

**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
February 3, 2021
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: 958 6880 6270 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. Press “*6” to unmute yourself when called upon to speak. 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. INNOVATIVE “SHOP LOCAL” APP-BASED CUSTOMER REWARDS PROGRAM TO HELP STIMULATE THE LOCAL ECONOMY

[2.] OLD BUSINESS

2-A. CONSIDERATION OF AMENDMENTS TO THE DESIGN-BUILD CONTRACT WITH J.R. FILANC AND PROFESSIONAL SERVICES AGREEMENT WITH SA ASSOCIATES TO INCORPORATE A PFAS REMOVAL SYSTEM INTO CGTS

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute an amendment to the Design-Build Contract with J.R. Filanc Construction Company, Inc. to modify the Centralized Groundwater Treatment System to include PFAS removal, in an amount not to exceed \$6,642,524;
- (2) Authorizing the City Manager to execute an an amendment to the Professional Services Agreement with SA Associates for construction management services, in an amount not to exceed \$194,000;
- (3) Appropriating \$2,837,000 in City Water Treatment funds for the project; and
- (4) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

This project is exempt from additional environmental review under the California Environment Quality Act (CEQA) per CEQA Guidelines § 15302, "Replacement or Reconstruction."

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

3-A. MINUTES

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

- (1) Approving the minutes from the Special meetings of December 2, 2020 and December 16, 2020 and the Regular meetings of December 2, 2020 and December 16, 2020; and
- (2) Taking such additional, related, action that may be desirable.

3-B. CONSIDERATION AND POSSIBLE ACTION TO AMEND THE MONTEREY PARK BRUGGEMEYER LIBRARY FINES AND FEES PROCEDURES AND TO DIRECT THE CITY MANAGER TO FORGO COLLECTING OUTSTANDING FINES AND FEES

It is recommended that the City Council consider:

- (1) Adopting a resolution amending the Monterey Park Bruggemeyer Library Fines and Fees Procedures including eliminating overdue fines; eliminating audio-visual fees (with exceptions); increasing maximum renewals for eligible items; and implementing automatic renewals for eligible items;
- (2) Directing the City Manager, or designee, to forgo collecting any outstanding library fines from patrons before February 17, 2021.
- (3) Alternatively, taking such additional related action that may be desirable.

3-C. LEAP (LOCAL EARLY ACTION PLANNING GRANT APPLICATION)

It is recommended that the City Council consider:

- (1) Adopting a resolution authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Local Early Action Planning Grant Application; and
- (2) Taking such additional, related, action that may be desirable.

3-D. AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY, WITH SOUTHERN CALIFORNIA EDISON (SCE) TO REPLACE HIGH PRESSURE SODIUM VAPOR (HPSV) STREET LIGHTS WITH LIGHT-EMITTING DIODE (LED) STREET LIGHTS CITYWIDE

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute an LS-1 Option E Agreement, in a form approved by the City Attorney, with Southern California Edison (SCE) to Replace High Pressure Sodium Vapor (HPSV) Street Lights with Light-Emitting Diode (LED) Street Lights Citywide; and
- (2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. A PUBLIC HEARING TO CONSIDER DA-20-01 A DEVELOPMENT AGREEMENT TO ESTABLISH A 107,850 SQUARE FOOT SELF-STORAGE FACILITY ON 0.93 ACRES LOCATED AT 2500 DAVIDSON DRIVE IN THE SHOPPING CENTER (S-C) ZONE AND IMPLEMENTATION OF THE BUSINESS RECOVER DEVELOPMENT ZONE OVERLAY

It is recommended that the City Council consider:

- (1) Opening the public hearing;
- (2) Continue the public hearing to February 17, 2021; and
- (3) Taking such additional, related, action that may be desirable.

4-B. A PUBLIC HEARING TO CONSIDER ADOPTING A NEW POLICY IMPLEMENTING VEHICLE MILES TRAVELED ("VMT") TO ANALYZE TRANSPORTATION IMPACTS (14 CALIFORNIA CODE OF REGULATIONS § 15064.3)

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) Adopting the Resolution approving the CEQA Guidelines and VMT Thresholds; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Adopting the Resolution 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 resolution, therefore, is categorically exempt from further CEQA

review under CEQA Guidelines §§ 15301; 15303; and 15304(e). Further, adopting the resolution is exempt from review under CEQA pursuant to CEQA Guidelines §15061(b)(3) because the resolution is for general policies and procedure-making.

4-C. CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO RECORD A NOTICE OF SPECIAL ASSESSMENT FOR NUISANCE ABATEMENT AT 134 E. FLORAL DRIVE (APN 5274-019-001)

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) Adopting a resolution to record a Notice of Special Assessment for Nuisance Abatement; and/or
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

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

[5.] NEW BUSINESS

5-A. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE CODIFYING ORDINANCE NO. 2172 INTO A NEW CHAPTER 3.95 OF THE MONTEREY PARK MUNICIPAL CODE AUTHORIZING DIGITAL AND ELECTRONIC SIGNATURES FOR CITY DOCUMENTS

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an Ordinance to codify Ordinance No. 2172 into a New Chapter 3.95 of the Monterey Park Municipal Code authorizing digital and electronic signatures for city documents;
- (2) Taking such additional, related, action that may be desirable.

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

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

ADJOURN



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO: Old Business
Agenda Item 2-A

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Public Works Director/City Engineer
SUBJECT: Consideration of amendments to the Design-Build Contract with J.R. Filanc and Professional Services Agreement with SA Associates to Incorporate a PFAS Removal System into CGTS

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an amendment to the Design-Build Contract with J.R. Filanc Construction Company, Inc. to modify the Centralized Groundwater Treatment System to include PFAS removal, in an amount not to exceed \$6,642,524;
2. Authorizing the City Manager to execute an an amendment to the Professional Services Agreement with SA Associates for construction management services, in an amount not to exceed \$194,000;
3. Appropriating \$2,837,000 in City Water Treatment funds for the project; and
4. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

This project is exempt from additional environmental review under the California Environment Quality Act (CEQA) per CEQA Guidelines § 15302, "Replacement or Reconstruction."

EXECUTIVE SUMMARY:

The State Water Resource Board Division of Drinking Water (DDW) is requiring the City of Monterey Park to incorporate a perfluorooctanoic acids (PFAS) removal system into the Centralized Groundwater Treatment System (CGTS) that is being constructed by J.R. Filanc Construction Company. Staff recommends approving an amendment to J.R. Filanc's contract for the implementation of a PFAS removal system in an amount not to exceed \$6,642,524.

Staff also recommends the approval of an amendment to the Professional Services Agreement with SA Associates to provide construction management services for this PFAS project in an amount not to exceed \$194,000.

The total cost for this project will require an appropriation of \$2,837,000 in City Water Treatment funds. The \$4M balance will be paid with the zero interest loan from the San Gabriel Valley Municipal Water District (SGVMWD) discussed and approved at the December 16, 2020 City Council Meeting.

BACKGROUND:

Design – Build Contract with J.R. Filanc Construction Company, Inc.

J.R. Filanc Construction Company, Inc. was awarded a contract on August 17, 2016 to construct the Centralized Groundwater Treatment System (CGTS). The project is partially funded by the Prop 84 Integrated Regional Water Management program. J.R. Filanc has reached construction substantial completion and the CGTS Project Team is working with the Division of Drinking Water (DDW) for the permit to operate the new treatment system.

In August 2019, the CGTS permit was put on hold due the passage of Assembly Bill 756 that requires public water systems to monitor polyfluoroalkyl substances (PFAS) in groundwater. DDW is requesting that a PFAS removal system be incorporated into the CGTS before the permit would be issued.

The J.R. Filanc Team has worked with DDW on an acceptable PFAS treatment system that could be incorporated into the CGTS. J.R. Filanc's change order for this work is \$6,642,524. The cost includes all design, materials and labor.

SA Associates Professional Services Agreement

City Council awarded a contract to SA Associates on January 4, 2017 to provide construction management and plan review services for the design and construction of the CGTS. The SA Associates Consulting Team has been working closely with the Filanc Design-Build Team and DDW on the permitting of the CGTS. Their continued involvement is essential to close out the project.

SA Associates is recommended for construction management services to incorporate the PFAS removal system into the CGTS. Per MPMC § 3.20.090, professional service contracts exceeding \$60,000 must be approved by the City Council.

The amendment to SA Associates Agreement to oversee the PFAS design and construction is for an amount not to exceed \$194,000.

San Gabriel Valley Municipal Water District Loan

On December 16, 2020, City Council authorized the City Manager to enter into a loan agreement with the San Gabriel Valley Municipal Water District (SGVMWD) to implement a polyfluoroalkyl substances (PFAS) treatment system. The loan is through the District's 2020 Loan Program to assist member cities during the coronavirus pandemic. The loan

is interest free with a term of ten years. The City is currently negotiating the terms of that agreement.

After two of the member cities declined their share of the \$8M loan, the District Board approved a loan of \$4M to the City of Monterey Park.

Separately, in 2020 the City Council authorized the City Attorney's office to file suit against PFAS manufacturers to recover treatment costs. The City is part of a consortium of different public entities that are plaintiffs in such lawsuits. Costs associated with that litigation will be paid out of any eventual judgment or settlement; there is no cost to the City.

FISCAL IMPACT:

The total cost of the project is \$6,836,524 million dollars. The SGVMWD loan of \$4 million will reduce the city's immediate cost to \$2,837,000. Funds are available in the City Water Treatment Fund (403), therefore staff is requesting an appropriation of \$2,837,000.

Respectfully submitted by:



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

Prepared by:



Richard Gonzales
Water Utility Manager

Reviewed by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS

1. Filanc Amendment
2. SA Associates PFAS Treatment System Permit Support Proposal

ATTACHMENT 1

Filanc Change Order (PCO 11)

FILANC

CHANGE ORDER ESTIMATE SUMMARY SHEET

J.R. Filanc
 740 N. Andreasen Drive
 Escondido, CA 92029
 Telephone: (760) 941-7130
 Fax: (760) 941-3969

PCO 011

Monterey Park AOP

DESCRIPTION:

This PCO addresses the design, construction, startup and testing activities associated with providing additional GAC treatment of PFOS/PFOA constituents found in the groundwater supply. Successful completion of this work will enable the City to receive a permit to operate from DDW for the full UV-AOP/GAC system.

PRIME CONTRACTOR'S WORK				Revisions/Comments
1	DIRECT LABOR		\$ 908,974	
2	DIRECT CONSTRUCTION EQUIPMENT		\$ 161,886	
3	DIRECT MATERIALS		\$ 2,772,250	
4	PRIME CONTRACTOR SUBTOTAL (ADD LINES 1,2,3)			\$ 3,843,110
5	FIELD OVERHEAD & PROFIT FOR LABOR - (of LINE 1)	20%		\$ 181,795
6	FIELD OVERHEAD & PROFIT FOR MATERIAL & EQUIPMENT - 15% (of LINE 2, 3)	15%		\$ 440,120
7	PRIME SUBTOTAL (ADD LINES 4 , 5 , 6)			\$ 4,465,025
8	SUBCONTRACTOR'S WORK			\$ 1,772,560
9	FEE on SUBCONTRACTOR - (of LINE 8)	5.00%		\$ 88,628
10	SUBCONTRACTOR SUBTOTAL (ADD LINES 8 & 9)			\$ 1,861,188
11	PRIME + SUBCONTRACT SUBTOTAL (ADD LINES 7 & 10)			\$ 6,326,213
12	PRIME CONTRACTOR LABOR MAN HOURS	0		
13	PRIME CONTRACTOR SMALL TOOLS and CONSUMABLES	5%		incl
14	PRIME CONTRACTOR BUILDERS RISK INSURANCE	0.50%		incl
15	PRIME SUBTOTAL FEES (ADD LINES 12 - 14)			\$ 6,326,213
16	PRIME CONTRACTOR BOND FEE - 1% (LINE 12)	1.0%		incl
17	CONTINGENCY	5.0%		\$ 316,311
18	TOTAL LUMP SUM COST (ADD LINES 11 , 13-15)			\$ 6,642,524

Estimated time extension and justification:

None

PRIME CONTRACTOR'S NAME: J.R. FILANC CONSTRUCTION CO., INC.
 SUBCONTRACTOR'S NAME:

THE SCOPE OF THIS PROPOSAL IS ONLY AS LISTED HEREIN. ANY ADDITIONAL WORK REQUIRED, SHALL BE SUBJECT TO ADDITIONAL PRICING.

SIGNATURE & TITLE OF PREPARER:

DATE:

1/18/2021

Gary Silverman, Project Manager

City of Monterey Park
Scope of Services for PFOS/PFOA Remediation Change Order
January 13, 2021

J.R. Filanc Construction Company Inc. (Filanc), in collaboration with Hazen and Sawyer and Big Sky Electric, proposes to deliver the following services as Potential Change Order No. 11 to our original contract.

SCOPE OF SERVICES

General

1. Design, construction support and startup services by Hazen.
2. Coordination and reporting with DDW to secure a Permit to Operate by Hazen.
3. Isolate existing UV-AOP bypass by installing new bleed valves (1" ball valves).
4. Startup, test and commission whole system at completion of construction.
 - a. 10 Easterly GAC system startup with pipe loop installed
 - b. 12 Westerly GAC system startup
 - c. UV-AOP facilities with GAC startup/performance test
5. Punch list and closeout.

10 Easterly GAC Vessels

6. Remove and dispose existing carbon media.
7. Furnish and install 200,000 pounds of new carbon media, backwash to pond.
8. Furnish and install 8" backwash supply and waste headers and connections, including below grade crossover supply piping.
9. Reposition valves on existing valve trees to convert to lead-lag operation, repair/replace valves as needed up to an allowance of \$7,500 (approximately 5 valve replacements).
10. Extend 18" above grade effluent header and install above grade pipe loop.
11. Provide exterior coating of vessels and new piping.
12. Pressure test piping and disinfect easterly system, dechlorinate and discharge test water to storm drain.

6 Westerly GAC Vessels

13. Remove and dispose of all piping to the face of the vessels, except for sample taps and appurtenant piping shown on drawings, which will remain and be reused.
14. Remove and dispose existing carbon media.
15. Refurbish interior of vessels, including spot repair of interior coatings and underdrain septa, to the limit of allowance of \$100,000 total for all 6 vessels.
16. Furnish and install 120,000 pounds of new carbon media, backwash to pond.
17. Install 18" influent and effluent headers (including for relocated and new vessels), including below grade crossover piping and connections.
18. Install new 8" piping and valves (new valve trees), including control valves and flow meters.
19. Install 8" backwash supply and waste headers and connections.
20. Install stair over piping between westerly GAC vessels.
21. Provide exterior coating of vessels and new piping.
22. Pressure test piping and disinfect westerly system (including relocated and new system).

5 Well 5 GAC Vessels

23. Excavate, subgrade prep, form and place new concrete pad for 5 relocated and 1 new vessel.
24. Concrete encase existing storm drain beneath new concrete pad.
25. Remove and dispose existing carbon media.

26. Disconnect all piping from vessels at Well Site 5 and relocate vessels to Delta site.
27. Refurbish interior of vessels, including spot repair of interior coatings to limit of allowance of \$25,000 per vessel.
28. Replace plastic underdrain nozzles with stainless steel nozzles.
29. Install new 8" piping and valves (new valve trees), including control valves and flow meters.
30. Install sample piping and other appurtenant piping.
31. Furnish and install 100,000 pounds of new carbon media.
32. Provide exterior coating of vessels and new piping.

1 New GAC Vessel

33. Furnish and install one (1) new GAC vessel, internals included.
34. Install 20,000 pounds of new carbon media.
35. Install influent, effluent and backwash piping and valves, as described above.
36. Install sample piping and other appurtenant piping.

Electrical and Instrumentation

37. Furnish and install two (2) hydrogen peroxide analyzers.
38. Furnish and install one (1) nitrate analyzer, with capability to analyze samples from 4 locations.
39. Install concrete pad and canopy for electrical equipment.
40. Furnish and install power panel and transformer.
41. Furnish and install PLC cabinet.
42. Furnish and install conduit and wire to connect all instruments and equipment.
43. Relocate existing 18" flowmeter.
44. Furnish and install grounding of new electrical system.
45. Furnish and install site lighting.
46. Remove all field wires to Well 5 vessels in coordination with SCADA.
47. Programming to integrate new system.
48. System testing.
49. Install canopy over electrical panel between GAC vessels.
50. Relocate existing electrical pull box that conflicts with future concrete slab (see Item 23)

EXCLUSIONS AND CLARIFICATIONS

1. The work sequence is predicated on running the air stripper at Well 12 and the 10 easterly GAC vessels in a lead-lag configuration, allowing the remaining facilities to be taken out of service for construction. Depending on the timing of the work, the City may have to purchase water to meet customer demand.
2. No work is included to address internal coatings and underdrain nozzles for 10 easterly vessels, as this was completed as part of the original scope of work.
3. Repair of interior coatings, refurbishment of underdrain septa and replacement of nozzles for existing westerly GAC vessels is limited to an allowance of \$100,000 total cost.
4. This proposal includes one load only of media for each vessel. Media exhausted during construction and requiring replacement after being installed once will either be a change in scope, or the City can address directly.
5. We will solicit pricing for the three carbon products evaluated in the RSSCT performed by Trussell in late 2020, including Calgon Filtrasorb 400, Prominent PS 1240 and AqueoUS Vets AV1240 LDX. The City will choose which product we will purchase and install.
6. Refurbishment of Well 5 vessels (coatings, pressure testing, vessel shell welding, connection repair, etc.) is limited to allowance of \$25,000 per vessel. If refurbishment involves work that

voids an existing ASME pressure certification, recertification is not included. Alternatively, the five vessels can be replaced with new vessels for \$165,000 each.

7. All GAC vessels, except the new vessel which will be factory coated, will be recoated on the exterior. This proposal does not include lead paint remediation and disposal if the existing coatings are shown to be lead-based.
8. Proposal does not include sampling or water quality analysis during startup. These requirements will be determined in coordination with DDW and costs will be presented when known.
9. The existing above grade piping and concrete pad at Well Site 5 will be left in place.
10. No demolition work is included for Well Site 12.

ATTACHMENT 2

SA Associates Proposal for PFAS Support



January 18, 2021

Richard Gonzales
Water Utility Manager
City of Monterey Park
320 West Newmark Avenue Monterey Park CA 91754-2896

Subject: Proposal for Monterey Park's CGTS Treatment System Support and PFAS Construction Management

Dear Richard:

In accordance with the State Water Resources Control Board Division of Drinking Water (DDW) meeting on June 9th, 2020 where the recommendations for the PFAS treatment technologies were discussed, SA Associates (SAA) along with our subconsultants (Trussell Technologies and John Robinson Consulting, Inc.) are pleased to submit our proposal to assist with four (4) specific tasks included:

1. PFAS regulatory support
2. PFAS permitting assistance
3. PFAS Construction Management
4. SAA will complete the construction management for the Centralized Groundwater Treatment System (CGTS) UV/Advanced Oxidation Process (UV AOP) treatment followed by catalytic granular activated carbon (GAC) per the Proposition 84 grant requirements in order to activate the CGTS as soon as possible.

SCOPE OF WORK

The City of Monterey Park is adding PFAS treatment at the Centralized Groundwater Treatment System (CGTS). The PFAS treatment includes seven (7) steps which are:

- Step 1: Change out first 10 Vessels with Calgon F400 GAC
- Step 2: Turn Vessels to Lead/Lag Operations once Step 1 is completed
- Step 3: New Effluent Connection to Primary Vessels and disconnect Secondary Vessels
Install Product Loop for 10 Vessels and put into Service
Connect Existing GAC to Product Water
- Step 4: Relocate and install Vessels from Well 5 and install new GAC Vessel
- Step 5: Connect New Vessels and Prepare Piping to put into Service
- Step 6: Relocate Feed Flow Meter and Connect Final Spools
- Step 7: Startup and Performance Test System

Task 1 – PFAS Regulatory Support

The CGTS requires a permit from DDW to go online. Performance Testing was conducted in September 2018 for the UV AOP. The purpose of this task is to interact with DDW to achieve an Interim Permit to operate the plant based on the performance testing results under "maximum conditions" (maximum power and maximum hydrogen peroxide dose) including revisions to the monitoring plan to meet DDW requirements. In support of this effort, DDW will need to be coordinated with for the PFAS effort. The Project Team anticipates 3 meetings with DDW and 6 team meetings via video.

Deliverables: *Assist the City and the DB Project Team to obtain the permit from DDW*



City of Monterey Park
Proposal for Monterey Park's CGTS Treatment System Support and PFAS Construction Management
January 18, 2021
Page 2

Task 2 – PFAS Permitting Assistance

Several documents will need to be prepared by the DB Team during the process of gaining permit approval from DDW. It is anticipated that at minimum the following documents will be reviewed:

1. Review PFAS Treatment Basis of Design and Final Design
2. Review NSF, GAC Information and Calculations of Volume
3. Review Revised Start-up Plan
4. Review submitted Performance Test Plan
5. Review Updated 97-005
6. Review Updated OMMP for UV AOP GAC
7. Review Permit for Complete UV AOP GAC

Deliverables: *Provide comments to the City and DB Team on the above documentation.*

Task 3 – PFAS Construction Management

Per the above-mentioned meeting with DDW, it was outlined that the project construction was to be 16 weeks, so the following tasks were developed:

1. A Project Kick-off meeting would be conducted with the City, Construction Manager and the DB team. SAA staff would attend the kick-off meeting and provide feedback on schedule and other technical issues. Prepare meeting minutes to document key decisions, responsibilities and pending answers and unresolved issues.
2. Project Team meetings will be conducted with the assumption of 8 meetings at 4 hours per meeting with 1 hour to prepare, 2 hours meeting and 1 hour for following up.
3. Site inspections are assumed to be 8 hours per day for 16 weeks including inspections, daily logs and pictures
4. The Construction Manager would review as-built drawings upon substantial completion of the project to evaluate whether system is constructed as specified in the approved plans.
 - a. Review Contractor's change-order requests (up to 3) and provide recommendations regarding their necessity and/or appropriateness. This will be a cursory review. Primary responsibility for this will reside with the DB team.
 - b. Track Project Schedule and update the Project on a regular basis, for review and discussion in the weekly project meetings.
 - c. We do not anticipate any review of shop drawings; which will be conducted by the DB Team.

Task 4 – CGTS UV AOP Construction Management Services per 2015 Prop 84 Integrated Regional Water Management Grant

The CGTS UV AOP treatment with GAC needs to be completed per the 2015 Proposition 84 Integrated Regional Water Management Grant. SAA staff will conduct site inspections which are assumed to be 8 hours per day for 2 weeks including inspections, daily logs and pictures

SCHEDULE

The schedule for the proposed project will be based on the schedule provided by the DB Project Team which will be reviewed and agreed upon by the City and SAA Project Team.



City of Monterey Park
Proposal for Monterey Park's CGTS Treatment System Support and PFAS Construction Management
January 18, 2021
Page 3

FEF

Attached is a fee breakdown for each task. The fee will be on a time and materials basis. The fee for Tasks 1 and 2 will be not-to-exceed \$65,000 and for Tasks 3 and 4, not-to-exceed \$129,000.

The fee is based on the following assumptions:

1. All correspondence between SAA and the Contractor, deliverables from the Contractor, and SAA's compliance review feedback will be directed through the City. SAA will not coordinate any technical correspondence between the City and the Contractor; however, SAA will provide technical consultancy to the City directly, and the City will correspond with the Contractor directly.
2. We understand this is a design-build, i.e., turnkey construction, project. Our review of Contractor submittals and observation of construction activities will be a general review/observation, and will help provide continuity and assessment that the design intent is being met. However, the Contractor will be solely responsible for warranties and/or responsibilities to meet the standard of care, including correctness and accuracy of the design documents, compliance of design/construction with applicable codes and standards, performance of the treatment system equipment, etc.
3. Our scope does not include any material testing, laboratory works, and/or evaluation of construction procedures (e.g., construction and installation of concrete, rebar, welds, isolation, etc.).
4. SAA's scope of work is for the Project duration which is assumed to be 16 weeks (4 months). Any work beyond this period will require separate authorization and budget amendment from the City.
5. SAA assumes that the City and/or Contractor project management team does not undergo significant change of personnel and/or procedures throughout the duration of the Project. If such changes occur and impose changes to SAA's project management procedures, we will negotiate scope and budget amendment with the City.
6. The work will be performed on a Time and Materials basis.
7. Our Hourly Charge Rate and Expense Reimbursement Schedule is attached.

SA Associates has prepared this proposal identifying its understanding from the meetings with DDW, City staff, and DB Team, in order to provide to the project a path forward with potential solutions to key issues.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Very truly yours,

A handwritten signature in black ink that reads 'Shahnawaz Ahmad'.

Shahnawaz Ahmad, P.E.
President
626.821.3456
sahmad@saassociates.net



CITY OF MONTEREY PARK
PFAS TREATMENT SYSTEMS PERMIT SUPPORT

Fee Estimate (Jan. 18, 2021)

Task No.	Item	PIC	PM	Engr	Sec.	Trussell Technologies	TOTAL	
							Hrs	\$
1	Coordination with the SWRCB Division of Drinking Water							
1A	Meetings, phone calls and email correspondence (3 meetings, 6 phone calls) (A)	24	40		4	40	108	\$25,736
	Direct Costs							\$1,264
	Subtotal Task 1	24	40	0	4	40	108	\$27,000
2	Review of the following documents to be prepared by Hazen:							
2A	Review Basis of Design and Final Design	2	12		1	16	31	\$7,814
2B	Review NSF, GAC Information & Volume Calculation	2	8			10	20	\$5,090
2C	Submitted Start-up Plan	2	8			12	22	\$5,730
2D	Submitted Performance Test Plan	2	8			6	16	\$3,810
2E	Updated 97-005	2	8		1	6	17	\$3,894
2F	Updated OMMP for UV AOP GAC GAC	2	8			10	20	\$5,090
2G	Permit for Complete UV AOP GAC GAC	2	8		1	8	19	\$4,534
	Direct Costs							\$2,038
	Subtotal Task 2	14	60	0	3	68	145	\$38,000
TOTAL FOR TASKS 1 & 2		38	100	0	7	108	253	\$65,000
3	Construction Management Services for PFAS Treatment:							
3A	Kick off meeting	8	8	8	2	8	34	\$7,048
3B	Meeting (B)	16	32		4		52	\$9,696
3C	Site Inspections (C)			640		8	648	\$88,960
3D	As-Built Drawing Review	2		24	4	4	34	\$5,306
	Direct Costs							\$3,990
	Subtotal Task 3	26	40	672	10	20	768	\$115,000
4	Construction Management Services per 2015 Prop 84 Integrated Regional Water Management Grant							
4A	Site Inspections (D)			80	4	4	88	\$12,416
	Direct Costs						0	\$1,584
	Subtotal Task 4	0	0	80	4	4	88	\$14,000
TOTAL		64	140	752	21	132	1,109	\$194,000

- A Assumes 3 meetings with DDW at 2.5 hrs/meeting with 4 hrs prep/meeting and 6 phone calls at 1 hr/phone with 2 hr/work downstream per phone call plus emails
B Assumes 8 meetings with Project Team at 4 hours/meeting with 1 hr prep, 2 hour meeting, 1 hr follow up.
C Assumes 8 hours/day for 16 weeks including inspections, daily logs and pictures
D Assumes 8 hours/day for two weeks including inspections, daily logs and pictures required by Prop. 84



CITY OF MONTEREY PARK

**CENTRALIZED GROUNDWATER TREATMENT SYSTEM
SUPPORT AND PFAS CONSTRUCTION MANAGEMENT**

HOURLY CHARGE RATE AND EXPENSE REIMBURSEMENT SCHEDULE

Position	Hourly Rates
Principal-in-Charge	\$225.00
Project Manager	\$180.00
Engineer	\$135.00
Secretary	\$ 84.00
Trussell Technologies	\$320.00

Reimbursable In-House Costs

Photo Copies	\$ 0.15/each
Blueprints	\$ 0.50/S.F
Vehicle mileage, between engineer's office and project site and/or client offices, will be billed at	\$ 0.62/mile

Other Reimbursables

Reproduction, special photograph, printing, and any other services performed by subcontractor will be billed at	cost + 15%
Postage Delivery Service, Express Mail	cost + 15%

NOTE: All rates listed above are effective to December 31, 2021



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

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

1. Approving the minutes from the Special meetings of December 2, 2020 and December 16, 2020 and the Regular meetings of December 2, 2020 and December 16, 2020; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

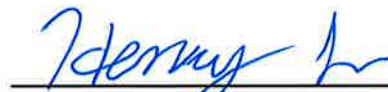
None.

Respectfully submitted,

Prepared by:



Vincent D. Chang
City Clerk



Henry Lu
Minutes Clerk

Approved By:



Ron Bow
City Manager

ATTACHMENT(S):

1. Draft Minutes

ATTACHMENT 1

Draft Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
DECEMBER 2, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, December 2, 2020 at 6:30 p.m. The special meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Via Email

Public comment was accepted up to 2 hours before the meeting via email to mpclerk@montereypark.ca.gov and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 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.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

CALL TO ORDER:

Mayor Chan called the special and regular meeting to order at 6:37 p.m.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

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

ORAL AND WRITTEN COMMUNICATIONS

None.

OPEN SESSION

1. ADOPTING A RESOLUTION CERTIFYING THE RESULTS OF THE NOVEMBER 3, 2020 SPECIAL ELECTION

The City held a Special Election on November 3, 2020 for consideration of a ballot proposition, Measure JJ regarding the revised land use element. The election was consolidated with the Statewide General Election.

Recommendation: That the City Council consider (1) adopting a resolution certifying the results of the November 3, 2020 Special Election; (2) taking such additional, related, action that may be desirable.

Action Taken: By consensus, the City Council carried over the agenda item to the Regular City Council meeting at 6:30 p.m.

Draft Resolution, entitled:

A RESOLUTION DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD NOVEMBER 3, 2020

Draft Ordinance, entitled:

REVISED MONTEREY PARK 2040 LAND USE ELEMENT PROPOSITION (MEASURE JJ ADOPTED NOVEMBER 3, 2020)

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 6:40 p.m.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
DECEMBER 2, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, December 2, 2020 at 6:30 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

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

Via Email

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

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 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.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

CALL TO ORDER:

Mayor Chan called the special and regular meeting to order at 6:37 p.m.

FLAG SALUTE:

Mayor Chan led the flag salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

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

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

Mayor Chan reported that both Special and Regular meetings were called to order at the same time and that Agenda Item No. 1 from the Special City Council meeting will be carried over to the Regular City Council meeting and heard after Presentations.

City Manager Bow requested to move Agenda Item No. 1D before Public Communications.

PUBLIC COMMUNICATIONS

This was heard after Agenda Item No. 1D.

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

- Becky Cheng read the Congressional Record submitted by Congresswoman Judy Chu in Memory of former City Clerk David M. Barron.
- Inez Alvarez, Assistant City Manager, informed the public about upcoming Recreation and Community Services programs for the month of December. She encouraged the public to participate in: Holiday Home Decorating Tour, Monterey Park Community Cookbook Winter Edition, Letters to Santa, and Zoom Call with Santa.

1. PRESENTATION

1A. MAYOR'S OUTGOING ADDRESS

This item was heard after Agenda Item No. 1D.

Outgoing Mayor Chan presented his outgoing speech. He thanked City Council, staff, and residents for their support and stated that it was an honor to serve Monterey Park as Mayor.

1B. REORGANIZATION OF MONTEREY PARK CITY COUNCIL

Action Taken: The City Council appointed the Yvonne Yiu as Mayor and Henry Lo as Mayor Pro Tem in accordance with City Council Resolution Nos. 12155 and 12195.

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

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

Public Speakers:

- Assembly Member Ed Chau performed the Oath of Office for incoming Mayor Pro Tem Henry Lo.
- State Treasurer Fiona Ma performed the Oath of Office for incoming Mayor Yvonne Yiu.
- City Clerk Chang received, filed, and read into the record a written communication from David Torres. Mr. Torres who congratulated incoming Mayor Yvonne Yiu and stated he was proud to have endorsed her during the March 3, 2020 elections.

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

Mayor Yiu read a proclamation proclaiming December 18, 2020 as Los Angeles Lakers Day.

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

This item was heard before Public Communications.

Council Member Sornoso read a proclamation proclaiming December 21, 2020 as Los Angeles Dodgers Day.

Public Speakers:

- Ron Cey, former Los Angeles Dodgers player, was present and available to answer questions.

1E. HOLIDAY SAFETY & CRIME PREVENTION TIPS

This item was heard after Agenda Item No. 1C.

Police Chief Gordon presented Holiday Safety & Crime Prevention Tips.

S1. ADOPTING A RESOLUTION CERTIFYING THE RESULTS OF THE NOVEMBER 3, 2020 SPECIAL ELECTION

The City held a Special Election on November 3, 2020 for consideration of a ballot proposition, Measure JJ regarding the revised land use element. The election was consolidated with the Statewide General Election.

Action Taken: The City Council adopted Resolution No. 12213 certifying the results of the November 3, 2020 Special Election and adopted Ordinance No. 2198 by the votes of the people.

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

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

Resolution No. 12213, entitled:

A RESOLUTION DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD NOVEMBER 3, 2020

Ordinance No. 2198, entitled:

REVISED MONTEREY PARK 2040 LAND USE ELEMENT PROPOSITION (MEASURE JJ ADOPTED NOVEMBER 3, 2020)

2. **OLD BUSINESS**

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

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 to the staff report).

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.

Public Speakers:

- Jason Dhing recommended placing the memorial at the Bruggemeyer Library.
- City Clerk Chang received filed and read into the record 2 written communications from Lisa Barron Gomez and Michael Barron. Mrs. Lisa Barron Gomez who forwarded an e-mail from her mother, Mary Ellen Barron. Mrs. Barron who voiced her suggestion on placing the memorial tree at Barnes Park near City Hall City Clerk's Office or the Monterey Park Bruggemeyer Library. Mr. Michael Barron who stated that he supports his mother's decision on where to place the memorial tree.

Action Taken: The City Council approved to honor Mr. David M. Barron with a memorial tree.

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

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

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

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

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Agenda Items Nos. 3A and 3B on Consent Calendar, excluding Agenda Item No. 3C, which was pulled for discussion and separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

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

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

3A. 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

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 to the staff report for reference. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2199 amending MPMC Chapter 3.20 regarding the regulation of purchases of goods, supplies and services on Consent Calendar.

Ordinance No. 2199, entitled:
AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 3.20 IN ITS ENTIRETY TO REGULATE PURCHASES OF GOODS, SUPPLIES AND SERVICES

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

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.

Action Taken: The City Council adopted Resolution No. 12214 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 on Consent Calendar.

Resolution No. 12214, entitled:

A RESOLUTION APPOINTING REPRESENTATIVES TO THE GOVERNING BOARD OF THE ICRMA

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

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.

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).

Action Taken: The City Council (1) authorized 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) authorized the appropriation of \$60,000 from Fund 231 Development Impact Fees for Parks, Library, Public and Aquatics Funds for the construction of the project; and (3) authorized the Director of Public Works to approve change orders and contingency up to \$31,509 (approximately 12%) of the Contracts amount, for a total project cost of \$298,534.

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

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

4. PUBLIC HEARING

4A. 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

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 to the staff report for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Action Taken: The City Council (1) opened the public hearing at 8:32 p.m.; (2) received documentary and testimonial evidence; (3) closed the public hearing at 8:33 p.m.; and (4) waived the second reading and adopted Ordinance No. 2200.

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

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

Ordinance No. 2200, entitled:

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

5. NEW BUSINESS

None.

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Council Member Chan stated that he attended the San Gabriel Valley Council of Governments (SGVCOG) meeting and reported that the Transportation Committee voted to perform a transit feasibility study for the San Gabriel Valley. He relayed that the SGVCOG spoke about Measure W regarding MS4 Storm Water Permit. He wished everyone a safe holiday season.

Council Member Liang congratulated Mayor Yvonne Yiu for completing her first City Council meeting as Mayor. He wished everyone happy holidays.

Council Member Sornoso congratulated Henry Lo as Mayor Pro Tem and Yvonne Yiu as Mayor. He requested an update for the reconstruction of Fire Station 62.

Mayor Pro Tem Lo stated he is excited for the Zoom call with Santa. He relayed that Los Angeles County implemented an outdoor dining ban. He relayed that the Board of Supervisor has an agenda item for their December 8, 2020 Board meeting regarding allocation of up to \$10 million in CARES (Coronavirus Aid, Relief, and Economic Security) Act funding to support local restaurants and vulnerable communities. He inquired if the City can set a limit on food delivery application fees charged to restaurants.

Mayor Yiu thanked everyone for attending the City Council meeting. She reported that she heard the coronavirus vaccine will be coming out next month.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:57 p.m.

Vincent D. Chang
City Clerk

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

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

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

PUBLIC PARTICIPATION

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

Via Email

Public comment was accepted up to 2 hours before the meeting via email to mpclerk@montereypark.ca.gov and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 935 4528 4627 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. Press "*6" to unmute yourself when called upon to speak. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

CALL TO ORDER:

Mayor Chan called the meeting to order at 5:00 p.m.

ROLL CALL:

Deputy City Clerk Cindy Trang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger

ORAL AND WRITTEN COMMUNICATIONS

None.

CLOSED SESSION

The City Council adjourned to closed session at 5:05 p.m.

**1. CONFERENCE LEGAL COUNSEL, EXISTING LITIGATION – GOVERNMENT
CODE SECTION 54956.9(d) – Number of Cases: 2**

Tony Maya vs. City of Monterey Park; WCAB No.: ADJ10079981

Chu Thai v. City of Monterey Park (filed March 6, 2018), LASC Case No.
BC696884

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present.
The meeting was adjourned at 5:55 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

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

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

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

PUBLIC PARTICIPATION

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

Via Email

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

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: **995 9335 7089** 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. Press "***6**" to unmute yourself when called upon to speak. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance
the quality of life for our entire community

CALL TO ORDER:

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

FLAG SALUTE:

Mayor Yiu led the flag salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, City Treasurer Joseph Leon, Assistant City Manager Inez Alvarez, Police Chief Kelly Gordon, Director of Management Services Martha Garcia, City Librarian Diana Garcia, Interim Director of Public Works Frank Lopez, Interim Director of Human Resources and Risk Management Danielle Tellez, Fire Captain Ryan Weddle, Economic Development Manager Joseph Torres, Water Utility Manager Richard Gonzales, Community Communications Coordinator Randy Ishino, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Manager Bow reported that there was a supplemental staff report which was made available to the public on December 15, 2020. The supplemental staff report provided correction of clerical and typographical errors for Agenda Items Nos. 3E, 3F, and 3G.

PUBLIC COMMUNICATIONS

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

- Jeshow Yang spoke about the 2012 Climate Action Plan (CAP). He urged that the City Council provide a progress report of greenhouse gas (GHG) emissions from the CAP. He encouraged the community to participate in the Southern California Edison's Charge Ready 2 program.
- Inez Alvarez, Assistant City Manager, provided updates for the December 2020 Holiday events: Zoom Call With Santa, Holiday Home Décor, Los Angeles Lakers Day, Los Angeles Dodgers Day, and MPK Community Cookbook Winter Edition.

- City Clerk Chang received, filed, and read into the record nine written communications regarding the 2012 Climate Action Plan (CAP), urging the City Council to provide a progress report of greenhouse gas (GHG) emissions from the 2012 CAP and encouraging the community to participate in the Southern California Edison's Charge Ready 2 program, received from: Barbara Ngai, Susan Martinez, Jeshow Yang, Miko Jao, Abel Bourbois, Jean Park, Clarissa Choy, Audrey Jung, and Alexander Jung.

1. PRESENTATION

None.

2. OLD BUSINESS

2A. AUTHORIZE TO REMOVE THE HOLD OF \$1,173,800 OF GENERAL FUND ALLOCATION OR DISBURSEMENT FOR EXPENDITURES AND AUTHORIZE THE CITY MANAGER TO REVISE THE BUDGET IN ACCORDANCE WITH SECTION 4 OF RESOLUTION NO. 12169, ADOPTED JUNE 17, 2020

On June 17, 2020, City Council adopted the Fiscal Year (FY) 2020-2021 City budget. The adopted budget included \$44.3 million in general fund revenues and \$43.9 million in general fund expenditures with a 5% (\$2.2M) hold on expenses. On October 21, 2020, the FY 2020-2021 1st Quarter Financial Report was presented to City Council with a request to release the 5% expenditure hold. City Council authorized the release of \$1 million of the \$2.2 million hold.

Staff is requesting to release the remaining \$1.2 million to prepay the other post-employment benefits (OPEB) and the unfunded accrued liability (UAL).

Action Taken: The City Council authorized eliminating the hold of \$1,173,800 of General Fund allocation or disbursement for expenditures and authorized the City Manager to revise the budget in accordance with Section 4 of Resolution No. 12169, adopted June 17, 2020.

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

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

2B. PENSION OBLIGATION BOND UPDATE

On October 7, 2020 staff provided the City Council with a financing update for the City's pending Pension Obligation Bonds (POB) issuance. At that time, based on a legal review by the City's bond counsel of the validation process completed by the

City in 2004, the City was not required to validate the proposed issuance of additional POBs. At the time, staff and the City's financial advisor estimate the three month acceleration of the schedule could save the City an additional \$1,030,533.

Since the prior update, staff has been working with the financing team to prepare legal and bond financing documents. To ensure the Preliminary Official Statement (POS) and Official Statement (OS) contain current financial data, the schedule has been slightly modified to allow for the City's Fiscal Year 2019-20 Comprehensive Annual Financial Report (CAFR) to be completed. This will provide the most recent information to investors and maximize savings by helping secure the lowest interest rate possible. The POS and supporting financing documents are scheduled for presentation to the City Council on January 20, 2021. Based on the schedule below, staff and the financing team estimate the City will enter the market on February 2, 2021 and close the transaction by mid-February 2021.

Public Speakers:

- Michael Mejia, Senior Managing Underwriter from Ramirez Co., was present and available for questions.

Action Taken: The City Council received and filed the Pension Obligation Bond update.

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

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

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

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

Action Taken: The City Council and the City Council, acting on behalf of the Successor Agency, approved and adopted Agenda Items Nos. 3A – 3G and 3I on Consent Calendar, excluding Agenda Items Nos. 3H, 3J, and 3K which were pulled for discussion and separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof. Mayor Pro Tem Lo declared a potential conflict of interest on Agenda Item No. 3I as he resides within 1,000 feet of the project site.

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

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

3A. MINUTES

Approve the minutes from the Special meetings of November 4, 2020 and November 18, 2020 and Regular meetings of November 4, 2020 and November 18, 2020.

Action Taken: The City Council approved the minutes from the Special meetings of November 4, 2020 and November 18, 2020 and Regular meetings of November 4, 2020 and November 18, 2020 on Consent Calendar.

3B. RESOLUTION ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR JULY 1, 2021 – JUNE 30, 2022

Existing law requires the Monterey Park Successor Agency (SA) to formulate Recognized Obligation Payment Schedules (ROPS) under which the SA makes payments for eligible obligations of the former Redevelopment Agency. The ROPS are considered by the Successor Agency Board, proposed to the Oversight Board (OB) and, if approved by the OB, provided to the California Department of Finance for review.

The ROPS is required to be prepared for an entire 12 months. Staff requests that the City Council, acting on behalf of the SA for the former Monterey Park Redevelopment Agency, consider and adopt the ROPS 21-22 A&B and the related administrative budget for the period covering July 1, 2021 – June 30, 2022.

Action Taken: The City Council adopted Resolution No. SA-180 approving the Recognized Obligation Payment Schedule (ROPS 21-22 A&B) for the period between July 1, 2021 – June 30, 2022; approved the Successor Agency Administrative Budget for July 1, 2021 – June 30, 2022; and directed staff to post and transmit the ROPS and Administrative Budget to the appropriate public agencies on Consent Calendar.

Resolution No. SA-180, entitled:

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE MONTEREY PARK REDEVELOPMENT AGENCY ADOPTING RECOGNIZED OBLIGATION PAYMENT SCHEDULES PURSUANT TO HEALTH AND SAFETY CODE § 34177

3C. MONTHLY INVESTMENT REPORT – NOVEMBER 2020

As of November 30, 2020 invested funds for the City of Monterey Park is \$73,488,708.21.

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

3D. PROFESSIONAL SERVICES AMENDMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM SERVICES

In 2016, the City circulated a RFP to at least 17 professional consulting firms to provide Community Development Block Grant (CDBG) and Home Improvement Investment Partnerships Program (HOME) administration services to the City of Monterey Park. Of the 17 firms, 5 responded. On January 18, 2017, City Council authorized the City Manager to enter into a 3-year professional services agreement with both Priscila Davila & Associates and HP Housing Programs. The City is requested authorizing the City Manager to enter into a second 3-year term with both Priscila Davila & Associates for an amount of \$100,000 and HP Housing Programs for an amount of \$260,000.

Action Taken: The City Council authorized the City Manager to execute an amendment, in a form approved by the City Attorney, to an agreement with Priscila Davila & Associates for an amount of \$100,000 and an agreement with HP Housing Programs for an amount of \$260,000, both for a 3-year term on Consent Calendar.

3E. MINIMUM WAGE INCREASE PER LABOR CODE SECTION 1182.12

Effective January 1, 2021, California's Minimum Wage for employers with 26 or more employees will be increasing from \$13.00 an hour to \$14.00 an hour. The minimum wage increase will impact ten (10) positions that are below the mandated increase as follows: Cashier, Junior Lifeguard, Library Page, Locker Room Attendant, School Crossing Guard, Recreation Leader, Fire Intern I, Lifeguard, Community Media Specialist, and Planning Intern.

The minimum wage increase applied to the above positions will impact the wage gap between the classifications of Lifeguard and Senior Lifeguard. In order to maintain an appropriate wage gap between these classifications, the salary range for Senior Lifeguard will be adjusted in conjunction with these minimum wage increases.

In order to have the State mandated minimum wage increase adjustments in place by January 1, 2021, staff is requesting that the City Council approve the attached resolution to the staff report.

The supplemental staff report corrected a typographical error in the Background paragraph revising “eleven (11) part-time classifications” to “(10) part-time classifications”; changed “Attachment 3” to be listed as “Exhibit A” to the Resolution; and corrected a typographical error in the title of the resolution revising “Monterery” to “Monterey”.

Action Taken: The City Council adopted Resolution No. 12215 approving the State mandated minimum wage increase in order to have the wage adjustments in place as of January 1, 2021 as amended by the supplemental staff report to correct a typographical error in the title from “Monterery” to “Monterey” on Consent Calendar.

Resolution No. 12215, entitled:

A RESOLUTION ESTABLISHING THE SALARY RANGES FOR TEMPORARY PART-TIME, SEASONAL AND HOURLY EMPLOYEES OF THE CITY OF MONTEREY PARK FOR THE 2021 CALENDAR YEAR

3F. RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MONTEREY PARK CONFIDENTIAL EMPLOYEE ASSOCIATION FIXING THE RATE OF COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES FOR THE TERM JULY 1, 2019 TO JUNE 30, 2023

Representatives of the City of Monterey Park and the Confidential Employees' Association engaged in the meet and confer process to negotiate the terms and conditions of a successor Memorandum of Understanding (“MOU”). After several meetings, the parties reached agreement on a successor MOU effective July 1, 2019 – June 30, 2023.

The supplemental staff amended “Attachment 1” as “Exhibit A” of the Resolution and corrected a typographical error in the Fiscal Impact section revising the amount listed of \$120,193 to the correct amount of \$120,194.

Action Taken: The City Council adopted Resolution No. 12216 approving a Memorandum of Understanding (“MOU”) between the City of Monterey Park and Monterey Park Confidential Employee Association and authorized the expenditure of \$61,401 for the 2020-2021 fiscal year; \$77,065 for the 2021-2022 fiscal year; and \$120,194 for the 2022-2023 fiscal year. Additionally, amending the current 2020-2021 Budget accordingly on Consent Calendar.

Resolution No. 12216, entitled:

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2019-2023 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK CONFIDENTIAL EMPLOYEE ASSOCIATION

3G. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA APPROVING AND ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE MONTEREY PARK MID-MANAGEMENT ASSOCIATION FIXING THE RATE OF COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES FOR THE TERM JULY 1, 2019 TO JUNE 30, 2023

Representatives of the City of Monterey Park and the Mid-Management Association engaged in the meet and confer process to negotiate the terms and conditions of a successor Memorandum of Understanding ("MOU"). After several meetings, the parties reached agreement on a new MOU retroactively effective July 1, 2019 – June 30, 2023.

The supplemental staff report amended "Attachment 1" as "Exhibit A" of the Resolution and corrected a typographical error in Section 1 of the Resolution changing "confidential employees" to "mid-management employees".

Action Taken: The City Council adopted Resolution No. 12217 Memorandum of Understanding between the City of Monterey Park and the Monterey Park Mid-Management Association and authorized the expenditure of \$78,169 for the 2020-2021 fiscal year; \$145,031 for the 2021-2022 fiscal year; and \$235,193 for the 2022-2023 fiscal year as amended by the supplemental staff report to correct a typographical error in Section 1 changing "confidential employees" to "mid-management employees." Additionally, amending the current 2020-2021 Budget to reflect such changes on Consent Calendar.

Resolution No. 12217, entitled:

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2019-2023 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK MID-MANAGEMENT ASSOCIATION

3H. BOYS & GIRLS CLUB OF WEST SAN GABRIEL VALLEY

Due to the ongoing pandemic, the Boys & Girls Club of West San Gabriel Valley has struggled to find parking to store their transportation vehicles. Staff has worked to assist and has identified 12 parking spaces within the public parking lot to accommodate its vehicles as graphically identified as Exhibit "A" to the license agreement in the staff report.

Action Taken: The City Council approved the license agreement between the City of Monterey Park and the Boys & Girls Club of West San Gabriel Valley.

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

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

3I. ONE-YEAR TIME EXTENSION AND FINAL MAP NO. 81338 TO ALLOW THE SUBDIVISION OF AIR RIGHTS TO ESTABLISH AND MAINTAIN AN EIGHT-UNIT RESIDENTIAL DEVELOPMENT – 432-434 S. ALHAMBRA AVENUE

On May 8, 2018, the Planning Commission approved Tentative Map No. 81338 via Resolution No. 19-18. On December 3, 2020, the Applicant, Coridan Fund 5, LP, submitted an application requesting approval of a one-year time extension for Tentative Map No. 81338 (TM-18-03) for an eight-unit condominium project at 432-434 South Alhambra Avenue (the “Project”). The 2020 Monterey Park Business Recovery Program and the emergency orders issued by the City Manager because of the COVID-19 Pandemic caused the application for an extension, and the accompanying application for a final map, to be timely.

The proposed final map was reviewed by the City Engineer for compliance with applicable law. Except for the required public improvements, the final map meets such requirements. A subdivision improvement agreement must be executed by the applicant to complete approvals for the final map.

CEQA (California Environmental Quality Act):

On May 8, 2018, the Planning Commission found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (Infill Development). The findings and conclusions made by the Planning Commission are incorporated into the attached Resolution, to the staff report, by reference.

Action Taken: Mayor Pro Tem Lo declared a potential conflict of interest, as he resides within 1,000 feet of the project site. The City Council adopted Resolution No. 12218 approving a Time Extension (EX-20-03) and approving Final Map No. 81338 and authorized the City Manager to execute Subdivision Improvement Agreement for Final Map No. 81338 in a form approved by the City Attorney on Consent Calendar.

Resolution No. 12218, entitled:

A RESOLUTION APPROVING A ONE-YEAR EXTENSION OF TIME (EX-20-03) AND FINAL MAP NO. 81338 FOR AN EIGHT-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 432-434 SOUTH ALHAMBRA AVENUE

3J. N. ATLANTIC BLVD SEWER IMPROVEMENTS – AWARD OF CONTRACT

On September 2, 2020, the City Council rejected all bids received for the N. Atlantic Water & Sewer Improvement project Spec 2020-002 and authorized the re-advertisement of the project as two separate projects. Staff completed the solicitation of bids for only the sewer portion of the work. The deadline for the submittal of bids was December 1, 2020. Staff completed the review of the bids and recommends the contract be awarded to GRBCON, Inc. in the amount of \$2,393,089; a 15% contingency is also requested for a total project cost of \$2,752,089.

CEQA (California Environmental Quality Act):

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

Action Taken: The City Council (1) authorized the City Manager to execute a public works contract, in a form approved by the City Attorney, with GRBCON, Inc., in the amount of \$2,393,089.00 for the N. Atlantic Sewer Improvements, Specification No. 2020-07; (2) authorized the appropriation of \$881,926 from Sewer Funds and \$300,000 from Measure R Funds for the construction of the project; and (3) authorized the Interim Director of Public Works to approve change orders and contingency up to \$359,000 (15%) of the contract amount, for a total project cost of \$2,752,089.

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

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

3K. CONSIDERATION OF SGVMWD 2020 LOAN PROGRAM TO FUND TREATMENT OF PERFLUOROCTANOIC ACID (PFAS)

At its August 2020 meeting, the San Gabriel Valley Municipal Water District (SGVMWD) Board approved the 2020 Loan Program to assist member cities during the coronavirus pandemic. Interested cities are asked to submit requests not later than December 31, 2020.

With the passage of Assembly Bill 756, public water systems are now required to monitor for polyfluoroalkyl substances (PFAS) in both drinking and groundwater. If

the detection level in the treated water exceeds the maximum standard, the water system must take the water source out of production.

In response to the new mandate, the State Water Resource Board Division of Drinking Water (DDW) is requiring the City of Monterey Park to include a PFAS removal system as part of the Centralized Groundwater Treatment System (CGTS). City staff is currently evaluating the various options for PFAS removal that would be acceptable to DDW. The cost to design and build this additional system is estimated to be between \$6 and \$8 million.

Action Taken: The City Council accepted the San Gabriel Valley Municipal Water District (SGVMWD) 2020 Loan Program and authorized the City Manager to execute an agreement, in a form approved by the City Attorney, with SGVMWD for a loan amount not to exceed \$5M.

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

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

4. **PUBLIC HEARING**
None.

5. **NEW BUSINESS**

5A. **SR-710 NORTH MOBILITY IMPROVEMENTS PROJECTS FUNDING AGREEMENTS**

The SR-710 Mobility Improvement Projects are the result of reallocated Measure R Funds for the SR-710 North Project to new mobility improvement projects within the San Gabriel Valley subregion. These projects are consistent with the purpose and need of the Gap Closure Project to relieve congestion on local streets along the SR-710 alignment between Interstates 10 and 210, with the highest priority for projects proximate to the Interstate 10 freeway. As part of the SR-710 North Mobility Improvements Projects, the City's Engineering consultant prepared funding applications for various projects, and the City received a total allocation of \$100,300,000 from LACMTA.

CEQA (California Environmental Quality Act):

The project agreements related actions do not constitute a "project" and are exempt from the California Environmental Quality Act (CEQA) according to CEQA Guidelines § 15061(b)(3).

Recommendation: That the City Council consider: (1) Authorizing the City Manager to execute the Funding Agreements, in a form approved by the City Attorney, with Los Angeles County Metropolitan Transportation Authority (LACMTA) for the SR-710 North Mobility Improvements Projects for Garfield Avenue, Atlantic Avenue, and Ramona Road; (2) Authorizing the City Manager to appropriate \$75,000 in Measure R funds in FY 2020-21, \$600,000 in FY 2021-22, \$850,000 in FY 2022-23, 1,825,000 in FY 2023-24, \$1,000,000 in FY 2024-25, and \$650,000 in FY 2025-26; and (3) Taking such additional, related action that may be desirable.

Action Taken: The City Council authorized the City Manager to execute the Funding Agreements, in a form approved by the City Attorney, with Los Angeles County Metropolitan Transportation Authority (LACMTA) for the SR-710 North Mobility Improvements Projects for Atlantic Avenue and Ramona Road, excluding the Garfield project, and authorized the City Manager to appropriate \$75,000 in Measure R funds in FY 2020-21, \$600,000 in FY 2021-22, \$850,000 in FY 2022-23, \$1,825,000 in FY 2023-24, \$1,000,000 in FY 2024-25, and \$650,000 in FY 2025-26.

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

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

Action Taken: Mayor Yiu recused herself due to a potential conflict of interest as she owns a real property within 500 feet of the project site. The City Council authorized the City Manager to execute the Funding Agreement, in a form approved by the City Attorney, with Los Angeles County Metropolitan Transportation Authority (LACMTA) for the SR-710 North Mobility Improvements Project for Garfield Avenue.

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

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

5B. CITY'S USE OF COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG) FUNDS TO MITIGATE THE ADVERSE FINANCIAL IMPACT OF THE LA COUNTY HEALTH DIRECTIVE PROHIBITING OUTDOOR AND INDOOR DINING TO MONTEREY PARK RESTAURANTS

On December 5, 2020, the Los Angeles County Health Department issued a new County Health Order to suspend outdoor and indoor dining at restaurants for at least three weeks starting Sunday, December 6th amid the County's worst coronavirus spike yet. Restaurants are only able to offer take-out, drive thru, and delivery services.

This directive has had a devastating effect on our City's battered restaurant industry and will cripple so many livelihoods, risking permanently losing businesses, jobs, and community assets. The restaurants that can survive, mostly through layoffs and furloughs, fear their businesses will be insolvent without federal assistance that seems unlikely to come. The threat is only magnified by the Holiday season. Restaurant owners say they often make up for down months during the Holidays.

Following staff's analysis of the devastating effect this Health directive will have on our City's battered restaurant industry, staff has determined that it is in the City's best interest to provide financial assistance to our City's restaurant by using Community Development Block Grant (CDBG) funds to subsidize restaurant food delivery cost.

As our City's restaurants suffer through more restrictions forced by the pandemic, we must focus on both short-term and long-term solutions to help them survive. We need new, alternative business assistance models that are innovative, inclusive, and equitable – we must rebuild better and a new City program called Restaurant Delivery Assistance Program funded by CDBG is a good start.

Action Taken: The City Council received and filed a report from the City Manager regarding the City's use of CDBG funds to reimburse the restaurants of Monterey Park for the costs of their food delivery service for a period of 31 days to mitigate the adverse financial impact of the LA County Health Directive prohibiting outdoor and indoor dining.

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

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

6. **COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS**

Council Member Chan reported that the Chinese-American Elected Officials (CEO) held a Member Education Workshop on the Regional Housing Needs Assessment (RHNA) and Monterey Park has been allocated 5,200 units. He directed staff to look into the RHNA and present an update to the Council. He wished everyone Merry Christmas and a Happy New Year.

Council Member Liang wished everyone Happy Holidays and stated that the next City Council meeting is cancelled.

Council Member Sornoso thanked the City staff for hosting Zoom Call With Santa event for the public. He wished everyone a wonderful holiday season.

Mayor Pro Tem Lo requested staff to provide an update on the City's Covid-19 Assistance Programs. He implored staff to provide an update regarding the Climate Action Plan.

Mayor Yiu reported that she attended a meeting with Los Angeles County Supervisor Hilda Solis and discussed using the Sybil brand site to build affordable housing. She informed the public that the January 6, 2021 City Council meeting is cancelled and that the next regularly scheduled meeting is January 20, 2021.

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

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:53 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-B

TO: Honorable Mayor and Members of the City Council
FROM: Diana Garcia, City Librarian
SUBJECT: Consideration and possible action to amend the Monterey Park Bruggemeyer Library Fines and Fees Procedures and to direct the City Manager to forgo collecting outstanding fines and fees

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution amending the Monterey Park Bruggemeyer Library Fines and Fees Procedures including eliminating overdue fines; eliminating audio-visual fees (with exceptions); increasing maximum renewals for eligible items; and implementing automatic renewals for eligible items;
2. Directing the City Manager, or designee, to forgo collecting any outstanding library fines from patrons before February 3, 2021.
3. Alternatively, taking such additional related action that may be desirable.

EXECUTIVE SUMMARY:

Public libraries locally and nationwide are restructuring their fine and fee schedules and eliminating overdue fines in order to increase access to library services in their communities.

Suspending library fines in March 2020 due to the pandemic provided data to review the Library's current fine and fee structure in order to ensure that the department is serving its users in an efficient and equitable way.

The Library Board of Trustees considered this topic at its meetings on November 17, 2020, December 15, 2020 and January 19, 2021. At its meeting on January 19, 2021 the Library Board of Trustees voted to recommend the proposed changes to City Council.

The Monterey Park Bruggemeyer Library currently charges overdue fines of \$0.25 per day on most items. Library card holders are "blocked" and cannot check out materials, use online resources or use public computers if they owe more than \$4.99 in overdue fines or fees. The proposal for fine restructuring would remove daily overdue fines, increase the maximum renewals on eligible items, and would forgo collection of outstanding fines. It does not propose to eliminate billed item fees assessed on lost or damaged items or long-overdue materials.

BACKGROUND:

Across North America and locally, many library systems are restructuring their fines and fees schedules and eliminating their use of overdue materials fines in order to reduce barriers to access.

In the spring of 2020 Los Angeles Public Library, which operates 73 branches across the City of Los Angeles, eliminated fines for all library card holders and accrued fines were automatically removed. This was a tipping point for smaller local libraries to reexamine their fines and fees.

The County of Los Angeles Library, which operates 86 branches countywide, eliminated fines for anyone 21 years of age or younger stating, “LA County Library wants to instill a love of libraries in children and make sure there isn’t a “library gap” between the more prosperous and the poor. In random surveys, 80% of parents said they are more likely to let children check out materials because of the more lenient policies.”

Effective May 1, 2017, Altadena Libraries eliminated fines for all library card holders. Library patrons receive notification of overdue items and are billed for replacement and processing after 30 days overdue and borrowing privileges are suspended until materials are returned or the Library District is compensated for lost materials.

On July 2, 2018, Santa Monica Public Library stopped charging overdue fines to Youth (ages 0-18) cardholders and any accrued fines were automatically removed. The library has stated that, “[e]liminating overdue fines for our young patrons will help remove barriers to their use of the Library and keep them reading and succeeding in school.”

On January 1, 2021, South Pasadena Public Library eliminated overdue fines for all card holders.

Additionally, regional libraries that are currently investigating eliminating overdue fines include the Alhambra, Azusa, Crowell (San Marino), Glendora, Long Beach and Torrance Public Libraries.

Libraries across the country and locally have eliminated late fines for a variety of reasons:

- *To increase patron access to materials and services:* Overdue fines act as a barrier to access. They can lead to account suspension and dissuade some individuals from borrowing in the first place.
- *To improve patron relationships with the library:* The existence of overdue fines, and the fine payment transaction itself, are typically the most negative aspects of a patron’s relationship with the library.
- *To optimize library staff time and increase efficiency:* Collecting overdue fines can be time-consuming, lead to extended conflicts with patrons, and reduce staff time helping patrons find materials; presenting classes, programs, computer training

and storytimes; conducting community outreach and school visits; ordering library materials and maintaining the collection; and many other tasks.

- *To reduce the inequitable impact of overdue fines:* Many community members face fines, but for those without disposable income they can be difficult to pay off. A fixed-rate fine policy is inequitable in that it most harms individuals already facing financial insecurity.

Analyzing the Data

Decline in Overdue Fines

An analysis of overdue fines collected over the past 5 years at the Monterey Park Bruggemeyer Library (MPBL) shows a steady decline.

This decline in fines can be attributed to declining circulation of physical items. This is consistent with trends in public libraries nationwide. Whereas physical circulation has decreased, e-book usage has increased significantly during the same time period and continues to grow. E-books have no overdue fines associated with them as items simply disappear from a patron's account once they are due. In the past five years there was a 53% decrease in overdue fines collected, from \$19,871.11 in FY 2015-16 to only \$9,367.27 in FY 2019-20.

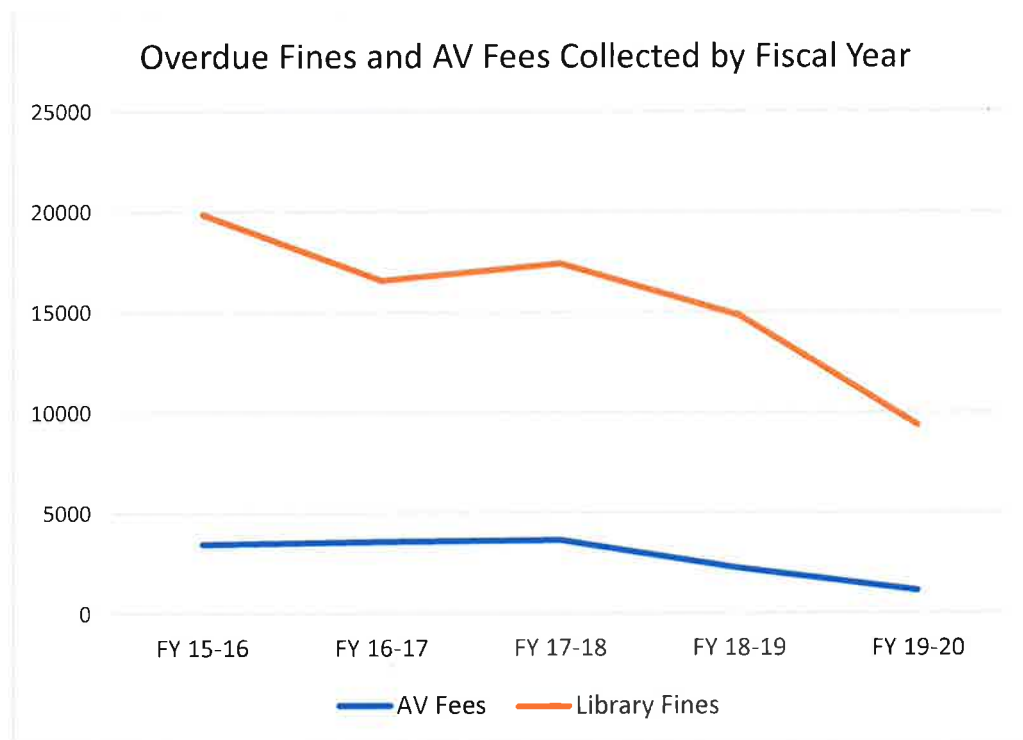


Figure 1: Declining Annual Revenue from Overdue Fines and AV Fees

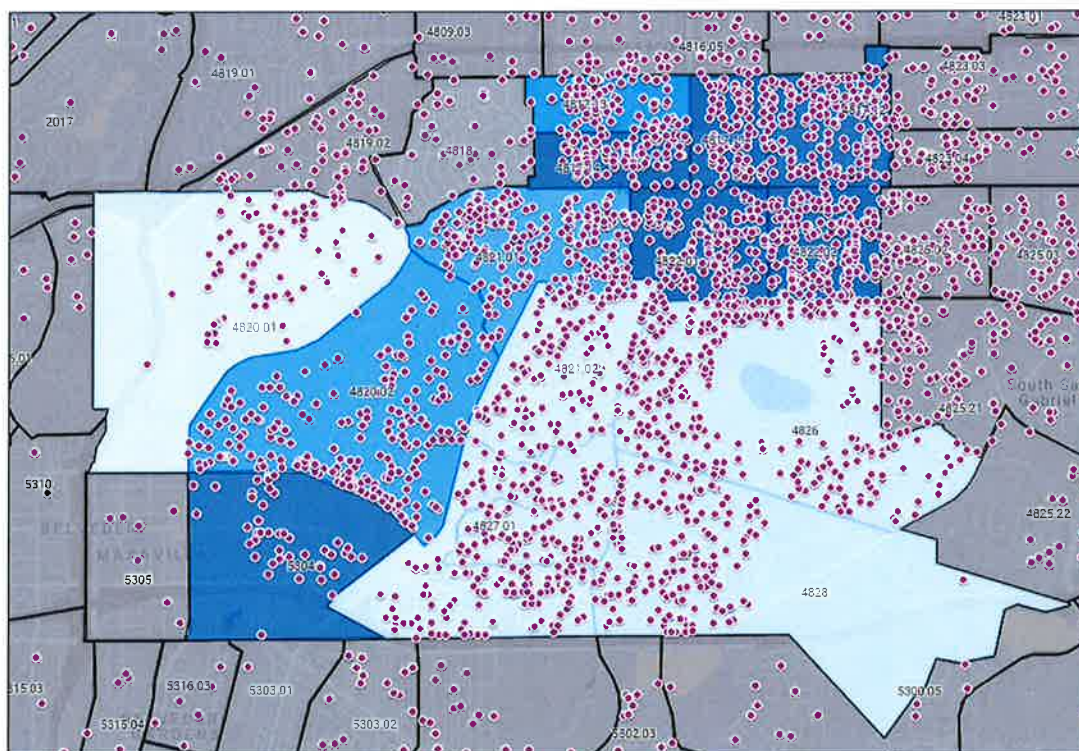
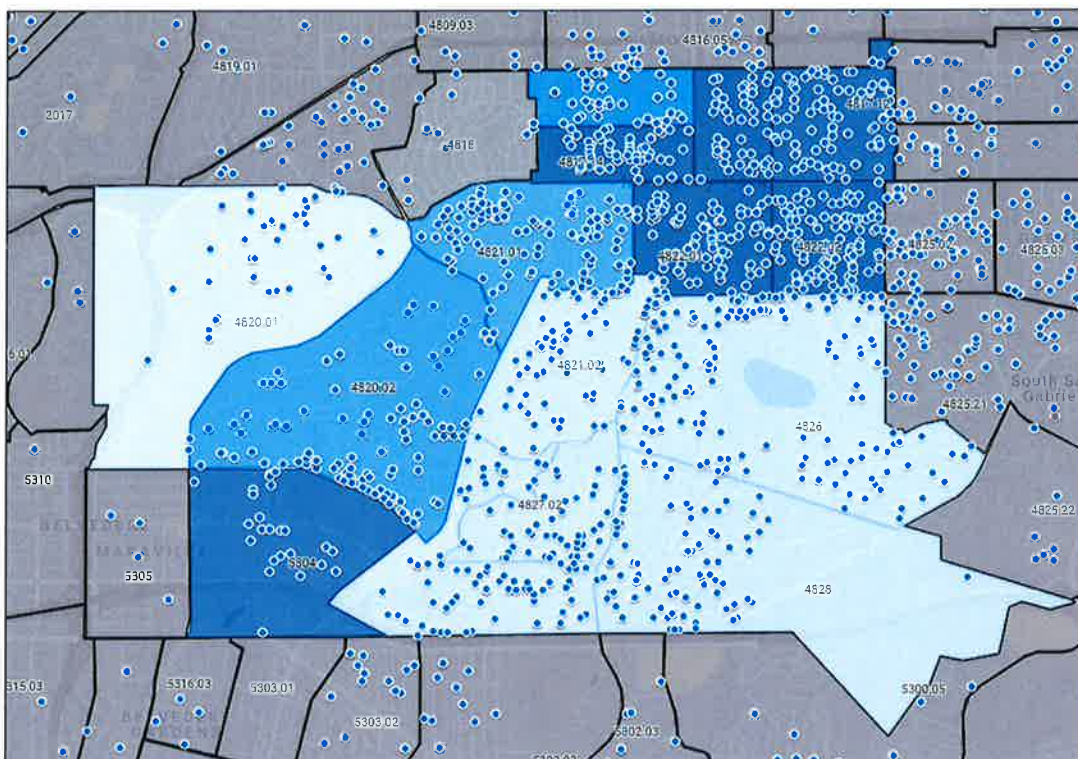
Analysis by Income Level

In Monterey Park the percentage of people who owe fines or fees does not directly correlate with median household income. In fact, residents in census tracts with higher median household incomes are slightly more likely to owe fines or fees. This analysis suggests that cardholders across Monterey Park – regardless of income – miss return deadlines at similar rates.

However cardholders in lower-income areas face more difficulty in paying fines and fees associated with overdue items. The majority of Monterey Park residents earn below the median household income in Los Angeles County of \$68,093, which suggests that removing overdue fines would be a benefit to many households.

Census Tract	Median Household Income	Population	Card Holders with Fines	Fined Card Holders as % of Population	Blocked Card Holders	Blocked Card Holders as % of Population
4817.11	\$37,328	4,341	109	2.5%	45	1.0%
4817.14	\$41,512	2,784	89	3.2%	51	1.8%
5304	\$41,964	3,590	46	1.3%	24	0.7%
4822.02	\$42,202	4,897	180	3.8%	101	2.1%
4822.01	\$50,047	4,006	159	4.0%	83	2.1%
4817.12	\$50,144	5,451	171	3.1%	81	1.5%
4817.13	\$56,972	2,851	84	2.9%	37	1.3%
4821.01	\$58,255	4,641	223	4.8%	107	2.3%
4820.02	\$59,779	6,682	228	3.4%	112	1.7%
4827.01	\$68,125	4,163	131	3.1%	75	1.8%
4826	\$69,063	6,835	272	4.0%	156	2.3%
4821.02	\$74,297	2,841	138	4.9%	69	2.4%
4827.02	\$75,119	2,399	96	4.0%	46	1.9%
4820.01	\$89,513	2,615	83	3.2%	37	1.4%

Figure 2: Table of Blocked and Fined Cardholders by Census Tract



Benefits of Restructuring Fines and Fees

The Monterey Park Bruggemeyer Library has identified eight potential benefits of restructuring fines and fees:

1. Retaining Library Patrons

As surrounding library systems eliminate overdue fines, public expectations will shift and MPBL is likely to lose patrons to those neighboring libraries that no longer charge overdue fines.

In Los Angeles County there are over 30 distinct library systems, including Los Angeles Public Library and the County of Los Angeles Library, which have already restructured fines and fees, and which together operate 159 branches, including many close to Monterey Park such as Montebello, Rosemead, City Terrace, and East Los Angeles.

Accordingly, many residents have cards at several systems – typically at those libraries close to where they live, work, or where they visit often.

2. Maintaining or Increasing Circulation

Although not all libraries which have restructured fines and fees have experienced increased circulation, the Salt Lake County Public Library, which eliminated fines in July 2017, saw its circulation rise 14 percent in the year following fine elimination.¹

3. Increasing Child Cardholders

Parents at the Monterey Park Bruggemeyer Library often report that they do not allow their children to get a library card or to check out library materials because they are concerned about accruing late fines that they will be unable to pay. A survey conducted by the County of Los Angeles Public Library found that 80% of parents said they are more likely to let children check out materials because of the more lenient overdue fine policies they have adopted.

4. Return of Long Overdue Materials

Patrons often do not return long overdue materials to the library because of the shame, anxiety and fear of overdue fines. When this happens, the library loses its materials and that patron, often forever. The Chicago Public Library saw a 240% increase in returns within three weeks of implementing its fine free policy.²

5. Decrease in Late Returns

Libraries that have gone fine free have not experienced increases in late returns. In fact, the Salt Lake City Public Library saw its late return rate drop from 9% to 4% following fine

¹ San Francisco Public Library. January 2019. *Long Overdue: Eliminating Fines of Overdue Materials to Improve Access to San Francisco Public Library*. <https://sfpl.org/uploads/files/pdfs/commission/Fine-Free-Report011719.pdf>

² Bowman, Emma. November 2019. *We Wanted Our Patrons Back' — Public Libraries Scrap Late Fines To Alleviate Inequity*, <https://www.npr.org/2019/11/30/781374759/we-wanted-our-patrons-back-public-libraries-scrap-late-fines-to-alleviate-inequity>

elimination.³ Research shows overdue fines do not ensure borrowed materials end up back on shelves.

6. Eliminating the “Hidden Cost” of Late Fines

A cost-benefit analysis shows that the cost of staff time spent on collecting and processing fines exceeds any money received.

Over the past five fiscal years, staff have handled an average of 16,000 individual fine transactions per year. Each transaction takes between 2 to 5 minutes to resolve, with many taking longer and involving more than one staff member if a manager is called. Using a conservative estimate of 3 minutes for each transaction, library staff spends over 800 hours per year collecting overdue fines.

At an average payrate for a Library Clerk, this costs approximately \$39,000 a year in salary costs and benefits. This does not take into account the approximately one-half hour per day that library staff spend reconciling the cash drawer and preparing the daily deposit, or the time that Management Services staff spends processing daily deposits. There is no net revenue generated by collecting overdue fines.

Fiscal Year	# of Transactions	Staff Hours	Cost	Fines Collected
2015-16	18,369	918.45	(\$ 44,388.69)	\$ 19,871.11
2016-17	16,998	849.9	(\$ 41,075.67)	\$ 16,570.36
2017-18	18,741	937.05	(\$ 45,287.63)	\$ 17,419.25
2018-19	15,547	777.35	(\$ 37,569.33)	\$ 14,842.26
2019-20	10,968	548.4	(\$ 26,504.17)	\$ 9,367.27
5 Year Average	16,125	806.23	(\$38,965.10)	\$15,614.05

Figure 5: Costs of Collecting Overdue Fines

³ SFPL. Long Overdue.

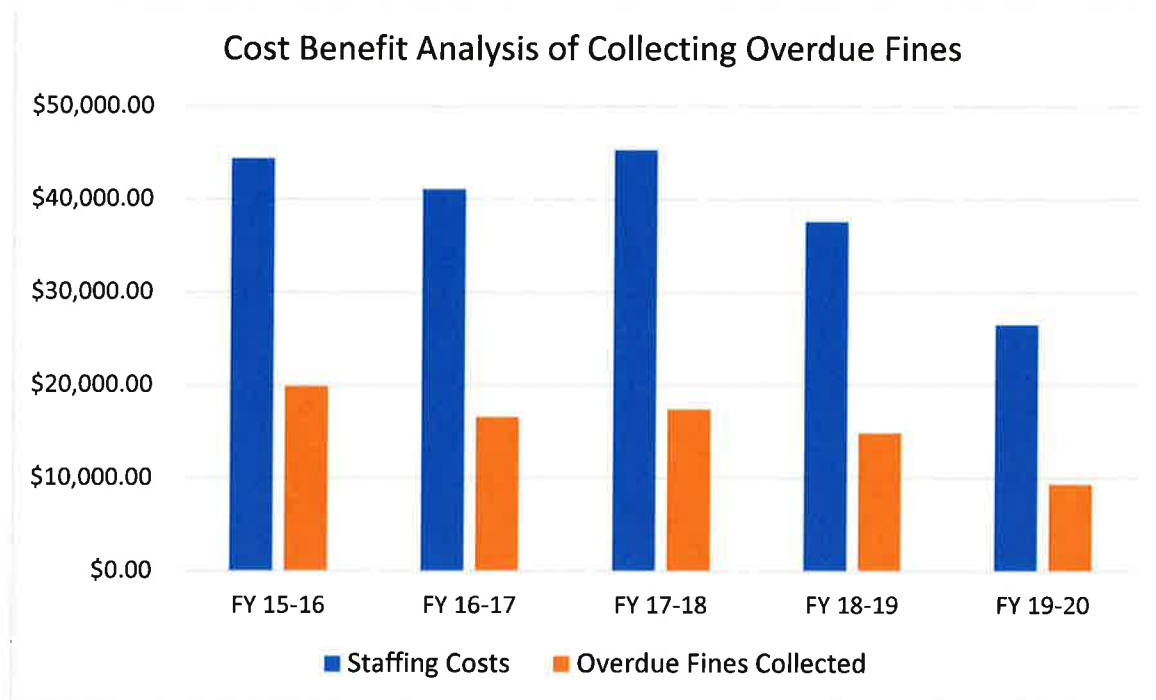


Figure 6: Comparing Costs of Collecting Overdue Fines to Amount Collected

7. Reallocating Staff Time to Public Service

Staff time that would otherwise be spent collecting overdue fines can be reallocated towards more impactful public service activities. The Circulation Department consistently has the highest part-time staffing costs in the Library and restructuring fines would mean that hundreds of hours per year could be allocated to other duties. This is especially important right now as the Library is cutting back on part-time staffing due to the economic impacts of the COVID-19 crisis. Library Clerks are now cross trained and working across divisions; in addition to their Circulation duties, they are also:

- Administering the Library's Home Delivery Program
- Providing oral and written translation in Vietnamese and Mandarin
- Developing public programs and classes for Vietnamese speakers
- Administering reading programs for children
- Communicating with English as Second Language students about enrollment and classes
- Performing storytimes
- Repairing damaged materials
- Physically processing library materials for checkout

8. Streamlining the Library's Service Model

Having late fees requires considerable contact between library patrons and staff and can create lines at the Circulation Desk. The new realities of COVID-19 necessitate a transaction model that limits library cards, books and cash changing hands between staff and patrons as much as possible. The library has already installed self-checkout stations at all public desks in an effort to lessen service bottlenecks, limit physical items changing hands, and avoid protracted transactions and wait times.

Addressing Concerns

Lost Revenue

Library Fines and Fees go into the City's General Fund. MPBL collected \$17,080.85 in overdue fines and audio-visual charges in FY 2018-2019, which represents only two thirds of one percent of the library's total operating budget. In FY 2019-20 that number was only \$10,499.64. The General Fund revenue in 2019-2020 was \$104,766,122.

Materials Will Be Returned Late and Not Be Available for Others

While late returns are a reality in every library, none of the public libraries which have eliminated overdue fines have experienced increases in late returns, longer hold times, or gaps in the collection. In fact, the Salt Lake Public Library saw its late-return rate drop from 9 percent to 4 percent following fine elimination.

Overdue Fines Are Necessary to Teach Responsibility

An important distinction for the analysis of this topic is the difference between overdue fines and billed-item fees.

- *Overdue fines* are the daily charges applied to materials which are not returned by their specified due date.
- *Billed item fees*, or just *fees*, are charges applied for lost, damaged, or unreturned materials and would remain in place after fine and fee restructuring.

The proposal for fine restructuring targets daily overdue fines specifically and does not propose to eliminate billed item fees assessed on lost or damaged items or long-overdue materials.

Billed-item fees would remain in place with fine and fee restructuring, so patrons would still have a monetary incentive to return their items to the library. In the 150-year history of public libraries in the United States, fines have always existed as a "deterrent" to returning materials late. Unfortunately, there is no evidence that they have done so; for various reasons most people have returned library materials late at some point in their lives. Overdue fines may not help prevent occasional late returns and they can keep patrons from visiting the library.

FISCAL IMPACT:

It is anticipated that eliminating overdue fines and fees for use of audio-visual materials will reduce annual General Fund revenue by approximately \$10,000- \$15,000. Outstanding overdue fines and fees total approximately \$95,000.00; however it is difficult to ascertain how much of this would ultimately be collected. Moreover, the City will save approximately \$39,000; the net savings to the City by implementing this policy is approximately \$29,000.

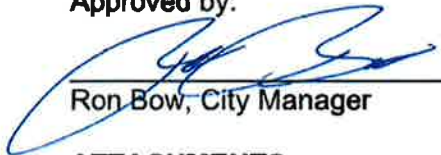
Respectfully submitted and prepared by:

By:



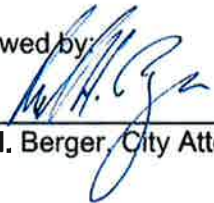
Diana Garcia,
City Librarian

Approved by:



Ron Bow, City Manager

Reviewed by:



Karl H. Berger, City Attorney

ATTACHMENTS:

1. Draft Resolution Amending Fines and Fees

ATTACHMENT 1
Draft Resolution Amending Library Fines and Fees

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NOS. 10766 AND 11771 TO ELIMINATE LIBRARY FINES AND REDUCE CERTAIN FEES FOR SERVICES.

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

SECTION 1: The City Council finds as follows:

A. The City Council may establish fees for services under various provisions of California law including, without limitation, Business & Professions Code § 16000; Government Code §§ 54344, 65104, 65909.5, 65943, 66013, 66014, 66451.2; and Health & Safety Code §§ 17951, 17980.1, and 19852.

B. At the recommendation of the City Librarian, the Library Board of Trustees, and the City Manager, the City Council believes that it is in the public interest to eliminate library fines and reduce the amount of certain library-related fees to help increase accessibility to library services.

SECTION 2: *Library Fines and Fees.* Attached Exhibit "A," which is incorporated by reference, is adopted to supersede the Library related fines and fees set forth in Resolution Nos. 10766 and 11711.

SECTION 3: *Authorization.* The City Manager is directed to implement this Resolution. Among other things, the City Manager is directed to take no action for recovering any outstanding library fines from persons owing such fines at the time this Resolution was adopted.

SECTION 4: *Environmental Review.* This Resolution is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA Guidelines (14 Cal. Code Regs. §§ 15000, *et seq.*) because it establishes, modifies, structures, restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; obtaining funds for capital projects needed to maintain service within existing service areas. This Resolution, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15273.

SECTION 5: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code of the State of California §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: *Effectiveness.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 7: Certification. 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.

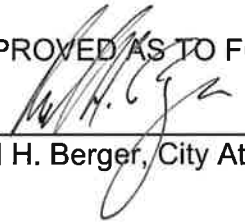
PASSED AND ADOPTED this 3rd day of February 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

EXHIBIT A

CITY OF MONTEREY PARK
MASTER SCHEDULE OF FEES AND CHARGES
FEBRUARY 17, 2021

Fee #	Description	Round Fee *	Unit	Reso	Revenue Account
<u>SECTION C - LIBRARY</u>					
	Default Cost When Replacement Cannot Be Found	Actual + \$22 service charge		11771	0010-07430
<u>Damaged/Lost Library Material</u>					
0246	Accompanying Material	9.05		11771	0010-07490
0247	Replace Plastic Jacket	2.15		11771	0010-07490
0248	Torn Pages	2.15	per page	11771	0010-07490
0249	Videocassette/DVD Case	9.05		11771	0010-07490
0250	Audiocassette/CD Case (single)	2.10	per case	11771	0010-07490
0251	Bag From Children's Book/Cassette Set	2.10	per bag	11771	0010-07490
0252	Audiocassette/Audiobook/CD Case (Multiple)	4.80		11771	0010-07490
0253	Audiocassette/CD Jacket (Inside Jacket)	2.15		11771	0010-07490
0254	Videocassette/DVD jacket (Inside Jacket)	5.90		11771	0010-07490
0255	Book Rebinding	27.65		11771	0010-07490
0245	Processing fee for adding replacement copy	10.00		11771	0010-07430
0258	Interlibrary Loan Fees	5.85	per request plus charges of lending library	11771	0010-07420
0259	Interlibrary Loan Photocopy	5.85	per page over 20 pages (pages 1- 20 free)	11771	0010-07420
0262	Hold Not Picked Up or Cancelled Before Processing	0.50		11771	0010-07420
0256	Library Card Replacement	3.00	per card	11771	0010-07480



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works/City Engineer
Jason Moquin, Interim Planning Manager
SUBJECT: LEAP (Local Early Action Planning Grant Application)

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Local Early Action Planning Grant Application; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The California Governor's Office of Department of Housing and Community Development (HCD) authorized \$119,040,000 to assist California Jurisdictions to implement projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the Regional Housing Needs Allocation (RHNA). Of the authorized \$119,040,000 the City of Monterey Park is eligible for up to \$300,000 to aid in the updating of respective policies and practices to expedite housing development within the City of Monterey Park thereby to meet the Region's housing needs in accordance with Southern Council Association of Governments (SCAG) and Department of Housing and Community Development.

If adopted, the proposed Resolution would authorize the City Manager to apply for the LEAP Grant and implement a budget amendment if or when the City is awarded. The LEAP Grant release date was January 27, 2020 with application dues on or before July 1, 2020; however, due to the Covid-19 pandemic, the application period was extended. When the grant award decision is made and if the grant is awarded to Monterey Park, staff will notify City Council.

BACKGROUND:

The California Legislature determined that increasing the availability of affordable homes statewide is critical to bettering the quality of life of all Californians and to ending homelessness. In the 2019-20 Budget Act, Governor Gavin Newsom allocated \$250 million for all regions, cities, and counties to do their part by prioritizing planning activities that accelerate housing production to meet identified needs of every community. The 2019-20 The Budget Act established a planning grant program

specifically for cities and counties that is similar to the SB2 Planning Grants Program. This new program is referred to as the Local Early Action Planning Grants (LEAP). This program allows councils of governments (COGs) and other regional entities to collaborate on projects that have a broader regional impact on housing. Like the REAP Grant, grant funding is intended to help regional entities and local governments facilitate local housing production that will assist local governments in meeting their Regional Housing Need Allocation (RHNA).

FISCAL IMPACT:

The total proposed budget allocation for the LEAP Grant is \$300,000 for the creation of policies, programs and process amendments that will aide in housing production in the City of Monterey Park. Staff seeks City Council authorization for the City's Management Service Department to allocate \$300,000 in the City budget to fund staff and consultant needs to create and implement the programs if the grant is awarded to the City of Monterey Park.

Respectfully submitted by:



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

Respectfully prepared by:



Jason Moquin
Interim Planning Manager

Reviewed by:



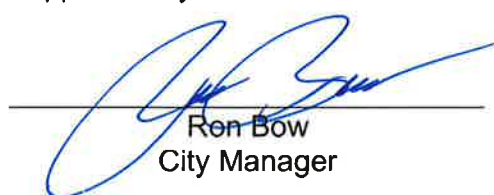
Karl H. Berger
City Attorney

Reviewed by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Staff Report
February 3, 2021
Page 3

ATTACHMENT:

1. Resolution

Staff Report
February 3, 2021

ATTACHMENT 1

Resolution

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE
TO APPLY FOR, AND RECEIVE, LOCAL GOVERNMENT PLANNING
SUPPORT GRANT PROGRAM FUNDS**

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

SECTION 1: The City Council finds and declares that:

- A. Pursuant to Health and Safety Code § 50515, et seq., the California Department of Housing and Community Development ("Department") is authorized to issue a Notice of Funding Availability ("NOFA") as part of the Local Government Planning Support Grants Program (the "Local Early Action Planning Grants program" or "LEAP");
- B. The City Council of Monterey Park desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and
- C. The Department issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California jurisdictions and the City Council finds it in the public interest to authorize the City Manager, or designee, to execute documents to apply for, and potentially receive, up to \$300,000 in grant monies from the LEAP program.

SECTION 2: *Authorizations.* The City Manager, or designee, is authorized to apply for a \$300,000.00 grant from the Department. If the Application is approved by the Department, the City Manager is authorized to enter into, execute, and deliver on behalf of the City, a State of California Agreement (Standard Agreement) for the amount of \$300,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the Applicant's obligations related thereto, and all amendments thereto.

SECTION 3: *Acknowledgements.* The City Council agrees to be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, the City agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

SECTION 4: *Budget Amendment.* The City Council amends or supplements the City's Budget for fiscal year 2020-21 to appropriate the monies identified herein to pay for the Project proposed by the City in support of its grant application. The City Manager, or designee, is authorized to implement the purpose of this section.

SECTION 5: *Reliance on Record.* Each and every one of the findings and determinations in this resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6: If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 7: *Effective Date.* This Resolution becomes effective immediately upon adoption and will remain effective until repealed or superseded.

SECTION 8: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code § 16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

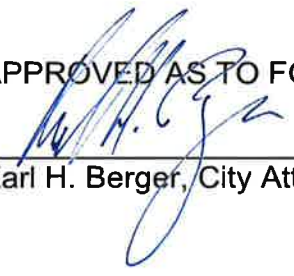
Approved and adopted the 3rd day of February, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. _____ was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 3rd day of February 2021, by the following vote:

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

Dated this 3rd day of February, 2021.

Vincent D. Chang,
City Clerk Monterey Park, California



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works / City Engineer
SUBJECT: Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with Southern California Edison (SCE) to Replace High Pressure Sodium Vapor (HPSV) Street Lights with Light-Emitting Diode (LED) Street Lights Citywide

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an LS-1 Option E Agreement, in a form approved by the City Attorney, with Southern California Edison (SCE) to Replace High Pressure Sodium Vapor (HPSV) Street Lights with Light-Emitting Diode (LED) Street Lights Citywide; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Southern California Edison (SCE) owns and maintains approximately 3,248 streetlights throughout the City of Monterey Park. These are located along residential and arterial streets. The City pays SCE a monthly tariff for each pole which includes the cost of electricity and required maintenance. SCE estimates the City's annual cost for this service at approximately \$490,070. These types of streetlights are referred to as LS-1 lights and fall under SCE's LS-1 cost tariff.

On October 14, 2020, City staff met with SCE representatives to discuss the LS-1 Option E tariff program that is available to cities. This program allows SCE to replace SCE-owned High-Pressure Sodium Vapor (HPSV) streetlight fixtures with energy efficient Light Emitting Diode (LED) fixtures with no out-of-pocket capital cost to cities. Instead, initial capital costs will be amortized through energy cost savings over a 20-year period. Even with the initial capital cost amortization, the City is estimated to see an annual cost savings of approximately \$26,630 based on estimated annual costs for LED streetlights of \$463,440; that savings will increase after the amortization period is over to an estimated \$87,716. Staff is recommending that the City Council authorize the City Manager to execute the LS-1 Option E agreement with SCE.

BACKGROUND AND ANALYSIS:

Since the October 14, 2020 meeting staff continued communicating with SCE regarding the LS-1 E tariff program which would provide the City energy usage cost savings should the City Council authorize SCE to replace its High-Pressure Sodium Vapor (HPSV)

streetlights with energy efficient Light Emitting Diode (LED) technology. The average service life for HPSV lights is approximately 24,000 operating hours, while the average service life for LED lights is approximately 50,000 to 100,000 operating hours. Additionally, LED lights provide a more white and crisp type of light which can improve not only safety and visibility, but general aesthetics during night-time hours. Conversely, HPSV lights tend to produce a more shadowy, yellow type of light. Ultimately, LED streetlights provide energy and cost savings, are dark-sky compliant, lower the community's carbon footprint, and increase safety through better night visibility and color perception.

SCE estimated the City's annual cost for electricity and maintenance of the 3,248 HPSV streetlights at \$490,070; based on a three-year average the City estimates this cost to be over \$500,000. SCE estimates the annual cost for an LED system to be \$463,440 meaning that potential savings could be much higher. Due to fluctuating power usage as well as the frequency of streetlight failure or malfunction, SCE can only provide estimates for annual costs and savings based on past usage, repairs, and assumptions of future usage. SCE's analysis shows, the energy cost savings for LED streetlights is greater than the current HPSV system. Consequently, the City may see savings of over \$26,630 per year.

This item requires the City to enter into an agreement with SCE to initiate the conversion process. Should the City Council approve the item tonight, work could start within a couple months. Conversion of the streetlights could be completed before the end of the year.

FISCAL IMPACT:

There is no out-of-pocket cost to the City for the replacement of the streetlights. The cost is rolled into the LS -1 Option E rate. Due to energy cost savings, the City would see an estimated annual savings of approximately \$26,630 in energy bills during the 20-year amortization period, and an estimated savings of \$87,716 after 20 years.

Respectfully prepared and submitted by:



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

Reviewed by:



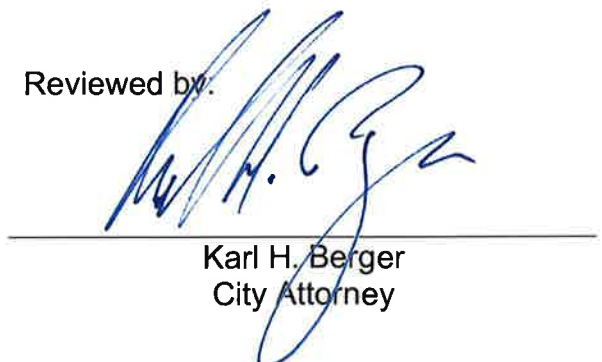
Martha Garcia
Management Services Director

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. SCE LS-1 Option E Rate Analysis
2. SCE Post-20 Year Savings Analysis

ATTACHMENT 1

SCE LS-1 Option E Rate Analysis

LS-1 Option E Rate Analysis

CUSTOMER NAME MONTEREY PARK, CITY OF
Customer Number: 0-000-1033

Lamp Wattage	Lamp Count	Estimated High Pressure Sodium Vapor (HPSV) Annual Costs	Estimated Light Emitting Diode (LED) Annual Costs	Estimated Annual Savings
50 Watt	10	\$1,280	\$1,320	(\$40)
70 Watt	2,148	\$295,910	\$292,300	\$3,610
100 Watt	582	\$87,370	\$81,150	\$6,220
150 Watt	64	\$11,690	\$10,230	\$1,460
200 Watt	349	\$71,870	\$59,640	\$12,230
250 Watt	95	\$21,950	\$18,800	\$3,150
310 Watt	0	\$0	\$0	\$0
400 Watt	0	\$0	\$0	\$0
Total	3,248	\$490,070	\$463,440	\$26,630

This analysis is only a 12 month estimate and the results presented are based on HPSV Lamp Wattage and counts above as of January 2020, LED wattage conversion lamps available at this time, and January 1, 2020 rates. This analysis excludes the following when applicable: Tap Device Charge, State Tax, Utility Users Tax, and Generation Municipal Surcharge. The analysis does not include costs associated with Incandescent, Mercury Vapor, Low Pressure Sodium Vapor, Metal Halide, or already existing LED Lamps. Actual costs may vary due to factors including but not limited to, rate changes, factor changes, wattage conversion changes, excluded cost components.

This analysis is provided to help you evaluate your current Southern California Edison (SCE) bill and/or compare your projected bills to other SCE rate options. These results are based on your past usage and/or assumptions about your energy usage and cannot be guaranteed by SCE. This rate analysis may not reflect all of the rate options that are available to you as an SCE customer. Your actual bills will vary from this analysis due to changes to your actual usage and assumptions such as operating hours, the equipment you use, kVAR charges, weather patterns, service voltage, firm service levels, taxes, and added facilities charges. Moreover, the rate options used in this analysis are subject to change by the California Public Utilities Commission (CPUC), which would also alter the outcome of this analysis.

If your current rate schedule becomes unavailable — either by action of the CPUC or because you are no longer eligible to be placed on the rate — you will be notified of your rate options. If you do not select a different applicable rate option at that time, you will be placed on a default rate schedule.

ATTACHMENT 2

SCE Post-20 Year Savings Analysis

Post-20 Year Savings Analysis

CUSTOMER NAME MONTEREY PARK, CITY OF
Customer Number: 0-000-1033

Lamp Wattage	Lamp Count	EEP Per Month*	Estimated Monthly Savings
50 Watt	10	\$1.42	\$14
70 Watt	2,148	\$1.48	\$3,179
100 Watt	582	\$1.55	\$902
150 Watt	64	\$1.67	\$107
200 Watt	349	\$1.93	\$674
250 Watt	95	\$2.26	\$215
400 Watt	0	\$2.88	\$0
Total	3,248		\$5,090

Estimated Additional Monthly Savings After 20 Years: \$5,090

Estimated Additional Annual Savings After 20 Years: \$61,086

Estimated Annual Savings During 20 Year Repayment: \$26,630

Estimated Annual Savings Post 20 Repayment: \$87,716

*EEP (Energy Efficiency Premium) is based on rate factors effective 1/1/2020

This analysis is provided to help you evaluate your current Southern California Edison (SCE) bill and/or compare your projected bills to other SCE rate options. These results are based on your past usage and/or assumptions about your energy usage and cannot be guaranteed by SCE. This rate analysis may not reflect all of the rate options that are available to you as an SCE customer. Your actual bills will vary from this analysis due to changes to your actual usage and assumptions such as operating hours, the equipment you use, kVAR charges, weather patterns, service voltage, firm service levels, taxes, and added facilities charges. Moreover, the rate options used in this analysis are subject to change by the California Public Utilities Commission (CPUC), which would also alter the outcome of this analysis.

If your current rate schedule becomes unavailable — either by action of the CPUC or because you are no longer eligible to be placed on the rate — you will be notified of your rate options. If you do not select a different applicable rate option at that time, you will be placed on a default rate schedule.



City Council Staff Report

DATE: February 3, 2021

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/City Engineer/City Planner

SUBJECT: A Public Hearing to Consider DA-20-01 a Development Agreement to establish a 107,850 square foot self-storage facility on 0.93 acres located at 2500 Davidson Drive in the Shopping Center (S-C) zone and implementation of the Business Recover Development Zone Overlay.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Opening the public hearing;
- (2) Continue the public hearing to February 17, 2021; and
- (3) Taking such related action that may be desirable.

EXECUTIVE SUMMARY:

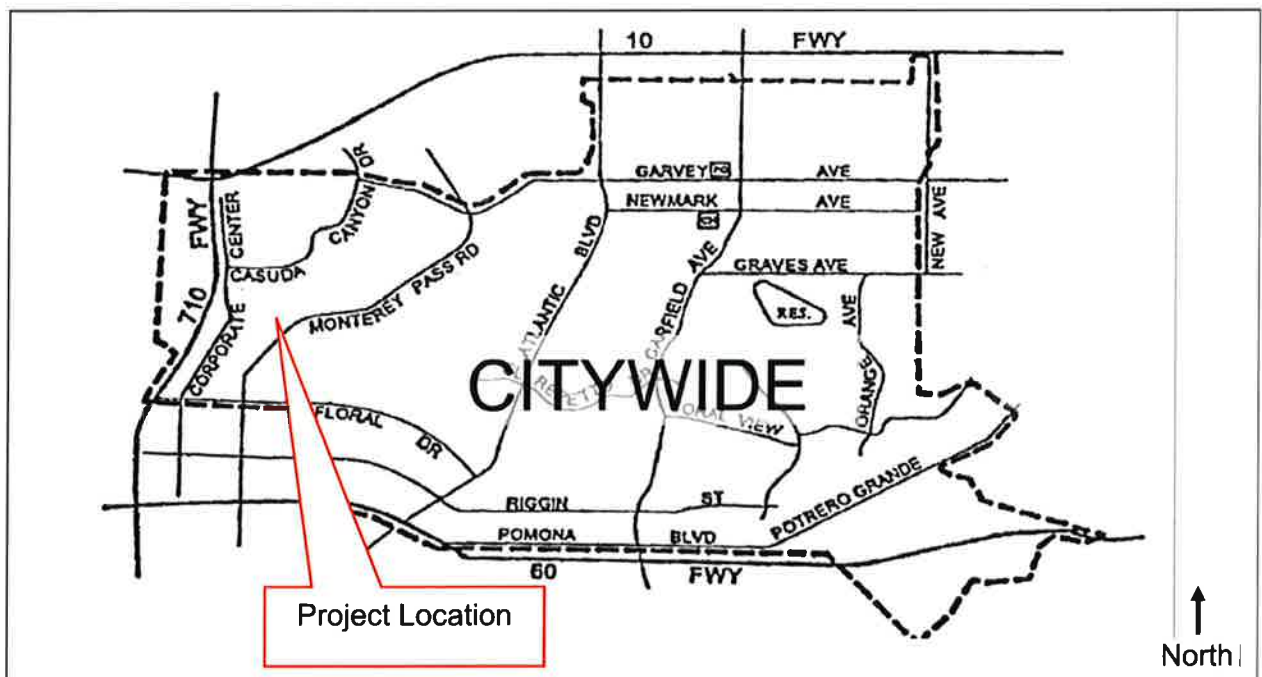
On July 1, 2020 the City Council adopted the Monterey Park Business Recovery Program and ultimately the creation of the Business Recovery Development Overlay Zone ("BRDZ") to aid and assist with promoting development in the City of Monterey Park. The proposed development of the 107,850 square foot self storage facility is the first project to take advantage of this expedited review and is therefore seeking approval of DA-20-01 a Development Agreement thereby implementing the BRDZ and facilitating the review of the site plan, architecture, landscaping and signage associated with the self storage facility. With the applicant's concurrence, staff asks for a continuance of the DA-20-01 to afford the applicant additional time to review the Development Agreement.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in the Monterey Park Press on **January 21, 2021**, with affidavits of posting and publication on file.

Vicinity Map



Aerial Map



Staff Report
February 3, 2021

FISCAL IMPACT:

There is no fiscal impact associated with the proposed action.

Respectfully submitted by:



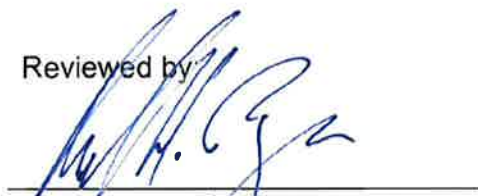
Frank A. Lopez
Interim Director of Public
Works/City Engineer

Prepared by:



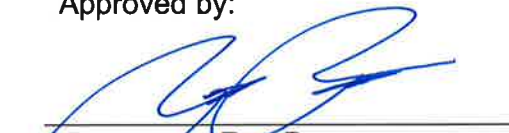
Jason Moquin
Interim Planning Manager

Reviewed by:



Karl H. Berger
City Attorney

Approved by:



Ron Bow
City Manager

ATTACHMENT:

1. Applicant's request

ATTACHMENT 1

Applicant's Request

Moquin, Jason

From: Tom Kearney [tkearney@castergrp.com]
Sent: Wednesday, January 27, 2021 11:32 AM
To: Moquin, Jason
Subject: RE: Proposed Development Project at 2500 Davidson Drive, Monterey Park

[EXTERNAL EMAIL]

Hi Jason,
I got your voice mail also.

Please consider this email documentation that we are in concurrence with staffs request for the continuance of our project to the February 17,2021 City Council meeting.

Thanks.

Tom Kearney / Construction Manager

tkearney@castergrp.com

A-1 Self Storage

Caster Properties, Inc.

Office: (619) 287-8873 ext. 108 / Fax: (619) 287-2493

4607 Mission Gorge Pl

San Diego, CA 92120

<https://www.a1storage.com>

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Moquin, Jason [<mailto:jmoquin@MontereyPark.ca.gov>]
Sent: Wednesday, January 27, 2021 10:16 AM
To: Tom Kearney
Subject: RE: Proposed Development Project at 2500 Davidson Drive, Monterey Park

Tom,

I also need an email requesting and stating concurrence for the continuance to February 17, 2021 to put with our staff report.

Jason Moquin - Interim Planning Manager
Public Works and Development Services Department
City of Monterey Park

320 West Newmark Avenue

Monterey Park, CA 91754

626.307.1324 office | 951.316.6566 cell

Office Hours: Tuesday-Thursday 7:30 AM to 3:30 PM

www.montereypark.ca.gov



**MONTEREY
PARK** | *California*



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO: Public Hearing
Agenda Item 4-B

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Interim Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing to Consider Adopting a new Policy Implementing Vehicle Miles Traveled ("VMT") to analyze Transportation Impacts (14 California Code of Regulations § 15064.3).

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) Adopting the Resolution approving the CEQA Guidelines and VMT Thresholds; and
- (5) Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

Adopting the Resolution 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 resolution, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303; and 15304(e). Further, adopting the resolution is exempt from review under CEQA pursuant to CEQA Guidelines §15061(b)(3) because the resolution is for general policies and procedure-making.

EXECUTIVE SUMMARY:

Until July 1, 2020, the City analyzed a project's impact upon transportation resources using a calculation identified as "level of service" or LOS. Since July 1st, however, California law requires most projects in Monterey Park to be analyzed using a calculation identified as "Vehicle Miles Traveled" or VMT.¹ Among other things, the City Council is required to adopt a new VMT policy and thresholds of significance² to help the City identify when a project may significantly impact the environment under CEQA.

¹ Public Resources Code § 21099; CEQA Guidelines § 15064.3.

² Per CEQA Guidelines § 15064.7.

The proposed VMT policy was unanimously approved by the Planning Commission at the November 24, 2020 meeting and there were no public comments or correspondence received. The Planning Commission recommended that the resolution be modified to reflect the San Gabriel Valley Council of Governments' Average per staff's direction and to retain the city's existing LOS thresholds for the proposes of projecting traffic impacts, specifically potential impacts that may impact queuing or signal timing at intersections throughout the city. It should be noted that the LOS thresholds will not have an impact on the CEQA analysis.

BACKGROUND AND ANALYSIS:

Before 2020, LOS was the sole methodology used to evaluate the traffic impacts for all projects within the City. LOS measures peak-hour vehicle delay at an intersection or in a vehicle lane. A traffic analysis results in a letter grade where LOS-A is the best (representing free-flow traffic conditions) and LOS-F is the worst (representing high congestion and traffic).

In 2013, the California Legislature adopted SB 743. Among other things, SB 743 amended the Public Resources Code ("PRC") to allow different methods of calculating project traffic impacts. This change is intended to fulfill the Legislature's intent of reducing greenhouse gases, traffic-related air pollution, decreasing the reliance upon personal automobiles, and diversifying land uses (i.e., increasing the density of land use in order to promote alternate means of transportation). To implement these goals, the Legislature authorized the Office of Planning and Research (which administers the CEQA Guidelines) to amend the CEQA Guidelines governing the calculation methods.

Effective July 1, 2020, CEQA Guidelines § 15064.3 requires the City to utilize VMT calculations for evaluating traffic impacts from a proposed project. Therefore, the City must adopt new thresholds of significance to determine when, based upon the VMT calculations, a project will have a significant effect upon traffic circulation.

To help reduce costs and ensure regional uniformity in VMT methods, the City contracted with the San Gabriel Valley Council of Governments (SGVCOG) to participate in developing a San Gabriel Valley Regional VMT Analysis Model (the "Model"). The thresholds outlined in that Model are consistent with the objectives, principles, and standards of the Monterey Park Circulation Element (which is part of the City's General Plan). The proposed Resolution reflects the completion of the Model and the recommended thresholds of significance.

In sum, the Resolution would implement the following:

Initial Project Screening (Thresholds):

The State suggests project screening thresholds based on project size/types, maps, and transit availability to identify projects that are expected to cause a less than significant VMT impact (and, therefore, will not require a detailed study). The following criteria can be used to screen a project for VMT impacts.

- *Local-Serving Projects* – local agencies may filter or “screen out” local-serving projects so that they do not even require a traffic study to look at VMT impacts. The idea is that that since they serve the local population, they likely reduce the need for people to drive further away and thus reduce VMT. The City Planner recommends adopting a list of local-service projects that are consistent with the state’s Office of Planning and Research’s (OPR) guidance. While the City can adopt a lower number of daily trips or projects of a small size, higher thresholds are not allowed. A proposed list of local-serving projects is attached as Exhibit A to the Resolution.
- *Low VMT Areas* – the City may also filter out zones that are already considered “low VMT” traffic analysis zones (TAZs) which are compiled and updated through the Southern California Association of Governments or SCAG. TAZ zones are developed utilizing a model with input from local jurisdictions as it pertains to zoning and land thereby resulting in the maximum number of units or square footage and number of residents and potential jobs which would result upon development. Such areas likely already have a good mix of uses. Adding additional uses in this area provides for less trips and bundling of trips. The City Planner recommends that the City screen out residential and office projects located in low VMT areas. Low VMT is defined as 15 percent below the Baseline VMT metrics.
- *Transit Priority Areas (TPA)* - The City Planner recommends screening out projects in TPAs be defined as locations within half-a-mile of a transit stop or station with a minimum of 15-minute headways during peak commute hours. Currently there are no TPAs in Monterey Park. Over time, however, as transit service changes or increases portions of the City may become part of a TPA.
- *Affordable Housing* – The City Planner recommends screening out affordable housing developments or affordable housing units within mixed-use developments as these types of uses result in residents and patrons that work, shop and play locally, thereby reducing the number of miles traveled to obtain similar services.

VMT Methodology

- *Setting a Baseline VMT* - The Baseline VMT is defined as the average VMT for the area represented by the SGVCOG, as measured by VMT per capita, VMT per employee, or VMT per service population. A project’s VMT will be compared to the baseline VMT when determining potential significant impacts. The City can choose different baselines including the City’s existing VMT, a subarea of the SGVCOG, the SGVCOG or the SCAG region. Staff recommends choosing the SGVCOG as the baseline.

Thresholds of Significance:

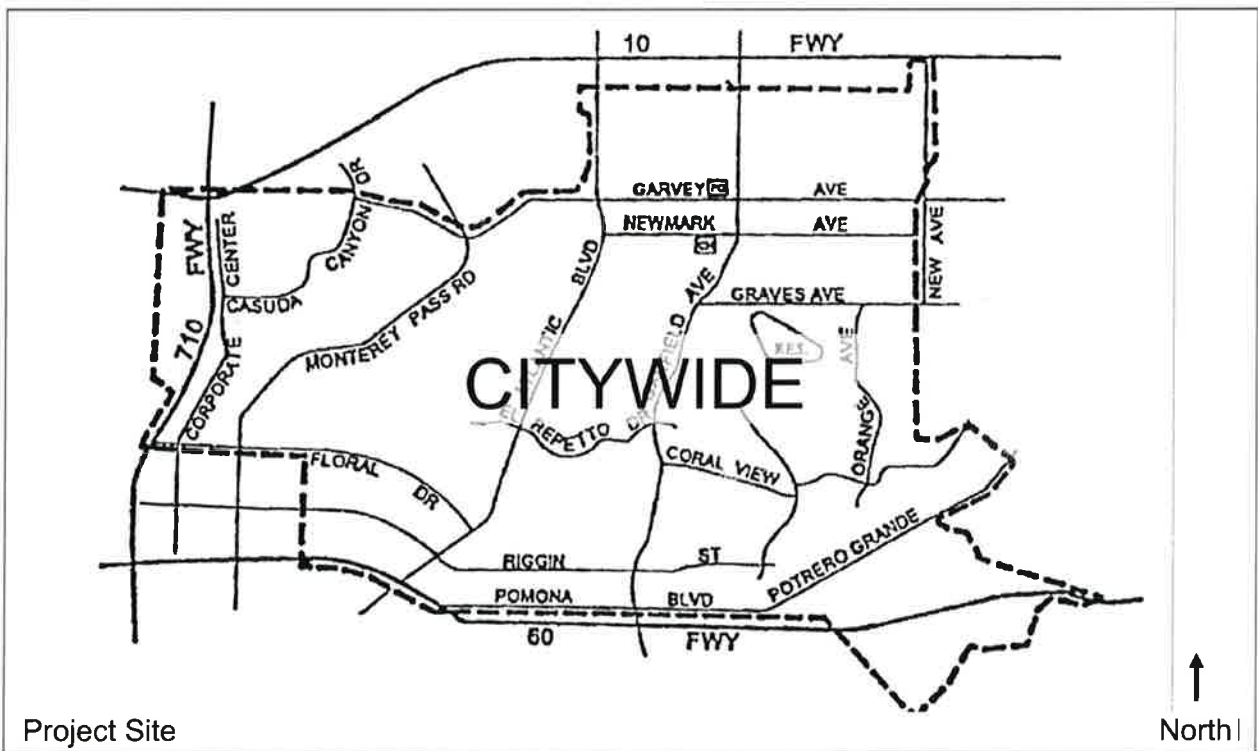
- *Land Use Plans* – The City Planner recommends a significant impact to include those projects where the VMT per service population for the land use plan exceeds 15 percent below the baseline VMT.
- *Projects* – The City Planner recommends consideration of significant impacts to include projects that generate VMT (per capita, per employee, or per service population) higher than 15 percent below the baseline VMT.
- *Transportation Projects* – Significant impacts will occur if the project results in a net increase in VMT.

OTHER ITEMS:

Legal Notification

The legal notice of this hearing was posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center and published in the Monterey Park Press Wave on **January 21, 2021**, with affidavits of posting and publication on file.

Vicinity Map



FISCAL IMPACT:

None

Respectfully submitted by:



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

Prepared by:



Jason Moquin
Interim Planning Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Resolution
2. Resolution of the Planning Commission adopting Vehicle Miles Traveled "VMT" Policy – November 18, 2020
3. VMT Thresholds

Staff Report
February 3, 2021

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A POLICY IMPLEMENTING “VEHICLE MILES TRAVELED” FOR THE PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”).

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

SECTION 1: The City Council finds and declares that:

- A. The California Legislature amended the California Environmental Quality Act (“CEQA”) in 2013 regarding the analysis of vehicle transportation impacts resulting from proposed projects subject to environmental review. These changes were intended to identify and properly mitigate the impacts of vehicle traffic including, without limitation, noise, air pollution, and safety concerns. This is, in part, to help reduce California’s greenhouse gas emissions. The new requirements are generally defined in CEQA Guidelines (see 14 Cal. Code of Regs. § 15064.3) as “Vehicle Miles Traveled” (or “VMT”);
- B. To comply with these changes, the City cooperated with the San Gabriel Valley Council of Governments (SGVCOG) to create policies implementing VMT for the City;
- C. The result of that cooperation is reflected in the policies and thresholds set forth in attached Exhibit “A,” which is incorporated by reference (the “Monterey Park VMT Policy”);
- D. The City reviewed the Monterey Park VMT Policy’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”);
- E. Testimony and evidence was presented to the Planning Commission at its November 24, 2020 public hearing including, without limitation, the staff report submitted by the City Planner. The Planning Commission recommended that the City Council adopt the Monterey Park VMT Policy; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the City Council at its February 3, 2021 public hearing including, without limitation, the staff report and attachments.

SECTION 2: *Determination.* Based on the findings set forth in Section 1, the City Council approves the Monterey Park VMT Policy set forth in attached Exhibit “A,” which is incorporated by reference.

SECTION 3: *Environmental Assessment.* This Resolution is exempt from additional environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA” and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*)) because it establishes rules and procedures in compliance with California law; does not involve any commitment to a specific project would could result in a potentially significant physical impact on the environment; and constitutes a organizational

RESOLUTION NO.
PAGE 2 OF 3

or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly the Resolution does not constitute a "project" that requires environmental review (see specifically CEQA Guidelines §§ 15378(b)(2, 5) and 15308).

SECTION 4: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 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: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 7: This Resolution will remain effective until superseded by a subsequent resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 2021.

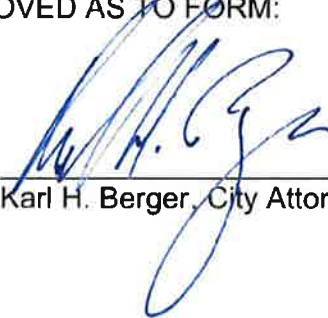
Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By:



Karl H. Berger, City Attorney

RESOLUTION NO.
PAGE 3 OF 3

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. _____ was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the ____ day of _____, 2021, by the following vote:

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

Dated this ____ day of _____, 2021.

Vincent D. Chang, City Clerk
Monterey Park, California

ATTACHMENT 2

Resolution of the Planning Commission

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A POLICY IMPLEMENTING “VEHICLE MILES TRAVELED” FOR THE PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”).

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. The California Legislature amended the California Environmental Quality Act (“CEQA”) in 2013 regarding the analysis of vehicle transportation impacts resulting from proposed projects subject to environmental review. These changes were intended to identify and properly mitigate the impacts of vehicle traffic including, without limitation, noise, air pollution, and safety concerns. This is, in part, to help reduce California’s greenhouse gas emissions. The new requirements are generally defined in CEQA Guidelines (see 14 Cal. Code of Regs. § 15064.3) as “Vehicle Miles Traveled” (or “VMT”);
- B. To comply with these changes, the City cooperated with the San Gabriel Valley Council of Governments (SGVCOG) to create policies implementing VMT for the City;
- C. The result of that cooperation is reflected in the policies and thresholds set forth in attached Exhibit “A”, which is incorporated by reference (the “Monterey Park VMT Policy”);
- D. The City reviewed the Monterey Park VMT Policy’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”); and
- E. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its November 24, 2020 public hearings including, without limitation, the staff report submitted by the City Planner.

SECTION 2: *Determination.* Based on the findings set forth in Section 1, the Planning Commission recommends that the City Council approve the Monterey Park VMT Policy, more particularly identified in Exhibit “A”.

SECTION 3: *Environmental Assessment.* This Resolution is exempt from additional environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA” and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*)) because it establishes rules and procedures in compliance with state law; does not involve any commitment to a specific project would could result in a potentially significant physical impact on the environment; and constitutes a organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly the Resolution does not constitute a “project” that requires environmental review (see specifically CEQA Guidelines §§ 15378(b)(2, 5) and 15308).

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 3**

SECTION 4: *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

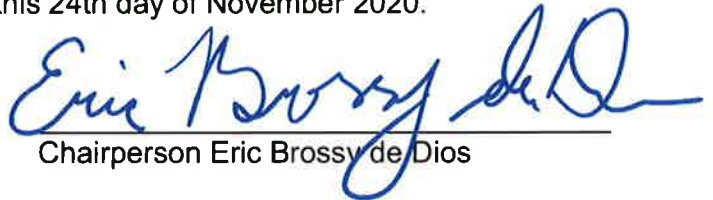
SECTION 5: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 6: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 7: This Resolution will remain effective until superseded by a subsequent resolution.

ADOPTED AND APPROVED this 24th day of November 2020.

E



Chairperson Eric Brossy de Dios

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 24th day of November 2020, by the following vote of the Planning Commission:

AYES: Brossy de Dios, Low, Choi, Sam and Garcia Amador

NOES: None

ABSTAIN: None

ABSENT: None



Frank A. Lopez, Secretary

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

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 3**

By: 

Natalie C. Karpeles,
Deputy City Attorney

ATTACHMENT 3

VMT Thresholds

RESOLUTION NO.

EXHIBIT A

MONTEREY PARK VEHICLE MILES TRAVELED (VMT) POLICY

I. Policy

California law provides that local-serving project types that may be presumed to have a less than significant impacts absent substantial evidence to the contrary. Local-serving retail projects (less than 50,000 square feet) generally improve the convenience of shopping close to home and have the effect of reducing vehicle travel. The City Planner will screen out the following projects which are presumed to have a less than significant impact (absent substantial evidence to the contrary) as their uses are local serving in nature:

1. Local serving retail (retail establishments less than 50,000 square feet in size)
2. Local-serving K-12 schools
3. Local parks
4. Day care centers
5. Local-serving retail uses less than 50,000 square feet including, without limitation:
 - a. Gas stations
 - b. Banks
 - c. Restaurants
 - d. Shopping Centers
6. Local-serving hotels (e.g., non-destination hotels)
7. Student housing projects on, or adjacent, to a college campus
8. Local-serving assembly uses (places of worship, community organizations)
9. Community institutions (e.g., public libraries, fire stations, local government)
10. Affordable, supportive, or transitional housing
11. Assisted living facilities
12. Senior housing (as defined by the California Department of Housing and Urban Development)

13. Local serving community colleges that are consistent with the assumptions noted in the Regional Transportation Plan adopted and maintained by SCAG (Southern California Association of Governments).

14. Projects generating less than 110 daily vehicle trips. This generally corresponds to the following “typical” development potentials:

- a. 11 single family housing units
- b. 16 multi-family, condominiums, or townhouse housing units
- c. 10,000 sq. ft. of office
- d. 15,000 sq. ft. of light industrial
- e. 63,000 sq. ft. of warehousing

II. VTM Baselines and Thresholds of Significance

Consistent with CEQA Guidelines § 15064.3, the City Council adopted the project baselines and thresholds of significance set forth in Table 1 to guide in determining when a project will have a significant transportation impact.

Table 1

Project Type	Thresholds
Land Use Plan	1) Project Impact: A significant impact would occur if the VMT rate for the plan would exceed 15% below the applicable baseline VMT rate. 2) Cumulative Project Effect: A significant impact would occur if the project increases total regional VMT compared to cumulative no project conditions.
Land Use Project	1) Project Impact: A significant impact would occur if the VMT rate for the project would exceed 15% below the applicable baseline VMT rate. 2) Cumulative Project Effect: A significant impact would occur if the project increases total regional VMT compared to cumulative no project conditions.
Retail Project (over 50,000 square feet)	1) Project Impact: A significant impact would occur if the VMT rate for the project would exceed 15% below the applicable baseline VMT. 2) Cumulative Project Effect: A significant impact would occur if the project increases total VMT in the study area compared to baseline conditions.
Transportation Project	A significant impact would occur if the project causes a net increase in total regional VMT compared to baseline conditions, opening year no project conditions, or cumulative no project

	conditions.
All land use and transportation projects	A significant impact would occur if the project is inconsistent with the RTP/SCS.

Note: Baseline VMT rate is defined as the SGVCOG Average, City of Monterey Park per applicable service population.

Note: The baseline may be changed pending updates to the SCAG RTP model.

Note: Level of Service (LOS) Standards shall be addressed in addition to VMT and be included in a Traffic Impact Analysis as deemed applicable by the city's adopted traffic guidelines and as prescribed by the Public Works Director or designee.



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO: Public Hearing
Agenda Item 4-C

TO: Honorable Mayor and City Council
FROM: Chief Matthew Hallock, Monterey Park Fire Department
SUBJECT: Consideration and possible action to adopt a Resolution to record a Notice of Special Assessment for Nuisance Abatement at 134 E. Floral Drive (APN 5274-019-001)

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. Adopting a resolution to record a Notice of Special Assessment for Nuisance Abatement; and/or
5. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

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

EXECUTIVE SUMMARY:

Pursuant to Monterey Park Municipal Code ("MPMC") § 4.30.150, the City may recover abatement costs and administrative citation fines by recording a special assessment upon real property. A public nuisance at 134 E. Floral Drive was abated by the City. As a result, the City incurred a total of \$5,441.66 (which includes legal fees). The property owner was provided with an opportunity to either remit payment to the City or contest the costs incurred; as of the preparation of this report, the owner has not done either.

BACKGROUND AND DISCUSSION:

I. Nuisance Enforcement, Abatement and Cost Recovery, Generally.

The MPMC authorizes the City to abate nuisances when private property owners refuse to voluntarily bring their properties into compliance with the MPMC. After abatement, the City may recover all of its costs associated with the action including staff time; legal costs; and the action costs of any third-party contractor.

If a property owner fails to pay for such costs, Government Code § 39773.5 and MPMC § 4.39.150 allow the City to levy a special assessment upon real property to recover any unpaid enforcement/abatement costs incurred by the City. If such a special assessment is unpaid after three years, the tax collector may sell the property to recover the total amount owed.

II. 134 E. Floral Drive

Since September of 2018, the property owner permitted or maintained a hedge located in the eastern side yard of the property located at 134 E. Floral Drive (the "Property") to grow in a manner interfering with line-of-sight visibility from the adjoining property's driveway for vehicle and pedestrian travel. The property was inspected 29 times and nine letters were sent to the property owner encouraging voluntarily action to trim the height of the hedge and/or thin out the hedge (to increase visibility). The property owner refused to act.

On August 28, 2020, a neutral hearing officer conducted an administrative hearing in accordance with the MPMC. The property owner was provided proper notice of the hearing and declined to participate. After the hearing, the hearing officer found the property to be a public nuisance and issued a written order authorizing immediate abatement by the City. On September 8, 2020, the City provided the property owner with a copy of that order and gave him a final opportunity to voluntarily abate the nuisance. An inspection conducted on September 19, 2020, showed that the nuisance remained.

On October 2, 2020, the City obtained an abatement warrant from the County of Los Angeles Superior Court (the "Warrant"). On October 13, 2020, the City's third-party landscape contractor, officers from MPPD, code enforcement officers and public works employees executed the Warrant. The total costs of this abatement action were \$5,441.66.

On October 26, 2020 and December 22, 2020, the City sent a demand letter to the property owner seeking full payment of \$5,441.66. To date, the property owner has neither appealed the cost of abatement nor reimbursed the City. Consequently, it is recommended that the City Council adopt the draft resolution to record a Notice of Special Assessment for the nuisance abatement conducted at the Property by the City.

FISCAL IMPACT:

The Resolution will allow the City to recover \$5,441.66.

Respectfully submitted by:



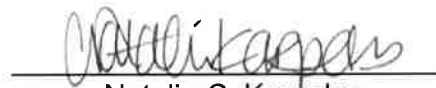
Matthew Hallock, Fire Chief
Monterey Park Fire Department

Approved by:

Reviewed by:



Ron Bow
City Manager



Natalie C. Karpeles,
Deputy City Attorney

Attachments:

1. Resolution
2. Hearing Officer's Order (dated August 31, 2020)
3. Notice of Abatement Costs (dated October 26, 2020)
4. Special Assessment for Nuisance Abatement notice (dated December 22, 2020)

ATTACHMENT 1

Resolution

RESOLUTION NO.

A RESOLUTION TO RECORD A NOTICE OF SPECIAL ASSESSMENT FOR NUISANCE ABATEMENT AT 134 E. FLORAL DRIVE (APN 5274-019-001)

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

SECTION 1: Recitals. The City Council finds and declares that:

- A. On August 28, 2020, the Administrative Hearing Officer declared real property located at 134 E. Floral Drive (APN 5274-019-001) to be a public nuisance ("Property");
- B. Based upon the Administrative Hearing Officer's written decision, the City obtained an abatement warrant from the Honorable Judge Suzette Clover on October 2, 2020. The City subsequently abated the public nuisances identified within the warrant on October 13, 2020;
- C. As set forth in the October 26, 2020 notice of abatement costs (the "Notice"), the City incurred \$5,441.66 in costs for abating the nuisance. The Notice is attached as Exhibit "A," and incorporated by reference;
- F. The City Attorney's office gave the property owner a deadline of November 25, 2020 to pay this amount in full. There is no record of payment. Consequently, the City may collect the charges as a special assessment or nuisance abatement lien recorded against the Property (see Government Code § 38773.5 and Monterey Park Municipal Code § 4.30.150).

SECTION 2: Confirmation of Costs. The City Council confirms that the abatement costs in the Notice are accurate. Such charges now constitute a lien on the Property and will be collected as a special assessment against the Property.

SECTION 3: The City Manager and City Clerk are directed to:

- A. Mail a copy of the Notice to the property owner pursuant to MPMC § 4.20.150(b);
- B. File a certified copy of this Resolution (with attachments) with the Los Angeles County Assessor and Treasurer and Tax Collector and Los Angeles County Recorder for recording pursuant to Government Code § 38773.5;
- C. Direct the Los Angeles County Assessor to enter the amount of the charge against the real property described in this Resolution on the current real property assessment rolls; and

D. Take any other action necessary to effectuate this Resolution.

SECTION 4: *Special Assessment*. The Los Angeles County Assessor and Treasurer and Tax Collector are requested to add the amount of the assessment to the next regular property tax bill levied against the Property for municipal purposes.

SECTION 5: *Penalties*. This Resolution does not affect any penalty, forfeiture or liability incurred before, or preclude prosecution and imposition of penalties for any violation incurring before, this Resolution's effective date. Any such amendment part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 6: *Severability*. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 7: *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 8: *Execution*. The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or his duly appointed deputy, may attest thereto.

SECTION 9: *Effectiveness*. This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

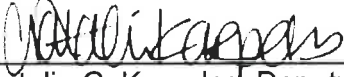
PASSED AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, 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
Hearing Officer's Order (dated August 31, 2020)

CITY OF MONTEREY PARK

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



CERTIFIED MAIL/RETURN RECEIPT **AND U.S. MAIL**

CITY OF MONTEREY PARK ADMINISTRATIVE HEARING DECISION

DATE: September 8, 2020

Mr. Richard Wong
134 E. Floral Avenue
Monterey Park, CA 91754

City Council
Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

RE: Administrative Hearing Officer's Final Decision for Public Nuisance Abatement
Hearing Date: August 28, 2020

The hearing officer carefully reviewed and considered all the relevant facts, evidence, and testimony presented for the Notice of Public Nuisance hearing held on August 28, 2020.

A copy of the Formal Hearing Decision from the Hearing Officer is appended for your records. If you have any questions regarding this process, you should seek legal counsel.

Please be advised that you have until September 28, 2020 to (1) reduce the height of the hedges on the side of the yard on the east side of your property down to four feet for a distance of 25 feet starting from the sidewalk, and the remainder down to six feet; and (2) thin out the hedges on the property for increased visibility. If you fail to comply with this deadline, the City will commence abatement proceedings, the cost(s) of which will constitute a special assessment and a Nuisance Abatement Lien on your property until paid (*see* Monterey Park Municipal Code § 4.30.150).

Best regards,

A handwritten signature in black ink, appearing to read "Chris Lua Gomez", is written over a horizontal line.

Chris Lua Gomez, Fire Marshal
Monterey Park Fire Department
Fire Prevention Division
(626) 307-1308 | Main
(626) 307-2590 | Fax

Attachment 1: Formal Hearing Decision Form

cc:
Matt Hallock, Fire Chief
Natalie C. Karpeles, Deputy City Attorney
Stephanie Estevez-Gomez, Code Enforcement Officer

CITY OF MONTEREY PARK

In the matter of:	)	ORDER ON ABATEMENT OF NUISANCE
	)	
134 E. Floral Dr.,	)	
	)	
Richard Wong	)	
_____	)	

I.

INTRODUCTION

A virtual hearing on the abatement of nuisance on real property located at 134 E. Floral Drive (Property) in the City of Monterey Park (City) was held commencing at 10:00 a.m. on August 28, 2020, pursuant to due notice to the owner of said Property, Richard Wong (Owner).

Code enforcement officer Stephanie Estevez was present for the City. Ms. Estevez advised that the owner of the Property, Mr. Wong, was aware of the time and nature of the hearing but had advised her he would not participate due to a previously scheduled appointment. Ms. Estevez offered, and they were received into evidence, Exhibits A through U, consisting of violation notices, photographs, inspection reports and letters.

II.

HEARING

The alleged nuisance consists of hedges more than six feet in height growing along the side of the yard on the east of the Property in violation of Section 21.08.080 of the Municipal Code, and hedges along the side of the yard being overgrown and hazardous

due to obstruction of vehicular traffic and pedestrians in violation of Section 4.30.50(j) (3) of the Municipal Code.

The problems on this Property have existed for some time. Mr. Wong was sent his first notice on September 20, 2018, advising him of several violations, including having a hedge more than six feet high and overgrown vegetation. He was advised to reduce the height of the hedge in the side yard to six feet (Exhibit A).

There followed over the next 23 months another 19 inspections, three notices of violation by the inspectors and a Final Notice of Violation from the City Attorney (Exhibit I), advising the Owner of violations and requiring that the conditions described be corrected. In the letter from the City Attorney, Owner was advised that if he did not comply by February 4, 2020, the City could proceed with its own abatement at Owner's cost.

The Owner was unmoved and consistently failed to comply. On one occasion, the Owner stated that he would not reduce the height of the hedge on grounds of privacy.

The Notice setting the hearing, sent out on August 13, 2020, stated that the hearing would be canceled if the Owner complied by August 21, 2020. As shown above, Owner has not complied and declined to participate in the hearing.

III.

DISCUSSION

The testimony of Ms. Estevez and a review of the numerous inspection reports and accompanying photographs show untended and overgrown vegetation on and around the Property. In particular, the hedge along one side of the Property is higher than the allowable six feet and is also a hazard to pedestrians on the sidewalk, since it parallels

a driveway used by vehicles on the adjacent property (Exhibits L, N, O, and R). This a violation of Municipal Code Section 21.08.080.

In addition, the hedges are overgrown and hazardous, as shown in the photographs, in violation of Section 4.30.50(j) of the Municipal Code.

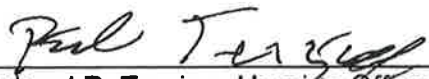
IV.

ORDER

Based on the foregoing, it is hereby ORDERED that said Property is a public nuisance subject to immediate abatement by City forces by (1) reducing the height of the hedges on the side of the yard on the east side of the Property down to four feet for a distance of 25 feet starting from the sidewalk and the remainder down to six feet and (2) thin out the hedges on the Property for increased visibility.

All of the foregoing abatement is to be accomplished at the expense of the Owner and a lien for repayment of said costs to the City is to be placed on the Property. All legal expenses to the City in connection with this abatement proceeding, including the fees of the hearing officer, are similarly to be charged to the Owner and included in any lien thereon.

Dated: August 2, 2020


Richard R. Terzian, Hearing Officer

ATTACHMENT 3
Notice of Abatement Costs
(dated October 26, 2020)

CITY OF MONTEREY PARK

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



City Council
Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

October 26, 2020

Mr. Richard Wong
134 E. Floral Drive
Monterey Park, CA 91755

**Re: NOTICE OF ABATEMENT COSTS
134 E. Floral Drive, Monterey Park, CA 91755**

Dear Mr. Wong:

This letter is a follow-up to the City of Monterey Park's continued enforcement action relating to the aforementioned property (Property). In the fall of 2018, the City began to receive complaints regarding the hedges growing along the side yard to the east the Property; specifically that these hedges were over the legal height limitations and created a hazardous obstruction of vehicular traffic and pedestrians. The City notified you of these violations and concerns in multiple Notice of Violation letters (dated September 20, 2018; September 26, 2019; October 24, 2019; December 3, 2019; December 20, 2019; and January 3, 2020). Having received no response thereto, and with the Code violations still present at the Property, the City scheduled an Administrative Hearing for August 28, 2020 (which you declined to attend). The Administrative Hearing Officer confirmed, among other things, the nuisance condition caused by the hedges and ordered the City to immediately abate it. On September 8, 2020, the City notified you of the Hearing Officer's Order and provided you one last opportunity to voluntarily abate the nuisance, not later than September 28, 2020. You failed to do so. Accordingly, on October 2, 2020, the City obtained an abatement warrant from the County of Los Angeles Superior Court.

On October 13, 2020, the City's Landscaping Contractor, at the direction of the City's Code Enforcement Division, executed the warrant. The hedges at the Property were abated by (1) reducing the height of the hedges on the eastern side yard down to four feet; and (2) thinning out the hedges on the Property for increased visibility.

The following are the City's abatement costs that were incurred relating to the enforcement action against the Property. These abatement costs are imposed pursuant to Monterey Park Municipal Code (MPMC) Chapter 4.30 and the abatement warrant issued by the court. **Please remit payment to the City within 30 days from the date of this letter.**

October 26, 2020

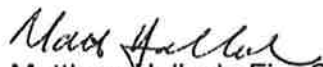
Page 2

City's abatement costs relating to 134 E. Floral Dr.	
Administrative Hearing Officer	\$850.00
City Attorney's fees (October 30, 2018 to the present)	\$2,524.50
Fire Department Fees:	
Code Enforcement Officer S. Estevez (7 hours)	\$355.95
Code Enforcement Officer M. Guerrero (3.5 hours)	\$164.36
Fire Marshal, C. Gomez (5.5 hours)	\$434.22
Division Chief R. Weddle (5 hours)	\$332.05
Police Department Fees:	
Officer G. Sims (3 hours)	\$225.42
Public Works Fees:	
Mariposa Landscapes, Inc.	\$368.38
Park Maintenance Crew Leader R. Valenzuela (3 hours)	\$186.78
TOTAL	\$5,441.66

Please be advised that the costs of abatement may be appealed by filing a written request to contest with the City Manager's office (located at 320 W. Newmark Ave., Monterey Park, CA 91754) within 10 calendar days of service of the notice of abatement costs. The written request must conform to the requirements set forth in Monterey Park Municipal Code § 4.30.140. Failure to submit a timely request to contest will constitute a waiver of the right to contest the notice of abatement costs. In this event, the notice of abatement costs is final and binding, and the City may proceed to collect its abatement costs in any manner allowed by law, including collection by special assessment or nuisance abatement lien (see MPMC § 4.30.150).

Thank you for your prompt attention to this matter. Should you have any questions regarding the contents of this letter, please contact Code Enforcement Officer Stephanie Estevez-Gomez at 626-307-1316 or sestevez@montereypark.ca.gov.

Sincerely,


Matthew Hallock, Fire Chief

Enclosures:

Notices of Violation letters (dated September 20, 2018; September 26, 2019; October 24, 2019; December 3, 2019; December 20, 2019; and January 3, 2020)

Notice of Public Nuisance Hearing (dated August 13, 2020)

Notice of Hearing Officer's Final Decision (dated September 8, 2020)

Mariposa Landscapes, Inc. Invoice

cc: Martha Garcia, Director of Management Services
Chris Lua Gomez, Fire Marshal
Stephanie Estevez-Gomez, Code Enforcement Officer
Natalie C. Karpeles, Deputy City Attorney

CITY OF MONTEREY PARK

320 West Newmark Avenue * Monterey Park * CA 91754-2896
www.ci.monterey-park.ca.us



NOTICE OF VIOLATION

WONG RICHARD
1965 S EL MOLINO AVE
SAN MARINO, CA 91108-
1772

RE: 134 E FLORAL
DR
APN: 5274-019-001
Case No: CE-18-0865

Date: September 20, 2018

To WONG RICHARD,

An inspection of the subject property was performed by a Code Enforcement Officer and revealed conditions that are in violation of the Monterey Park Municipal Code (MPMC). Property owner(s) are responsible for the proper maintenance and upkeep of their property in order to conform to City ordinances and community appearance and safety standards. Therefore your voluntary cooperation is being requested in correcting the following municipal code violation(s). Failure to comply by the date indicated below will result in civil monetary fines and/or criminal court actions.

Violation #1: MPMC 4.30.050(j) Overgrown Vegetation - Any overgrown, dead, decayed, diseased or hazardous tree, weeds, vegetation, or debris which: (1) May harbor rats vermin, or other disease carriers, (2) Is maintained so as to cause an obstruction to the vision of motorists or a hazardous condition to pedestrians or vehicle traffic, (3) Constitutes an unsightly appearance, (4) Creates a danger or attractive nuisance to the public, (5) Causes detriment to neighboring properties or property values, or (6) Constitutes a fire hazard.

Corrective Action: Cut and remove high grass and overgrown vegetation in front yard; including dead/dried palm fronds.

Compliance Date: October 12, 2018

Violation #2: MPMC 9.87.010 Parkway Maintenance (Weeds, Rubbish, Refuse and Waste Material) - It shall be the duty of the owner, his agent, his lessee and of the person in possession of private real property, whether improved or unimproved, in the city to keep the same, together with the public right-of-way, if any, abutting or adjoining such property free from weeds, rubbish, refuse and waste materials of all kinds which may endanger or injure neighboring property, or the health, safety or welfare of the residents in the vicinity of such property.

Corrective Action: Cut and remove all weeds, rubbish and other discarded material from the parkway.

Contact Athens prior to discarding items (626) 336-6100.

Compliance Date: October 12, 2018

Violation #3: MPMC 4.30.050(u) Overgrown vegetation on public right-of-ways - Any condition of

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

Corrective Action: Remove any grass, weeds and vegetation growing into, over, or upon the sidewalk, parkway & street.

Compliance Date: October 12, 2018

Violation #4: MPMC 4.30.050(r) Trash Container Storage - Any garbage can, solid waste container, solid waste, packing box or junk placed or maintained so as to be visible from neighboring properties or the public right-of-way, except for those times scheduled for collection.

Corrective Action: Remove garbage containers from public view same day as trash pick up day. Must not be stored in front yard or public view.

Compliance Date: October 12, 2018

Violation #5: MPMC 21.08.080 (Table 21.08(D) Walls, Fences Hedges (Height) -

Yards			
	Front	Side	Rear
Walls, fences, hedges	4 ft.	6 ft.	6 ft.

Corrective Action: Reduce the height of the hedge in the front yard to four (4) feet in height. Reduce the height of the side and rear fence to a height of six (6) feet in height.

Compliance Date: October 12, 2018

If the violation(s) are not corrected by the date specified below, an **ADMINISTRATIVE CITATION** will be issued and daily penalties will begin to accrue (\$100.00, \$250.00, \$500.00, \$1,000.00). Additional enforcement actions such as administrative abatement, civil penalties, revocation of permits, recordation of notice of violation, withholding of future municipal permits, criminal prosecution and/or civil injunction may be utilized to correct the violation(s). This is the only notice you will receive prior to the issuance of an administrative citation for non-compliance.

Corrections must be completed on or before the above listed compliance dates. For further information or explanation, you may contact the undersigned at (626) 307-1440 or visit the Code Enforcement Division at City Hall, 320 W. Newmark Avenue, Monterey Park, CA 91754.

Sincerely,

Estela Vargas
Code Enforcement Officer

Photographs



001.JPG



002.JPG



003.JPG



004.JPG



005.JPG



006.JPG



007.JPG



008.JPG

CITY OF MONTEREY PARK

320 WEST NEWMARK AVENUE • MONTEREY PARK • California 91754-2896
www.montereyparkca.gov



Date: January 3, 2020

WONG RICHARD
134 E. Floral Drive
Monterey Park, CA 91755

RE: 134 E FLORAL DR
APN: 5274-019-001
Case No: CE-18-0865

Re: FINAL NOTICE OF VIOLATION (PER MPMC § 4.20.100)

Dear WONG RICHARD,

You are hereby notified that the property described above is being maintained in a manner that violates the Monterey Park Municipal Code ("MPMC"). Specifically, on 01/03/2020 at 134 E FLORAL DR, the following conditions were observed:

Violation #1: MPMC 21.08.080 (Table 21.08(D) Walls, Fences Hedges (Height) -

Yards			
	Front	Side	Rear
Walls, fences, hedges	4 ft.	6 ft.	6 ft.

Under the Monterey Park Municipal Code, these conditions are a public nuisance, and as the owner/occupant of the property, you are responsible for eliminating them. Methods for correction include:

•

Corrective Action: Reduce the height of the hedge in the front yard to four (4) feet in height. Reduce the height of the side and rear fence to a height of six (6) feet in height. Other possible option is to make gaps in between.

If you fail to correct the violations listed in this letter by January 17, 2020, an administrative citation may be issued, administrative fines imposed, or additional enforcement action may be taken. Additional enforcement actions include, without limitation, administrative abatement, administrative hearings, civil penalties, revocation of permits, withholding of future municipal permits, criminal prosecution and civil injunction. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Stephanie Estevez-Gomez
Code Enforcement Officer
(626) 307-1400

Photographs



image.jpg

CITY OF MONTEREY PARK

320 WEST NEWMARK AVENUE • MONTEREY PARK • California 91754-2896
www.montereyparkca.gov



Date: December 20, 2019

**WONG RICHARD
134 E. Floral Drive
Monterey Park, CA 91755**

**RE: 134 E FLORAL DR
APN: 5274-019-001
Case No: CE-18-0865**

**Re: NOTICE OF VIOLATION – SECOND WARNING (PER MPMC § 4.20.100)
134 E FLORAL DR**

Dear WONG RICHARD,

You are hereby notified that the property described above is being maintained in a manner that violates the Monterey Park Municipal Code ("MPMC"). Specifically, on **12/20/2019 at 134 E FLORAL DR**, the following conditions were observed:

Violation #1: MPMC 21.08.080 (Table 21.08(D) Walls, Fences Hedges (Height) -

Yards			
	Front	Side	Rear
Walls, fences, hedges	4 ft.	6 ft.	6 ft.

Under the Monterey Park Municipal Code, these conditions are a public nuisance, and as the owner/occupant of the property, you are responsible for eliminating them. Methods for correction include:

•

Corrective Action: Reduce the height of the hedge in the front yard to four (4) feet in height. Reduce the height of the side and rear fence to a height of six (6) feet in height.

If you fail to correct the violations listed in this letter by **January 3, 2020**, an administrative citation may be issued, administrative fines imposed, or additional enforcement action may be taken. Additional enforcement actions include, without limitation, administrative abatement, administrative hearings, civil penalties, revocation of permits, withholding of future municipal permits, criminal prosecution and civil injunction. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Stephanie Estevez-Gomez
Code Enforcement Officer
(626) 307-1400

Photographs



image.jpg

Photographs



2EA05C2F-AABB-4772-B1A0-8FA85C2E944E.jpeg

CITY OF MONTEREY PARK

320 West Newmark Avenue * Monterey Park * CA 91754-2896
www.montereypark.ca.gov



2ND WARNING

NOTICE OF VIOLATION

WONG RICHARD
134 E. Floral Drive
Monterey Park, CA
91755

RE: 134 E FLORAL
DR
APN: 5274-019-001
Case No: CE-18-0865

Date: October 24, 2019

To WONG RICHARD,

An inspection of the subject property was performed by a Code Enforcement Officer and revealed conditions that are in violation of the Monterey Park Municipal Code (MPMC). Property owner(s) are responsible for the proper maintenance and upkeep of their property in order to conform to City ordinances and community appearance and safety standards. Therefore your voluntary cooperation is being requested in correcting the following municipal code violation(s). Failure to comply by the date indicated below will result in civil monetary fines and/or criminal court actions.

Violation #1: MPMC 4.30.050(u) Overgrown vegetation on public right-of-ways - Any condition of vegetation overgrowth which encroaches into, over, or upon any public right-of-way including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or any impediment to public travel;

Corrective Action: Remove any grass, weeds and vegetation growing into, over, or upon the sidewalk, parkway & street.

Compliance Date: November 7, 2019

Violation #2: MPMC 21.08.080 (Table 21.08(D) Walls, Fences Hedges (Height) -

Yards			
	Front	Side	Rear
Walls, fences, hedges	4 ft.	6 ft.	6 ft.

Corrective Action: Reduce the height of the hedge in the front yard to four (4) feet in height. Reduce the height of the side and rear fence to a height of six (6) feet in height.

Compliance Date: November 7, 2019

Violation #3: MPMC 4.30.050(t) Front yard landscaping required - Any front yard, parkway, or landscaped setback area which lacks turf, other planted material, decorative rock, bark, or planted ground cover or covering, so as to cause excessive dust or allow the accumulation of debris;

Corrective Action: Provide and maintain front yard landscaping in front yard and parkway. Vegetable garden is not considered landscaping. Remove vegetable garden in front yard and parkway and plant appropriate ground cover approved by the City.

Compliance Date: November 7, 2019

If the violation(s) are not corrected by the date specified below, an **ADMINISTRATIVE CITATION** will be issued and daily penalties will begin to accrue (\$100.00, \$250.00, \$500.00, \$1,000.00). Additional enforcement actions such as administrative abatement, civil penalties, revocation of permits, recordation of notice of violation, withholding of future municipal permits, criminal prosecution and/or civil injunction may be utilized to correct the violation(s). This is the only notice you will receive prior to the issuance of an administrative citation for non-compliance.

Corrections must be completed on or before the above listed compliance dates. For further information or explanation, you may contact the undersigned at (626) 307-1440 or visit the Code Enforcement Division at City Hall, 320 W. Newmark Avenue, Monterey Park, CA 91754.

Sincerely,

Mark Rodriguez
Code Enforcement Officer

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896



Notice of Public Nuisance Hearing

On **August 28, 2020 at the hour of 10:00 am**, the City of Monterey Park will hold a hearing to determine whether the property known and designated as **134 E Floral Drive, Monterey Park, CA 91755 (APN#5274-019-001)** constitutes a public nuisance. If this property is found to constitute a public nuisance as defined by the Monterey Park Municipal Code ("MPMC"), and if the public nuisance is not promptly abated by the Responsible Person as ordered by the hearing officer, then the City will abate the nuisance. If the City abates the nuisance, the cost of these proceedings, all previous code enforcement efforts concerning this condition of the property, and the cleaning, clearing, rehabilitation, repair, or demolition by the City will constitute a special assessment and a Nuisance Abatement Lien upon such land until paid. The City may foreclose on any such lien in order to reimburse the City for these costs. **All persons having any objection to, or interest in, the matters addressed in this notice should attend the hearing where their testimony and evidence will be heard and given due consideration.**

This hearing may be partially conducted by electronic means pursuant to Executive Order No. N-29-20 issued on March 17, 2020. No members of the public will be allowed in City Hall. If you wish to provide documents to be reviewed at the hearing, please email them to me at sestevez@montereypark.ca.gov, no later than August 21, 2020. I will then submit your documents to the hearing officer before the scheduled hearing date. You can participate in the hearing either telephonically by calling (669) 900-6833 or via the Zoom website/app (<http://www.zoom.us/>). You will still need to enter following the Zoom Meeting ID: 872-6418-8641 for either option.

The alleged violations on your property consist of the following:

1. The hedges growing along the side of the yard to the east of your property are more than six feet in height. (See MPMC § 21.08.080); and
2. The hedges along the side of the yard are overgrown and hazardous due to the obstruction of vehicular traffic and pedestrians. (See MPMC § 4.30.50 (j)(3)).

Pride in the Past • Faith in the Future

September 29, 2020

Page 2

At this time, the methods of abatement available are:

1. You must cut the side hedges down to four feet, 25 feet starting from the sidewalk, not later than Friday, August 21, 2020; and
2. Thin or gap out your hedges for increased visibility, not later than Friday, August 21, 2020.

Note that if you abate the nuisance conditions prior to the aforementioned hearing date to the satisfaction of the City, the hearing will be canceled. Should you have any questions, please contact the undersigned.

Dated: August 13, 2020



Stephanie Estevez
Code Enforcement Officer
626-307-1400
sestevez@MontereyPark.ca.gov

CITY OF MONTEREY PARK

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



CERTIFIED MAIL/RETURN RECEIPT **AND U.S. MAIL**

CITY OF MONTEREY PARK ADMINISTRATIVE HEARING DECISION

DATE: September 8, 2020

Mr. Richard Wong
134 E. Floral Avenue
Monterey Park, CA 91754

RE: Administrative Hearing Officer's Final Decision for Public Nuisance Abatement

Hearing Date: August 28, 2020

The hearing officer carefully reviewed and considered all the relevant facts, evidence, and testimony presented for the Notice of Public Nuisance hearing held on August 28, 2020.

A copy of the Formal Hearing Decision from the Hearing Officer is appended for your records. If you have any questions regarding this process, you should seek legal counsel.

Please be advised that you have until September 28, 2020 to (1) reduce the height of the hedges on the side of the yard on the east side of your property down to four feet for a distance of 25 feet starting from the sidewalk, and the remainder down to six feet; and (2) thin out the hedges on the property for increased visibility. If you fail to comply with this deadline, the City will commence abatement proceedings, the cost(s) of which will constitute a special assessment and a Nuisance Abatement Lien on your property until paid (*see* Monterey Park Municipal Code § 4.30.150).

Best regards,


Chris Lua Gomez, Fire Marshal
Monterey Park Fire Department
Fire Prevention Division
(626) 307-1308 | Main
(626) 307-2590 | Fax

Attachment 1: Formal Hearing Decision Form

cc:
Matt Hallock, Fire Chief
Natalie C. Karpeles, Deputy City Attorney
Stephanie Estevez-Gomez, Code Enforcement Officer

City Council

Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk

Vincent D. Chang

City Treasurer

Joseph Leon

CITY OF MONTEREY PARK

In the matter of:	)	ORDER ON ABATEMENT OF NUISANCE
	)	
134 E. Floral Dr.,	)	
	)	
Richard Wong	)	
_____	)	

I.

INTRODUCTION

A virtual hearing on the abatement of nuisance on real property located at 134 E. Floral Drive (Property) in the City of Monterey Park (City) was held commencing at 10:00 a.m. on August 28, 2020, pursuant to due notice to the owner of said Property, Richard Wong (Owner).

Code enforcement officer Stephanie Estevez was present for the City. Ms. Estevez advised that the owner of the Property, Mr. Wong, was aware of the time and nature of the hearing but had advised her he would not participate due to a previously scheduled appointment. Ms. Estevez offered, and they were received into evidence, Exhibits A through U, consisting of violation notices, photographs, inspection reports and letters.

II.

HEARING

The alleged nuisance consists of hedges more than six feet in height growing along the side of the yard on the east of the Property in violation of Section 21.08.080 of the Municipal Code, and hedges along the side of the yard being overgrown and hazardous

due to obstruction of vehicular traffic and pedestrians in violation of Section 4.30.50(j) (3) of the Municipal Code.

The problems on this Property have existed for some time. Mr. Wong was sent his first notice on September 20, 2018, advising him of several violations, including having a hedge more than six feet high and overgrown vegetation. He was advised to reduce the height of the hedge in the side yard to six feet (Exhibit A).

There followed over the next 23 months another 19 inspections, three notices of violation by the inspectors and a Final Notice of Violation from the City Attorney (Exhibit I), advising the Owner of violations and requiring that the conditions described be corrected. In the letter from the City Attorney, Owner was advised that if he did not comply by February 4, 2020, the City could proceed with its own abatement at Owner's cost.

The Owner was unmoved and consistently failed to comply. On one occasion, the Owner stated that he would not reduce the height of the hedge on grounds of privacy.

The Notice setting the hearing, sent out on August 13, 2020, stated that the hearing would be canceled if the Owner complied by August 21, 2020. As shown above, Owner has not complied and declined to participate in the hearing.

III.

DISCUSSION

The testimony of Ms. Estevez and a review of the numerous inspection reports and accompanying photographs show untended and overgrown vegetation on and around the Property. In particular, the hedge along one side of the Property is higher than the allowable six feet and is also a hazard to pedestrians on the sidewalk, since it parallels

a driveway used by vehicles on the adjacent property (Exhibits L, N, O, and R). This a violation of Municipal Code Section 21.08.080.

In addition, the hedges are overgrown and hazardous, as shown in the photographs, in violation of Section 4.30.50(j) of the Municipal Code.

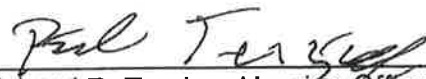
IV.

ORDER

Based on the foregoing, it is hereby ORDERED that said Property is a public nuisance subject to immediate abatement by City forces by (1) reducing the height of the hedges on the side of the yard on the east side of the Property down to four feet for a distance of 25 feet starting from the sidewalk and the remainder down to six feet and (2) thin out the hedges on the Property for increased visibility.

All of the foregoing abatement is to be accomplished at the expense of the Owner and a lien for repayment of said costs to the City is to be placed on the Property. All legal expenses to the City in connection with this abatement proceeding, including the fees of the hearing officer, are similarly to be charged to the Owner and included in any lien thereon.

Dated: August 31, 2020


Richard R. Terzian, Hearing Officer

MARIPOSA LANDSCAPES INC.

TO: City of Monterey Park
 Accounting Department
 Attn: Chris Gomez
 320 West Newmark Ave
 Monterey Fire Department code enforcement Division
 Monterey Park CA 91754
 Tel.: 626 307 2506 Ext.: Fax 626 280 6775
 Email: cgomez@montereypark.ca.gov
 MLI Job No.: 01-18014 MLI Client No.: 01MON3
 Job Name: **Bldv. Median Landscaping & City Wide Weed Abatement**
 Job Location:

Note: Extra work at 134 Floral ave Monterey Park Ca

BILLING RECORD

Date **October 15, 2020**
 Billing Record # **066265**
 PO No.
 Master/WO No. 1
 Master/WO No. 2
 D.O. #
 R.C. #
 Date Requested **October 7, 2020**
 Date Required
 Date Completed **October 13, 2020**
 Ordered By
 Per Proposal
 AR Invoice No.
 Period Billed **October ,2020**

Billed By: **Enrique Figueroa 626-523-2803**

Code	Description	UOM	Qty	Rate	Extension
------	-------------	-----	-----	------	-----------

Monthly Base
Extra Work

CBLFNT	Landscape Foreman - Normal Time	HR	4.00	40.00	160.00
CBLCNT	Landscape Laborer - Normal Time	HR	4.00	36.00	144.00
ELR001	Rolloff container 22' x 7'		515.00	0.10	51.50

Proposal

0.00

DESCRIPTION OF WORK

Brush removal at 134 Floral ave Monterey park Ca as Requested
 by Stephanie Estevez and approved by Rudy valenzuela on
 10/07/2020 job completed on 10/13/2020

BILLING SUMMARY

Monthly Base		0.00
Extra Work	Lump Sum	0.00
	Labor	304.00
a.	Equipment	51.50
b.	Material	0.00
c.	Material Purchased	0.00
d.	Subcontractors	0.00
Overhead (on Items a-d)	25.0%	12.88
Work Completed Per Proposal		0.00
Grand Total	\$	368.38

AR INVOICE NO.

ATTACHMENT 4
Special Assessment for Nuisance
Abatement Notice
(dated December 22, 2020)

CITY OF MONTEREY PARK

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



City Council
Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

December 22, 2020

Mr. Richard Wong
134 E. Floral Drive
Monterey Park, CA 91755

**Re: SPECIAL ASSESSMENT FOR NUISANCE ABATEMENT
134 E. Floral Drive, Monterey Park, CA 91755 (APN 5274-019-001)**

Dear Mr. Wong:

On October 26, 2020, the City of Monterey Park sent you a Notice of Abatement Costs relating to the abatement of the above-referenced property. The notice explained that the City incurred costs and fees in the amount of \$5,441.66. The Notice of Abatement Costs further explained that if this amount was not remitted to the City by the deadline, the City would proceed to collect its costs in any manner allowed by law – including collection by special assessment.

You are hereby notified that the Monterey Park City Council will hold a public hearing on February 3, 2021 at 6:30 p.m., to hear any and all oral or written objections to a proposed special assessment in the amount of \$5,441.66 in connection with your property. You may attend the public hearing via teleconference if you so desire.¹ At the conclusion of the public hearing, the City Council will consider a resolution levying such special assessment. The City Council's decision on the resolution will be final.

¹ Please note that all City Council meetings will be held telephonically, until further notice. Instructions regarding viewing and/or participating in the February 3, 2021 City Council meeting will be included in the posted agenda which may be accessed by visiting the City's Agenda Center page on its website, here: <http://www.montereypark.ca.gov/AgendaCenter/City-Council-17>

December 22, 2020

Page 2

If the City does not receive full payment of \$5,441.66 **by 5:00 p.m., February 3, 2021**, the City Council will take action on the aforementioned resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Hallock", written in a cursive style.

Matthew Hallock, MPA, EFO
Fire Chief
Monterey Park Fire Department

cc: Martha Garcia, Director of Management Services
Chris Lua Gomez, Fire Marshal
Stephanie Estevez-Gomez, Code Enforcement Officer
Natalie C. Karpeles, Deputy City Attorney



City Council Staff Report

DATE: February 3, 2021

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Consideration and possible action to introduce and waive first reading of an ordinance codifying Ordinance No. 2172 into a new Chapter 3.95 of the Monterey Park Municipal Code authorizing digital and electronic signatures for city documents.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an Ordinance to codify Ordinance No. 2172 into a New Chapter 3.95 of the Monterey Park Municipal Code authorizing digital and electronic signatures for city documents;
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On March 11, 2020, the City declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency"). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020 and extended on April 15, 2020 by Resolution No. 12151 (it has since been extended multiple times). In response to the requirements related to physical distancing issued by the Governor and the Los Angeles County Department of Public Health, the City ordered the closure of all public facilities; cancelled in-person public meetings; and is taking numerous additional steps to help ensure that the likelihood of being exposed to COVID-19 is significantly reduced.

Since the start of the Emergency, it became apparent that the City must improve its protocols to facilitate the timely processing of documents while also adhering to State and County requirements of physical distancing. On May 20, 2020, the City Council adopted an ordinance authorizing digital and electronic signatures for all city documents (e.g., ordinances, resolutions and contracts) by providing specific standards for the City Clerk to utilize when processing such documents. As previously mentioned, the City Manager and City Clerk may recommend changes to these protocols, including codification within the Monterey Park Municipal Code. As digital and electronic signatures for city documents are continuing to be used regularly and is also helping with the City's efforts of "going-green," staff recommends City Council

consider adopting an ordinance to codify Ordinance No. 2172 into a New Chapter 3.95 of the Monterey Park Municipal Code.

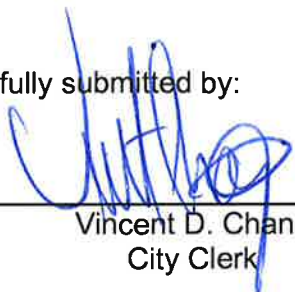
BACKGROUND:

A copy of the staff report from the May 20, 2020 City Council meeting is attached for reference. The proposed action would simply codify the electronic signature regulations into a new Chapter 3.94 of the Monterey Park Municipal Code. No additional, substantive, action is recommended.

FISCAL IMPACT:

Adoption of the ordinance would not result in any fiscal impact. There may, however, be costs associated with the selection and implementation of electronic and/or digital signature platforms. If City Council adopts the ordinance, the City should likely select a software system for digital signatures which has been approved by the Secretary of State based on specific criteria and acceptable technology that ensures security, authentication, and confidentiality.

Respectfully submitted by:



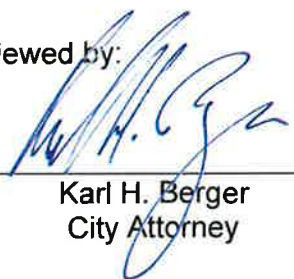
Vincent D. Chang
City Clerk

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Ordinance Codifying Ordinance No. 2172
2. Staff report for the May 20, 2020 City Council meeting

ATTACHMENT 1

Ordinance Codifying Ordinance No. 2172

ORDINANCE NO. _____

**AN ORDINANCE CODIFYING ORDINANCE NO. 2172 INTO A NEW
CHAPTER 3.95 OF THE MONTEREY PARK MUNICIPAL CODE
AUTHORIZING DIGITAL AND ELECTRONIC SIGNATURES FOR
OFFICIAL CITY DOCUMENTS**

THE COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. California Government Code § 16.5 expressly authorizes municipalities to use digital signatures with appropriate security standards in place of traditional ink signatures ("wet signatures") for all official documents;
- B. Civil Code §§ 1633.1, *et seq.*, the Uniform Electronic Transactions Act, provides standards that govern electronic records and electronic signatures relating to the conduct of business, commercial, or governmental affairs; and
- C. On May 20, 2020, the City Council adopted Ordinance No. 2172 which authorized digital and electronic signatures in response to the ongoing COVID-19 Pandemic. Ordinance No. 2172 was uncodified; this Ordinance is intended to, and does, codify the regulations previously approved by the City Council in 2020.

SECTION 2. *Codification.* A new Chapter 3.95 is added the Monterey Park Municipal Code ("MPMC") to read as follows:

"Chapter 3.95

DIGITAL AND ELECTRONIC SIGNATURES

3.95.010. 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. "Acceptable technology" means technology, acceptable for use in the State of California, capable of creating signatures and which conforms to the requirements in both Government Code § 16.5 and 2 California Code of Regulations § 22003.

- B. "Digitally signed communication" means a message that is processed by acceptable technology in such a manner that ties the message to the signer.
- C. "Electronic document" means all records retained by the City in its regular course of business that are specifically designated by the City Council, City Manager, City Clerk, or City Attorney as being eligible for execution via an electronic signature. Such designation must be set forth in the body of a record and substantially read as follows: "This Document 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."
- D. "Electronic signature" means an electronic symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document. For purposes of these standards, a "digital signature" as defined in Government Code § 16.5 is a type of electronic signature.
- E. "Message" means a digital representation of information intended to serve as a written communication provided to the city by a public entity or private entity.
- F. "Person" means a human being or any organization capable of signing a document, either legally or as a matter of fact.
- G. "Public entity" has the same meaning as Government Code § 811.2.
- H. "Signer" means the person who signs a digitally signed communication with the use of an acceptable technology to uniquely link the message with the person sending it.
- I. "Technology" means the computer hardware and/or software-based method or process used to create digital signatures.

3.95.020. Authority.

The City Clerk, or designee, may utilize this Chapter when processing all City documents including, without limitation, ordinances, resolutions, and agreements.

3.95.030. Digital signatures.

- A. Digital signatures may be used for electronic documents. Only digital signatures created by an acceptable technology will be deemed valid.
- B. Before accepting a digital signature, the City Clerk, or designee will

determine acceptable technologies and vendors to provide the means for employing digital signatures under these standards, consistent with industry best practices, to ensure the security and integrity of the data and the signature; including, ensuring that:

1. The level of security used to identify the signer of a document and transmit the signature is sufficient for the transaction being conducted; and
 2. The certificate format used by the signer is sufficient for the security and interoperability needs of the public entity.
- C. The use of a digital signature compliant with this section will have the same force and effect as the use of a manual signature using ink applied to paper (aka "wet signature").

3.95.040. Electronic signatures.

For any electronic document consisting of an agreement with the City, in which a signature is required or used, the City may authorize the use of an electronic signature by any party, so long as the electronic transaction complies with the requirements of Civil Code §§ 1633.1, *et seq.*"

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

SECTION 4. *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 5. *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. *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. The City Clerk, or his duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey

Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (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. This Ordinance will take effect on the 30th day following its final passage and adoption.

ORDINANCE NO. _____ WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF FEBRUARY ___, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 2
Staff Report - May 20, 2020 City Council Meeting



City Council Staff Report

DATE: May 20, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: WAIVE SECOND READING AND ADOPT AN ORDINANCE
AUTHORIZING DIGITAL AND ELECTRONIC SIGNATURES FOR ALL
CITY DOCUMENTS

RECOMMENDATION:

It is recommended that the City Council:

1. Waive second reading and adopt an Ordinance authorizing digital and electronic signatures for all City documents; or
2. Take such additional related action that may be desirable.

EXECUTIVE SUMMARY:

The ordinance was introduced on May 6, 2020. At that meeting, the City Council conducted the first reading. The staff report from the May 6, 2020 meeting 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 by:



Vincent D. Chang
City Clerk

Prepared by:



Cindy Trang
Deputy City Clerk

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT(S):

1. Attachment 1 - Draft Ordinance
2. Attachment 2 - May 6, 2020 City Council Staff Report

ATTACHMENT 1

Draft Ordinance

CITY OF MONTEREY PARK

ORDINANCE NO. XXXX

**AN UNCODIFIED ORDINANCE AUTHORIZING DIGITAL AND
ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS**

THE COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. On March 11, 2020, at 7:00 p.m., the City declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency"). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020 and extended on April 15, 2020 by Resolution No. 12151;
- B. Among other things, the Emergency is a significant threat to public welfare and the well-being of the City's employees. As a result, the Governor and the Los Angeles County Department of Public Health implemented requirements as to physical distancing. Accordingly, the City ordered the closure of all public facilities; cancelled in-person public meetings; and is taking numerous additional steps to help ensure that the likelihood of being exposed to COVID-19 is significantly reduced;
- C. Since the start of the Emergency, it became apparent that the City must improve its protocols in order to facilitate the timely processing of documents while also adhering to State and County requirements of physical distancing;
- D. California Government Code § 16.5 expressly authorizes municipalities to use digital signatures with appropriate security standards in place of traditional ink signatures ("wet signatures") for all official documents;
- E. Civil Code §§ 1633.1, *et seq.*, the Uniform Electronic Transactions Act, provides standards that govern electronic records and electronic signatures relating to the conduct of business, commercial, or governmental affairs; and
- F. The Council finds that it is in the best interest of the public safety, welfare and convenience of the City to implement the use of electronic and digital signatures during, at least, the Emergency. The City Manager and City Clerk may recommend changes to this Ordinance – including

codification within the Monterey Park Municipal Code – when it is practicable after termination of the Emergency.

SECTION 2. The City Clerk may utilize the following standards when processing all City documents including, without limitation, ordinances, resolutions, and contracts:

“DIGITAL AND ELECTRONIC SIGNATURES

I. 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 these standards:

- A. “Acceptable technology” means technology, acceptable for use in the State of California, capable of creating signatures and which conforms to the requirements in both Government Code § 16.5 and 2 California Code of Regulations § 22003.
- B. “Digitally signed communication” means a message that is processed by acceptable technology in such a manner that ties the message to the signer.
- C. “Electronic document” means all records retained by the City in its regular course of business that are specifically designated by the City Council, City Manager, City Clerk, or City Attorney as being eligible for execution via an electronic signature. Such designation must be set forth in the body of a record and substantially read as follows: “This Document 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.”
- D. “Electronic signature” means an electronic symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document. For purposes of these standards, a “digital signature” as defined in Government Code § 16.5 is a type of electronic signature.
- E. “Message” means a digital representation of information intended to serve as a written communication provided to the city by a public entity or private entity.
- F. “Person” means a human being or any organization capable of signing a document, either legally or as a matter of fact.
- G. “Public entity” has the same meaning as Government Code § 811.2.
- H. “Signer” means the person who signs a digitally signed

communication with the use of an acceptable technology to uniquely link the message with the person sending it.

- I. "Technology" means the computer hardware and/or software-based method or process used to create digital signatures.

II. Digital signatures.

- A. Digital signatures may be used for electronic documents. Only digital signatures created by an acceptable technology will be deemed valid.
- B. Before accepting a digital signature, the City Clerk, or designee will determine acceptable technologies and vendors to provide the means for employing digital signatures under these standards, consistent with industry best practices, to ensure the security and integrity of the data and the signature; including, ensuring that:
 1. The level of security used to identify the signer of a document and transmit the signature is sufficient for the transaction being conducted; and
 2. The certificate format used by the signer is sufficient for the security and interoperability needs of the public entity.
- C. The use of a digital signature compliant with this section will have the same force and effect as the use of a manual signature using ink applied to paper (aka "wet signature").

III. Electronic signatures.

For any electronic document consisting of an agreement with the City, in which a signature is required or used, the City may authorize the use of an electronic signature by any party, so long as the electronic transaction complies with the requirements of Civil Code §§ 1633.1, *et seq.*"

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

SECTION 4. *Electronic Signatures.* This Ordinance may be executed with

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

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

SECTION 6. 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. 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 8. The City Clerk, