and,

WHEREAS, City has incorporated these recommendations into a nomination process and award to honor such individuals; and,

WHEREAS, each February a committee of 3 members of the Historical Heritage Commission and 2 members of the Recreation and Parks Commission will be assembled as a Nomination Committee to accept applications for nominations; and,

WHEREAS, the Nomination Committee, will review nominations for an honor based on the submission of proper documentation and requirements, and, follow guidelines as set forth by the Tree Memorial Committee, and subsequent alternatives as recommended by staff; and,

WHEREAS, the Nomination Committee will make their recommendations to the City Council in April, with a dedication ceremony to be held in May, close to the anniversary of the City's Incorporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Monterey Park hereby adopts the establishment of the Tree Memorial Nomination and Award, and designates staff to authorize a nomination committee as specified above to accept, review and nominate distinguished individuals as indicated in the following sections.

SECTION 1

MEMORIAL PLAQUE / TREE

Plaques to be consistent with plaques that are existing in front of City Hall. Trees that are to be purchased will be of similar type as existing. Cost for the plaques will be charged to the person or group who nominates the individual (\$500.00) City Council may waive fees at its discretion.

SECTION II

QUALIFICATIONS

The consideration for selection must include a substantial history of Community Service. For Example:

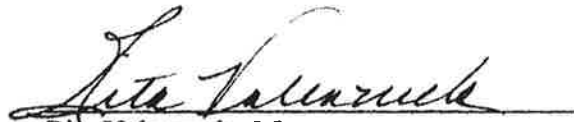
- A. Individual should have been a long term resident (10 years or more) in the City of Monterey Park, and should have provided a service benefit to the entire Community, in one or more of the following ways:
 - 1. Served on a City elected or appointed position for at least two terms or 5 years, whichever is greater;
 - 2. Voluntarily served the City as an officer, or board member of, one or more City recognized Service Clubs, volunteer community based organizations or other City service and charitable service organizations, which provide a direct service to Monterey Park residents;
 - 3. A long term community business leader who has served the Community through his/her financial or voluntary efforts to one or more service and charitable service organization or non profit organization in the City of Monterey Park for a period of no less than 10 years.
 - 4. An individual, resident or non resident, who has made a significant or cumulative and positive impact on the Community.
- B. The term "served" means that the individual must demonstrate an active role in providing a benefit to the Monterey Park Community, in addition to service to City service and charitable service organizations.
- C. Special consideration without regard to the above mentioned qualifications, should be given to an individual, resident or non resident, who has deceased while performing service to our community.

SECTION III

NOMINATION PROCESS

- A. Nominations to be submitted, accepted and considered only one time per year. No limit as to the number of years nominated. No limits imposed on the nomination committee as to how many individuals are recommended each year.
- B. Interested parties will be required to fill out an application which will require detailed justification for consideration, provide a picture and other suitable materials deemed necessary. In order to further determine merit, and to add significance to the prestige of the memorial, any individual whose name is put forth should be supported by at least three letters of reference by community members indicating the contribution made and significance, in their opinion.
- C. A nomination committee consisting of 5 members from the two Commissions, 3 Historical Heritage and 2 Recreation and Parks, shall be assigned to review the application and consider the qualifications.
- D. The time period for nominations are in February, with a selection and ceremony to be held in May, close to the anniversary of the City's incorporation.

PASSED AND APPROVED AND ADOPTED this 15th day of March, 2000.



Rita Valenzuela, Mayor
City of Monterey Park
California

ATTEST:



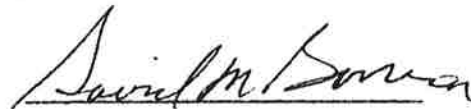
David M. Barron, City Clerk
City of Monterey Park,
California

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

I, David Barron, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No.10485 Was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 15 day of March , 2000, by the following vote:

AYES:	COUNCILMEMBERS:	CHU, BALDERRAMA, ALONSO, VENTI, VALENZUELA
NAES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE

Dated this 15th day of March , 2000.



David M. Barron, City Clerk
City of Monterey Park
California

RESOLUTION NO. 11484

**A RESOLUTION AMENDING RESOLUTION NO. 10485
REGULATING THE PROCEDURES FOR NOMINATIONS AND
ERECTING TREE MEMORIALS.**

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

SECTION 1: The City Council finds as follows:

- A. In 2000, the Monterey Park City Council adopted a resolution to honor community members whose contributions have made a significant impact on the City of Monterey Park by establishing a Tree Memorial Program, and
- B. The City Council believes the display of these trees and plaques enhances City facilities and inspires citizens to contribute to their community; and
- C. It is in the public interest for persons recognized with a Tree Memorial to be so honored without the need for paying a fee.

SECTION 2: *Amendments.* Resolution No. 10485 is amended as follows:

- A. Section 1 is amended in its entirety to read as follows: "Plaques to be consistent with plaques that are existing in front of City Hall. Similar existing trees at Garvey Ranch Park will be used."
- B. Subsection A of Section 3 is amended in its entirety to read as follows: "Nominations may be submitted, accepted, and considered only once per year. There is no limit to the number of years in which a person may be nominated. Only three nominations will be recommended to the City Council per year. A person may only receive this honor once."

SECTION 3: *City Manager Authorization.* The city manager is authorized to promulgate administrative policies and procedures to implement and facilitate the directives set forth in this Resolution.

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

PASSED AND ADOPTED this 2nd day of May, 2012.



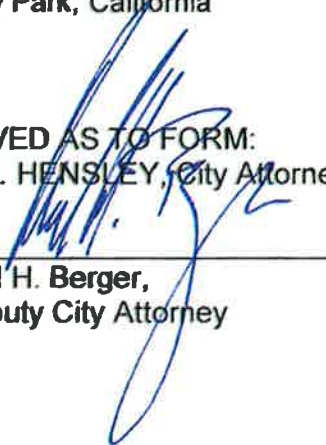
David Lau, Mayor
Monterey Park, California

ATTEST:



David Barron, CMC, City Clerk
Monterey Park, California

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: 

Karl H. Berger,
Deputy City Attorney

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

I, DAVID M. BARRON, CMC, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 11484 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 2nd day of May, 2012, by the following vote:

Ayes:	Council Members: Chu, Wong, Real Sebastian, Ing, Lau
Naes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 2nd day of May 2012.



David Barron, CMC, City Clerk
Monterey Park, California



City Council Staff Report

DATE: December 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Waive further reading and adopt 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. Waiving second reading and adopting the proposed ordinance amending MPMC Chapter 3.20 regarding the regulation of purchases of goods, supplies and services; or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The first reading and introduction of the Ordinance took place at the November 18, 2020 City Council meeting. The November 18, 2020 staff report is attached for reference. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

Respectfully submitted and prepared by:

By: 

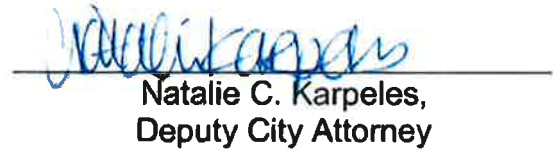
Martha Garcia,
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles,
Deputy City Attorney

Attachments:

1. Draft Ordinance
2. November 18, 2020 Staff Report

ATTACHMENT 1
Draft Ordinance

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

ATTACHMENT 2
November 18, 2020 Staff Report



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:

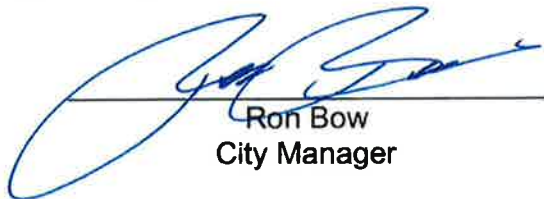
No fiscal impact is anticipated.

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: December 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-B

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
SUBJECT: Consideration of a Resolution Appointing Representatives to the Independent Cities Risk Management Authority (ICRMA)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a Resolution appointing Director of Management Services, Martha Garcia as the City's primary representative to the ICRMA Governing Board; appointing City Attorney, Karl Berger and Senior Management Analyst, Hank Lu as alternate representatives; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park is a member of the Independent Cities Risk Management Authority ("ICRMA"), which is a joint powers authority created pursuant to provisions of the Government Code and was formed to provide Liability, Workers' Compensation and Property Insurance as well as other risk management services.

Pursuant to the ICRMA By-laws and Joint Powers Agreement, the City Council may appoint a public official other than a councilmember to the ICRMA Governing Board; an alternate for the representative who may be a City employee; and a substitute alternate who may also be a City employee.

BACKGROUND:

Pursuant to Section 5.1 of the ICRMA By-laws, the person(s) designated must have one of the following positions, or their equivalent: City Attorney, Assistant City Attorney, Financial Officer, City Manager, Assistant/Deputy City Manager, Assistant to City Manager, Risk Manager, Human Resources Director/Manager, or Administrative Services Director.

This Resolution notifies the ICRMA of the City Council's action to appoint Director of Management Services, Martha Garcia as the City's primary representative and City Attorney, Karl Berger and Senior Management Analyst, Hank Lu as substitute alternative representatives.

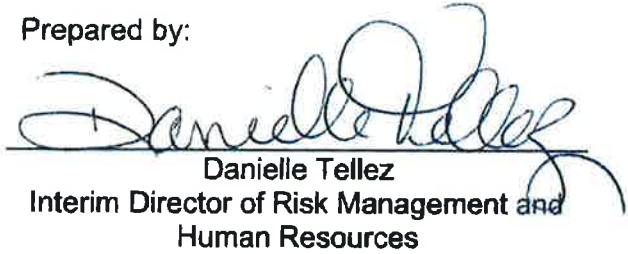
FISCAL IMPACT:
None

Respectfully submitted by:



Ron Bow
City Manager

Prepared by:



Danielle Tellez
Interim Director of Risk Management and
Human Resources

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Proposed Resolution
2. Prior Resolution No. 12141

ATTACHMENT 1

Proposed Resolution

RESOLUTION NO. _____

A RESOLUTION APPOINTING REPRESENTATIVES TO THE GOVERNING BOARD OF THE ICRMA

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

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

- A. Monterey Park is a member of the Independent Cities Risk Management Authority ("ICRMA").
- B. Pursuant to the ICRMA By-laws and Joint Powers Agreement, the City Council may appoint a public official other than a councilmember to the ICRMA Governing Board; an alternate for the representative who may be a City employee; and a substitute alternate who may also be a City employee.
- C. Pursuant to Section 5.1 of the ICRMA By-laws, the person(s) designated must have one of the following positions, or their equivalent: City Attorney, Assistant City Attorney, Financial Officer, City Manager, Assistant/Deputy City Manager, Assistant to City Manager, Risk Manager, Human Resources Director/Manager, or Administrative Services Director.

SECTION 2: *Appointments to Governing Board.* The following individuals are appointed as the City's representatives to the ICRMA Governing Board:

- A. Management Services Director Martha Garcia is the primary representative;
- B. Senior Management Analyst Hank Lu is appointed as the City's substitute alternative representative; and
- C. City Attorney Karl H. Berger is appointed as the City's substitute alternative representative.

SECTION 3: *Authority.* The individuals appointed by this Resolution are authorized to represent the City while acting as ICRMA delegates. Such authority includes the power to vote for the City on matters presented to the ICRMA Governing Board. These representatives are directed to keep the City Council regularly informed regarding ICRMA proceedings.

SECTION 4: *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 5: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

Resolution No. _____
ICRMA Resolution

SECTION 6: Recordation. The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

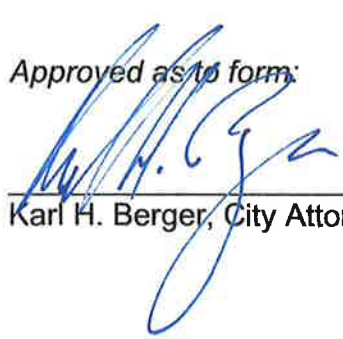
PASSED, AND ADOPTED this 2nd day of December 2020.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

Approved as to form:



Karl H. Berger, City Attorney

ATTACHMENT 2

Prior Resolution No. 12141

RESOLUTION NO. 12141

A RESOLUTION APPOINTING REPRESENTATIVES TO 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. Monterey Park is a member of the Independent Cities Risk Management Authority ("ICRMA").
- B. Pursuant to the ICRMA By-laws and Joint Powers Agreement, the City Council may appoint a public official other than a councilmember to the ICRMA Governing Board; an alternate for the representative who may be a City employee; and a substitute alternate who may also be a City employee;
- C. Pursuant to Section 5.1 of the ICRMA By-laws, the person(s) designated must have one of the following positions, or their equivalent: City Attorney, Assistant City Attorney, Financial Officer, City Manager, Assistant/Deputy City Manager, Assistant to City Manager, Risk Manager, Human Resources Director/Manager, or Administrative Services Director.

SECTION 2: Human Resources Director Thomas J. Cody is appointed as the City's representative; Management Services Director Martha Garcia is appointed as the City's alternate representative; and Senior Management Analyst Hank Lu is appointed as the City's substitute alternate representative.

SECTION 3: The individuals appointed by this Resolution are authorized to represent the City while acting as ICRMA delegates. Such authority includes the power to vote for the City on matters presented to the ICRMA Governing Board. These representatives are directed to keep the City Council regularly informed regarding ICRMA proceedings.

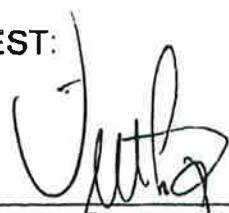
SECTION 4: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 4th day of March, 2020.



Hans Liang, Mayor

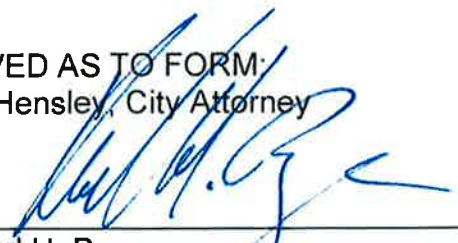
ATTEST:



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

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger,
Assistant 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. 12141 was duly and regularly adopted by the City Council of the City of Monterey Park at a council meeting held on the 4th day of March, 2020, by the following vote:

Ayes:	Council Members: Chan, Lam, Real Sebastian, Ing, Liang
Noes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 4th day of March, 2020.



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



City Council Staff Report

DATE: December 2, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council
FROM: Frank Lopez, Interim Director of Public Works/City Engineer
SUBJECT: Barnes Park Playground & Fitness Court Improvements - Award of Contract

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with R.E. Schultz Construction, Inc., in the amount of \$267,025 for the Barnes Park Playground & Fitness Court Improvements Specification No. 2020-006;
2. Authorizing the appropriation of \$60,000 from Fund 231 Development Impact Fees for Parks, Library, Public and Aquatics Funds for the construction of the project;
3. Authorize the Director of Public Works to approve change orders and contingency up to \$31,509 (approximately 12%) of the contract amount, for a total project cost of \$298,534; and
4. Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, et seq.) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, i.), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt pursuant to CEQA Guidelines § 15301 (Existing Facilities).

EXECUTIVE SUMMARY:

On September 2, 2020 the City Council adopted a resolution approving the design and plans for the Barnes Park Playground and Fitness Court project and authorized the release of the construction bid. The deadline for the submittal of bids was November 3, 2020. Staff has completed the review of the bids and recommends that the contract be awarded to R.E. Schultz Construction, Inc. in the amount of \$267,025. A 12% contingency is requested for a total project cost of \$298,534.

BACKGROUND:

The cooperative competitive bidding procedure method is permitted per Monterey Park Municipal Code § 3.20.050(5). This method allows the City to identify competitive bidding procedures used by other local agencies within the last 24 months and use such procedures to piggy-back.

Staff identified a cooperative purchasing agreement executed by and between the City of Bell and Playcore Wisconsin, Inc. dba Gametime, as a cooperative competitive bidding procedure. This agreement was executed within the last 24 months between the subject parties. On September 02, 2020, City Council concurred with Staff to piggyback on the agreement to procure similar equipment for this project at reduced costs due to pre-negotiated costs included in the agreement. As of now, the City already sourced and purchased the material as part of the playground equipment purchase. The equipment will be part of two playground structures for Barnes Park, two separate playground structures for 2-5 year-old age category and 5-12 year-old age category and swing.

The Barnes Park Playground and Fitness Court project includes removing the old playground equipment; site preparation; concrete work; drainage improvements; installation of playground and fitness court equipment; and installation of a specialized rubberized surfacing. The new playground equipment will be installed in the existing playground location and the fitness court will be placed in the grass area near the playground between the amphitheater and ball field.

Staff released the public works bid on September 3, 2020 and has completed the review of all bids submitted. The deadline for the submittal of the bids was November 3, 2020. The bids are listed in the table below:

RANK	BIDDER	BASE BID AMOUNT
1	R.E. Schultz Construction Inc.	\$267,025.00
2	Jaynes Brothers Construction	\$282,018.95

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

FISCAL IMPACT:

The project is included in FY 2020-21 adopted budget and will be funded with Development Impact Fee (DIF) funds for parks, library, public & aquatics facilities in the amount of \$509,020. This amount includes the purchase and installation of the playground and fitness court equipment. The cost of the playground equipment for Barnes Park, including two structures, swing, and pour-in-place rubberized safety surfacing, is \$248,016.58. A budget appropriation in the amount of \$60,000 from Fund 231 Development Impact Fees for Parks, Library, Public and Aquatics Funds is recommended.

Respectfully prepared & submitted by:



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

Reviewed by:



Ivez Alvarez
Assistant City Manager

Reviewed by:



Martha Garcia
Management Services Director

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

ATTACHMENT(S):

1. R.E. Schultz Construction, Inc. Bid
2. Barnes Park Playground and Fitness Court Design

ATTACHMENT - 1
R.E. Schultz Construction, Inc. Bid

SECTION C. BIDDERS PROPOSAL
(Entire section C shall be submitted with the bid)

BIDDER'S NAME: R.E. Schultz Construction, Inc.

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

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

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

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

BID SCHEDULE

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

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

Base Bid Schedule For Barnes Park Playground & Fitness Court Improvements, Specification No. 2020-006					
No.	Bid Item Description	Qty	Unit	Unit Bid	Total Bid
1	DEMO AND DISPOSE OF 2 EXISTING PLAYGROUND STRUCTURES (2-5 AND 5-12 YEAR OLD STRUCTURE AND SWING BAY), REMOVAL SHALL INCLUDE FOOTINGS AND ALL STRUCTURES FOR COMPLETE REMOVAL OF TWO PLAYGROUND EQUIPMENT.	1	LS	\$ <u>12,500.00</u>	\$ <u>12,500.00</u>
2	EXCAVATE AND DISPOSE SAND AND RUBBER AT PLAYGROUND AREA, APPROX. 7,500 SF BY 8" DEPTH.	7,500	SF	\$ <u>3.00</u>	\$ <u>22,500.00</u>
3	DEMO AND DISPOSE EXISTING CATCH BASIN AND GRATE.	3	EA	\$ <u>750.00</u>	\$ <u>2,250.00</u>
4	PROVIDE AND INSTALL POLYMER CATCH BASIN 15X20 COMPLETE WITH DUCTILE IRON GRATE AND SEDIMENT TRAP BASKET, AND CONNECT NEW AND EXISTING INLET AND OUTLET PIPES.	3	EA	\$ <u>1,550.00</u>	\$ <u>4,650.00</u>
5	PROVIDE AND INSTALL FRENCH DRAIN.	130	LF	\$ <u>35.00</u>	\$ <u>4,550.00</u>
6	PROVIDE AND INSTALL 6" ADS DRAIN PIPE FROM FRENCH DRAIN TO NEW CATCH BASINS.	80	LF	\$ <u>20.00</u>	\$ <u>1,600.00</u>
7	PROVIDE AND INSTALL 4" OF 3/4" MAB SUBBASE COMPACTED TO 95% RELATIVE COMPACTION IN 2" LIFTS AT PLAYGROUND AREA.	7,500	SF	\$ <u>1.80</u>	\$ <u>13,500.00</u>
8	PROVIDE AND INSTALL 1/2" POURED-IN-PLACE PLAYGROUND WEARING COURSE OVER 3-1/2" CUSHION LAYER. THIS WORK IS FURNISHED AND INSTALLED BY OTHERS (PLAYGROUND VENDOR). CONTRACTOR SHALL COORDINATE WITH PLAYGROUND VENDOR TO PROVIDE THEM ACCESS TO THE SITE FOR THIS WORK.	1	LS	\$ <u>250.00</u>	\$ <u>250.00</u>
9	REMOVE GRASS LAWN, CONSTRUCT 4" PCC WALKWAY PER SPPWC STD PLAN 112-2 OVER NATIVE SOIL. PROTECT IRRIGATION LINES.	75	SF	\$ <u>25.00</u>	\$ <u>1,875.00</u>
10	CONSTRUCT 8" CF A1-8 PCC CURB PER DETAIL C AND SPPWC STD. PLAN 120-2 (CONST. NOTE 10).	10	LF	\$ <u>75.00</u>	\$ <u>750.00</u>

Base Bid Schedule For Barnes Park Playground & Fitness Court Improvements, Specification No. 2020-006					
No.	Bid Item Description	Qty	Unit	Unit Bid	Total Bid
11	INSTALL PLAYGROUND EQUIPMENT, INCLUDING FOOTINGS, SEE TECHNICAL SPECIFICATIONS, A. PLAYGROUND EQUIPMENT. PLAYGROUND EQUIPMENT IS FURNISHED BY CITY. PLAYGROUND EQUIPMENT WILL BE DELIVERED TO SITE BY SUPPLIER. CONTRACTOR SHALL COORDINATE DELIVERY TO ACCEPT, RECEIVE AND UNLOAD PLAYGROUND EQUIPMENT FROM SUPPLIER TO THE PROJECT SITE. CONTRACTOR SHALL INSTALL TEMPORARY CONSTRUCTION FENCING THROUGHOUT THE CONSTRUCTION DURATION TO BOTH PLAYGROUND AREAS (APPROX. PLAYGROUND AREA IS 7,500 SF), AND PROTECT EQUIPMENT.	1	LS	\$ <u>95,500.00</u>	\$ <u>95,500.00</u>
12	REMOVE GRASS LAWN, RESTORE/RELOCATE IRRIGATION LINES, REMOVE 2 TREES (TRUNK SIZES LARGER THAN 24") INCLUDING ROOTBALL REMOVAL. WORK INCLUDES SITE PREPARATION, GRADING, IRRIGATION LINE ADJUSTMENT/RESTORATION, 2 TREE REMOVALS INCLUDING ROOTBALLS, CONSTRUCTION OF FITNESS COURT PCC SLAB, PCC WALKWAY, FITNESS COURT CUSHION FLOOR (POUR-IN-PLACE SURFACING) PER PLANS AND TECHNICAL SPECS. INSTALL FITNESS COURT EQUIPMENT COMPLETE FURNISHED BY CITY. THIS EQUIPMENT IS CURRENTLY STORED AT BARNES PARK FACILITY (WITHIN 500 FT RADIUS TO PROJECT SITE). CONTRACTOR SHALL ACCEPT, DELIVER AND STORE THE EQUIPMENT TO SITE. CONTRACTOR SHALL INSTALL TEMPORARY CONSTRUCTION FENCING THROUGHOUT THE CONSTRUCTION DURATION FOR FITNESS COURT EQUIPMENT. SEE PLANS AND TECHNICAL SPECIFICATIONS FOR COMPLETE WORK DETAILS FOR COMPLETE INSTALLATION OF FITNESS COURT.	1	LS	\$ <u>96,250.00</u>	\$ <u>96,250.00</u>
13	CONSTRUCT 5' WIDE (4" THICK) PCC SIDEWALK/ WALKWAY	775	SF	\$ <u>14.00</u>	\$ <u>10,850.00</u>
Total Base Bid Amount					\$ <u>267,025.00</u>

TOTAL BASE BID AMOUNT IN WORDS Two Hundred and Sixty-Seven Thousand Twenty-Five Dollars

SECTION C. BIDDER'S PROPOSAL (Entire section C shall be submitted with the bid) Page C. 3

- The bid prices shall include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.
- All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.
- A bid is required for the entire work. The quantities set forth in the Bid Schedule will be used to calculate total bid amount. The final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.

DESIGNATION OF SUBCONTRACTORS

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

Subcontractor Information	Work to be Performed	Dollar Amount
Name: Robertson Industries, Inc.	PIP Surfacing at the Fitness Pad	\$ <u>15,700.00</u>
Address: 2414 W. 12th Street, Suite 5 Tempe, AZ 85281		
Tel: 602-707-6894		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		
Name:		\$ _____
Address:		
Tel:		

REFERENCES

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

Reference 1		
Agency Name <u>City of Beverly Hills</u>	Project Name and Brief Description Cold Water Park Playground Replacement and Site Improvements.	
Contact Name and Title <u>Mandana Motahari - City Architect</u>		
Tel: <u>310-288-2866</u> E-mail: <u>mmotahari@beverlyhills.org</u>	Contract Value: \$ <u>775,629.33</u>	Year Completed: <u>2019</u>

Reference 2		
Agency Name <u>City of Cerritos</u>	Project Name and Brief Description Gridley Park and Reservoir Hill Park Improvements	
Contact Name and Title <u>Fredy Bonilla - Associate Civil Engineer</u>		
Tel: <u>562-916-1229</u> E-mail: <u>fbonilla@cerritos.us</u>	Contract Value: \$ <u>261,985.00</u>	Year Completed: <u>2019</u>

Reference 3		
Agency Name <u>City of El Segundo</u>	Project Name and Brief Description Washington Playground Park Project	
Contact Name and Title <u>Cheryl Ebert - Senior Civil Engineer</u>		
Tel: <u>310-524-2300</u> E-mail: <u>cebert@elsegundo.org</u>	Contract Value: \$ <u>305,960.00</u>	Year Completed: <u>2020</u>

Reference 4		
Agency Name <u>Lemon Grove School District</u>	Project Name and Brief Description Playground Modernization Various Sites	
Contact Name and Title <u>Larry Flores - Manager of Facilities</u>		
Tel: <u>619-825-5600</u> E-mail: <u>lflores@lemongrovesd.net</u>	Contract Value: \$ <u>390,110.00</u>	Year Completed: <u>2020</u>

SITE INSPECTION

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

Name of Person who inspected the site: Doug Lewis

Date of Inspection: 10/30/2020

ADDENDA ACKNOWLEDGMENT

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

Addendum No. 1 Dated 10/28/2020

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Richard Schultz 11/3/20 *RS*

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

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

AFFIRMATIVE ACTION CERTIFICATION

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

INSURANCE REQUIREMENTS

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

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

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

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

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

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

Bidder's Name:	<u>R.E. Schultz Construction, Inc.</u>
Authorized Signature:	<u></u>
Name and Title:	<u>Richard Schultz, President, Sole Officer</u>
Date:	<u>11/2/2020</u>

PUBLIC CONTRACT CODE SECTION 7106

Noncollusion Declaration by Bidder

The undersigned declares:

I am the President, Sole Officer of R.E. Schultz Construction, Inc., the party making the foregoing bid.

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

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

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

Bidder's Name: R.E. Schultz Construction, Inc.
Authorized Signature: 
Name and Title: Richard Schultz, President (Sole Officer)
Date: 11/2/2020

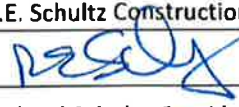
PUBLIC CONTRACT CODE SECTION 10162

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

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

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

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

Bidder's Name: R.E. Schultz Construction, Inc.
Authorized Signature: 
Name and Title: Richard Schultz, President (Sole Officer)
Date: 11/2/2020

PUBLIC CONTRACT CODE SECTION 10232

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

(Indicate YES or NO after applicable answer)

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

Bidder's Name: R.E. Schultz Construction, Inc.
Authorized Signature: 
Name and Title: Richard Schultz, President (Sole Officer)
Date: 11/2/2020

PUBLIC CONTRACT CODE SECTION 10285.1

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

has never been Yes **has been** No (Indicate YES or NO after applicable answer)

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

Bidder's Name: R.E. Schultz Construction, Inc.
Authorized Signature: 
Name and Title: Richard Schultz, President (Sole Officer)
Date: 11/2/2020

BIDDER INFORMATION

Bidder's Name: R.E. Schultz Construction, Inc.

Address: 1767 North Batavia Street, Orange, CA 92865

Form of Legal Entity: Corporation

If a Corporation, State of Incorporation: California

State Contractor's Class and License No.: A, B, C-61/D34 Lic. #1007195

Contact Person Information:

Name: Nicole Roth Title: Office Manager

E-mail: nicole@reschultzconstruction.com Tel: 714-649-2627

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

Richard Schultz, President (Sole Officer)

P.O. Box 6, Silverado, CA 92676

714-649-2627

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

N/A

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

R.E. Schultz Construction Services, CSLB #755160

Previous contract performance history:

Was any contract terminated previously: No

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

Contract/project name and number: _____

Date of termination: _____

Reason for termination: _____

Owner's name: _____

Owner contact person and tel. no.: _____

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 2nd day of November, 2020

BIDDER R.E. Schultz Construction, Inc.
1767 North Batavia St.
Orange, CA 92865

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

See attached

NOTARY PUBLIC 

JURAT

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

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on this 31 day of October, 2020 by Richard Schultz

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

D. Mindiola
Signature (Seal)



OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Bidder Information
(Title or description of attached document)

sheet
(Title or description of attached document continued)

Number of Pages _____ Document Date _____

Additional information _____

INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.

PROPOSAL GUARANTEE

BID BOND

Bond No.: 11-327-354

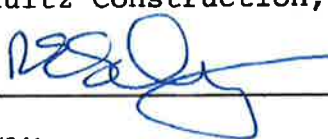
KNOW ALL MEN BY THESE PRESENTS that R.E. Schultz Construction, Inc. as BIDDER, AND U.S. Specialty Insurance Company as SURETY, are held and firmly bound unto the City of Monterey Park, in the penal sum of ten percent of bid in (\$ 10%) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **BARNES PARK PLAYGROUND & FITNESS COURT IMPROVEMENTS, SPECIFICATION NO. 2020-006** ("Public Project"), for the payment of which sum, BIDDER and SURETY agree to be bound, jointly and severally, firm by these presents.

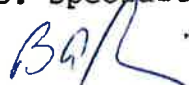
THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas BIDDER is about to submit a bid to the City of Monterey Park for the above stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by BIDDER in the manner and time specified, then this obligation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

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this 3rd day of November, 2020.

SIGNED AND SEALED this 3rd day of November, 2020.

R.E. Schultz Construction, Inc. U.S. Specialty Insurance Company


PRINCIPAL


Blake A Pfister, Attorney-in-fact
SURETY

PRINCIPAL's MAILING ADDRESS:

R.E. Schultz Construction Inc.
1767 N Batavia
Orange, CA 92865

SURETY's MAILING ADDRESS:

U.S. Specialty Insurance Company
801 S Figueroa #700
Los Angeles, CA 90017

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California)
County of Orange)

On October 28, 2020 before me, Lianne Nahina, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Blake A. Pfister
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature Lianne Nahina
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Bid Bond 11-327-354 Document Date: November 3, 2020
Number of Pages: 1 Signer(s) Other Than Named Above: N/A, None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Blake A. Pfister
☐ Corporate Officer -- Title(s): _____
☐ Partner -- ☐ Limited ☐ General
☐ Individual ☒ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: U.S. Specialty Insurance Company

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



TOKIO MARINE
HCC

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Blake A. Pfister of Mission Viejo, California

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed *****Five Million***** Dollars (***\$5,000,000.00***). This Power of Attorney shall expire without further action on April 23rd, 2022. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 1st day of June, 2018.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

State of California

County of Los Angeles



By:

Daniel P. Aguilar, Vice President

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

On this 1st day of June, 2018, before me, Sonia O. Carrejo, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature

[Signature]

(seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 3rd day of November, 2020.

Corporate Seals

Bond No. 11-327-354

Agency No. 3074



Kio Lo, Assistant Secretary

California All-Purpose Certificate of Acknowledgment

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

State of California

County of Orange

S.S.

On 10-31-2020 before me, D. Mindiola Notary Public

Name of Notary Public

personally appeared Richard Schultzy

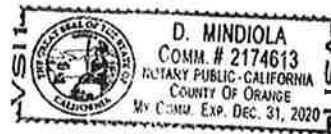
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

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

WITNESS my hand and official seal.

D. Mindiola

Signature of Notary Public



3-23

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Bid Bond
11-327-354

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

☒ Individual(s)

☐ Attorney-in-fact

☐ Corporate Officer(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other: _____

representing: _____

Name(s) of Person(s) Represented: _____

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other: _____

☐ Additional Signer ☐ Signer(s) Thumbprint(s)



**CITY OF MONTEREY PARK
CALIFORNIA**

ADDENDUM NO. 1

**BARNES PARK PLAYGROUND & FITNESS COURT IMPROVEMENTS
SPECIFICATION NO. 2020-006**

Proposals are to be submitted electronically through QuestCDN vBid Online Bidding ONLY. No paper bids will be accepted. Proposals will be accepted until 11:00AM, Tuesday, November 3, 2020.

Please sign Addenda Acknowledgement on page C.7 of Bid Package Section C Titled "BIDDER'S PROPOSALS". Entire Section C.7 shall be submitted as part of Bidder's Proposal through QuestCDN vBid Online Bidding.

This Addendum provides responses to the questions received. Please see below responses to all the questions submitted:

Q.01 Can you clarify the work identified on Bid Item 8 - provide and install 1/2" poured-in-place playground wearing course over 3-1/2" cushion layer. this work is furnished and installed by others (playground vendor). contractor shall coordinate with playground vendor to provide them access to the site for this work. What does this bid item cost include?

A.01 The safety surfacing system as identified on bid item 8 for the new playground system is furnished and installed by City's playground vendor. The pay description for this bid item 8 is only for the Contractor to provide necessary coordination to the playground vendor and provide access to the site to complete the installation of safety surfacing system by others.

Q.02 SpectraTurf would like to submit as an approved equal for the playground safety surfacing on the Barnes Park Playground and Fitness Court Improvements project.

A.02 The City has already sourced and purchased the material as part of the playground equipment purchase, and therefore, the City will not be considering any alternative material submittals at this time.

ALL PORTIONS OF THE BID DOCUMENTS FOR BARNES PARK PLAYGROUND & FITNESS COURT IMPROVEMENTS SPECIFICATION NO. 2020-006 SHALL REMAIN IN FULL EFFECT.

For further information please email Okan Demirci at okan.demirci@transtech.org

* N/A

PROPOSAL GUARANTEE

CERTIFIED CHECK or CASHIER'S CHECK

As an Alternative to Bid Bond, Bidder can provide Certified Check or Cashier's Check as follows

Accompanying this proposal is a certified check or a cashier's check payable to the order of the City of Monterey Park, in the amount of _____ (\$ _____) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **BARNES PARK PLAYGROUND & FITNESS COURT IMPROVEMENTS, SPECIFICATION NO. 2020-006** ("Public Project").

The proceeds of the same shall become the property of said City if, in case this proposal shall be accepted by said City through the City Council, the undersigned shall fail to execute a contract, with and furnish the insurance and bonds required by the City of Monterey Park within the specified time; otherwise, the same is to be returned to the undersigned as set forth in the Instructions to Bidders.

Bidder's Name: R.E. Schultz Construction, Inc.
Authorized Signature: 
Name and Title: Richard Schultz, President (Sole Officer)
Date: 11/2/2020

--END OF SECTION--

[Home](#)



CONTRACTORS STATE LICENSE BOARD



▼ Contractor's License Detail for License # 1007195

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law (B&P 7124.6) if this entity is subject to public complaint disclosure click on link that will appear below for more information. [Click here for a definition of disclosable actions.](#)
- Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- Arbitrations are not listed unless the contractor fails to comply with the terms.
- Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 10/29/2020 1:44:23 PM

Business Information

R E SCHULTZ CONSTRUCTION INC
1767 N BATAVIA ST
ORANGE, CA 92865
Business Phone Number:(714) 649-2627

Entity Corporation
Issue Date 09/10/2015
Expire Date 09/30/2021

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- A - GENERAL ENGINEERING CONTRACTOR
- C-61 / D34 - PREFABRICATED EQUIPMENT
- B - GENERAL BUILDING CONTRACTOR

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with AMERICAN CONTRACTORS INDEMNITY COMPANY.

Bond Number: 100320462

Bond Amount: \$15,000

Effective Date: 08/08/2016

[Contractor's Bond History](#)

Bond of Qualifying Individual

- This license filed Bond of Qualifying Individual number **100429683** for CHRIS LEE THOMAS in the amount of **\$12,500** with AMERICAN CONTRACTORS INDEMNITY COMPANY
Effective Date: 02/26/2019

- The qualifying individual RICHARD EARL SCHULTZ certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.

Effective Date: 06/24/2016

[BQI's Bond History](#)

Workers' Compensation

This license has workers compensation insurance with the STATE COMPENSATION INSURANCE FUND

Policy Number: 9274424

Effective Date: 04/14/2020

Expire Date: 04/14/2021

[Workers' Compensation History](#)

* Personnel listed on this license (current or disassociated) are listed on other licenses.

[Back to Top](#) [Conditions of Use](#) [Privacy Policy](#) [Accessibility](#) [Accessibility Certification](#)

Copyright © 2020 State of California

Contractor Information

Legal Entity Name

R.E. SCHULTZ CONSTRUCTION, INC

Legal Entity Type

Corporation

Status

Active

Registration Number

1000033385

Registration effective date

7/1/2019

Registration expiration date

6/30/2021

Mailing Address

1767 N. BATAVIA ST. ORANGE 92865 CA United ...

Physical Address

1767 N. BATAVIA ST. ORANGE 92865 CA United ...

Email Address**Trade Name/DBA**

R.E. SCHULTZ CONSTRUCTION, INC

License Number(s)

CSLB:1007195

CSLB:755160

Registration History

Effective Date	Expiration Date
----------------	-----------------

5/25/2018	6/30/2019
-----------	-----------

5/17/2017	6/30/2018
-----------	-----------

5/3/2016	6/30/2017
----------	-----------

12/29/2015	6/30/2016
------------	-----------

7/1/2019	6/30/2021
----------	-----------

Legal Entity Information

Corporation Number:

32-0465469

Federal Employment Identification Number:**President Name:**

RICHARD SCHULTZ

Vice President Name:**Treasurer Name:****Secretary Name:****CEO Name:****Agent of Service Name:**

RICHARD SCHULTZ

Agent of Service Mailing Address:

1767 N Batavia St Orange 92865 CA United States of America

Workers Compensation

Do you lease employees No
through Professional

Employer Organization

(PEO)?:

**Please provide your
current workers**

**compensation insurance
information below:**

	PEO	PEO	PEO
PEO Information	Name	Phone	Email

Insured by Carrier

Policy Holder Name:R E SCHULTZ CONSTRUCTION, INC.**Insurance Carrier:**

insurance company of the west**Policy Number:**WSD 504757600**Inception date:**4/13/2019

Expiration Date:4/13/2020

A0779521

3779421
**Certificate of Amendment
Of Articles of Incorporation**

FILED *DBM*
Secretary of State
State of California

JAN 07 2016 *W*

The undersigned certify that:

- 1cc*
1. They are the President and the Secretary, respectively, of RES ENTERPRISES, INC., a California corporation.
 2. Article 1 of the Articles of Incorporation of this corporation is amended to read as follows:

The name of the corporation is: R.E. Schultz Construction, Inc.

3. The foregoing amendment of Articles of Incorporation has been duly approved by the board of directors.
4. The corporation has issued no shares.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

DATE: Jan 5, 2016


Richard Schultz, President


Richard Schultz, Secretary

Senders Contact Information:

Richard Schultz
2914 E. Katella Ave #102
Orange CA 92867
714-649-2627

Entity #C3779421



I hereby certify that the foregoing
transcript of 1 page(s)
is a full, true and correct copy of the
original record in the custody of the
California Secretary of State's office.

JAN 19 2016

Date: _____

A handwritten signature in cursive script, appearing to read 'Alex Padilla'.

ALEX PADILLA, Secretary of State



Certificate of Achievement

Awarded to:

Rick Schultz

Has completed the

Recreation Installation Specialist Certification Course

This certificate of achievement is valid for the above individual who has successfully passed the required training as set by the National Playground Contractors Association, Inc.

2018-1272

Certificate Number

04/30/2021

Expiration Date

Kevin Marshall

*Kevin Marshall – NPCAI
RISC Committee*

04/12/2018

Issue Date



Certificate of Achievement

Awarded to:

Doug Lewis

Has completed the

Recreation Installation Specialist Certification Course

This certificate of achievement is valid for the above individual who has successfully passed the required training as set by the National Playground Contractors Association, Inc.

2018-1273
Certificate Number

12/31/2021
Expiration Date

Kenda Daria
Kenda Daria
NPCAI Board Chair

06/14/2018
Issue Date

National Recreation and Park Association

Let it be known that

DOUG LEWIS

has met the requirements of the standards set forth by the
National Certification Board
and is hereby granted certification as a



**Certified
Playground
Safety Inspector**

CHAIRPERSON

NRPA PRESIDENT AND CEO

March 15, 2018

DATE CERTIFIED

41223-0421

CERTIFICATION NUMBER

April 01, 2021

EXPIRATION DATE



A PLAYCORE Company

R.E. Schultz Construction, Inc.

Has successfully completed a course in techniques and procedures required for proper installation of *GameTime* playground equipment. In recognition of the successful completion of this training and in acknowledgement of the satisfaction of

GameTime requirements for a certified installer,
R.E. Schultz Construction, Inc. is hereby designated an

OFFICIAL CERTIFIED INSTALLER

By receipt of this designation, R.E. Schultz Construction, Inc. agrees to install *GameTime* Playground Equipment in accordance with *GameTime* specifications and installation instructions.

This Designation is effective from May 10, 2019 to May 9, 2021

Within the territorial boundaries of **Great Western Recreation**

IN WITNESS WHEREOF, WE HAVE AFFIXED OUR SIGNATURE

This 10th Day of May, 2019.

Spencer Cheak
Group President

Mike McWilliams
Vice President, Customer Service

Home



CONTRACTORS STATE LICENSE BOARD



▼ Contractor's License Detail for License # 667261

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- ▶ CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure click on link that will appear below for more information. [Click here for a definition of disclosable actions.](#)
- ▶ Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17)
- ▶ Arbitrations are not listed unless the contractor fails to comply with the terms.
- ▶ Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 11/3/2020 10:15:46 AM

Business Information

ROBERTSON INDUSTRIES INC
2414 W 12TH ST SUITE 5
TEMPE, AZ 85281
Business Phone Number: (602) 707-6894

Entity Corporation
Issue Date 03/17/1993
Expire Date 03/31/2021

License Status

This license is current and active.

All information below should be reviewed.

Classifications

C-61 / D12 - SYNTHETIC PRODUCTS

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA.

Bond Number: 105209757

Bond Amount: \$15,000

Effective Date: 01/01/2016

[Contractor's Bond History](#)

Bond of Qualifying Individual

This license filed Bond of Qualifying Individual number **106005924** for PHILLIP MANZANAREZ in the amount of **\$12,500** with TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA.

Effective Date: 11/04/2013

Workers' Compensation

This license has workers compensation insurance with the TRAVELERS CASUALTY AND SURETY COMPANY

Policy Number: UB7J6020892014G

Effective Date: 08/01/2020

Expire Date: 08/01/2021

[Workers' Compensation History](#)

- ▶ Personnel listed on this license (current or disassociated) are listed on other licenses.

Contractor Information

Legal Entity Name
ROBERTSON INDUSTRIES, INC.

Legal Entity Type
Corporation

Status
Active

Registration Number
1000002700

Registration effective date
7/1/2020

Registration expiration date
6/30/2021

Mailing Address
2414 W 12TH ST, # 5 TEMPE 85281 AZ United St...

Physical Address
2414 W 12TH ST, # 5 TEMPE 85281 AZ United St...

Email Address

Trade Name/DBA

License Number(s)

CSLB:667261

CSLB:667261

Registration History

Effective Date	Expiration Date
5/3/2018	6/30/2019
5/8/2017	6/30/2018
5/26/2016	6/30/2017
6/1/2015	6/30/2016
11/12/2014	6/30/2015
7/1/2019	6/30/2020
7/1/2020	6/30/2021

Legal Entity Information

Corporation Number:

Federal Employment Identification Number:

President Name:
RICHARD HAWLEY

Vice President Name:
TOM WHITTIER

Treasurer Name:

Secretary Name:

CEO Name:

Agent of Service Name:

C T CORPORATION SYSTEM

Agent of Service Mailing Address:

818 SEVENTH ST STE 930 LOS ANGELES 90017 CA United States of America

Workers Compensation

Do you lease employees No
through Professional

Employer Organization

(PEO)?:

**Please provide your
current workers**

compensation insurance

information below:

	PEO	PEO	PEO
PEO InformationName	Phone	Email	

Insured by Carrier

Policy Holder Name:ROBERTSON INDUSTRIES, INC.**Insurance Carrier:**

TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICAPolicy Number:9D900314

Inception date:7/31/2019**Expiration Date:**7/31/2020

ATTACHMENT - 2
Barnes Park Playground and Fitness Court Design

Barnes Park Playground

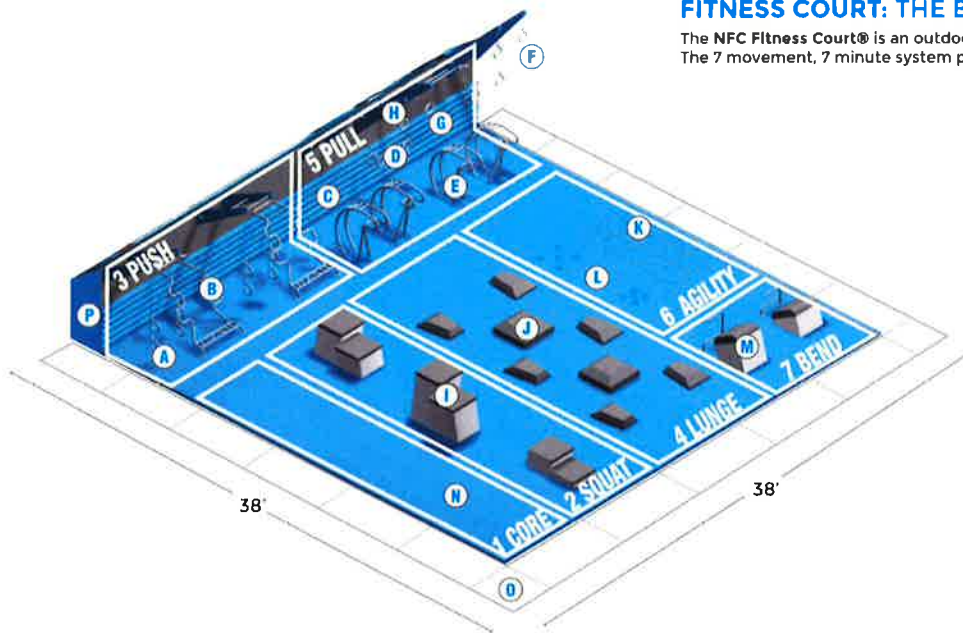


5-12 years of age
Playground Structure & Swing Set

2-5 years of age
Playground Structure & Swing Set



National Fitness Campaign – Fitness Court



FITNESS COURT: THE BEST OUTDOOR GYM IN THE WORLD

The NFC Fitness Court® is an outdoor bodyweight circuit training system built in public spaces. The 7 movement, 7 minute system provides a full-body workout to people of all ability levels.

FITNESS ELEMENTS

- Ⓐ 2 SETS DESTABILIZED PUSHING HANDLES
- Ⓑ 2 SETS STABILIZED PUSHING LADDERS
- Ⓒ 7 PROGRESSIVE FOOTHOLD STRIPS
- Ⓓ 2 SETS ROWING HANDLES
- Ⓔ 4 FULL BODY ROWING STATIONS
- Ⓕ 2 SETS MUSCLE UP RINGS
- Ⓖ 2 SETS BICEP CURL RINGS
- Ⓗ 2 SETS STABILIZED PULL-UP BARS
- Ⓘ PLYOMETRIC / SQUAT BOXES
- ⓵ LUNGE STEP COURSE
- Ⓚ AGILITY LADDERS
- Ⓛ AGILITY DOTS
- Ⓜ 2 BENDING STATIONS
- Ⓝ P.I.P. SURFACE (installed by others)
- Ⓞ CONCRETE SLAB (installed by others)
- Ⓟ PROGRESSIVE TRAINING WALL





City Council Staff Report

DATE: December 2, 2020

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works
SUBJECT: A Public Hearing to waive further reading and adopt an Ordinance Amending Monterey Park Municipal Code 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. Opening the public hearing;
2. Receiving documentary and testimonial evidence;
3. Closing the public hearing;
4. Waiving the second reading and adopting the proposed ordinance; and/or
5. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Ordinance was introduced and received first reading at the November 18, 2020 City Council meeting. The original staff report (from November 18, 2020) is attached for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Respectfully submitted and prepared by:



Frank A. Lopez
Interim Director of Public Works

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

Attachments:

1. Draft Ordinance
2. November 18, 2020 Staff Report

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 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.

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

- 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 requiring permit denial not previously disclosed or reasonably

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

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 this Ordinance be interpreted or implemented by the City and others in a manner that

City of Monterey Park
Ordinance No. xxxx

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:



Timothy E. Campen, Assistant City Attorney

ATTACHMENT 2
November 18, 2020 Staff Report



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:

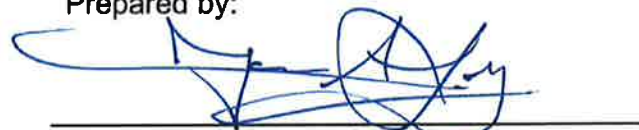
Implementation of Chapter 21.09 facilitates the collection of the City's Transient Occupancy Tax ("TOT") and business license taxes. TOT is a Tax imposed on "Transient" guests for the privilege of staying in any hotel, inn, motel or other lodging establishment for lodging or sleeping purposes for a period 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.

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

- 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

City of Monterey Park
Ordinance No. xxxx

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

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

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

City of Monterey Park
Ordinance No. xxxx

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

City of Monterey Park
Ordinance No. xxxx

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

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

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.

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

- 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

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

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

City of Monterey Park
Ordinance No. xxxx

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.

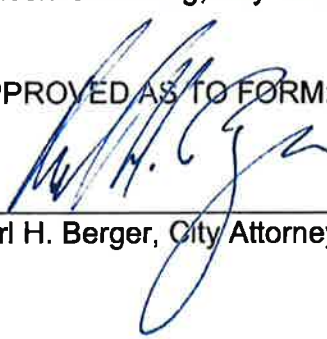
PASSED AND ADOPTED this _____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney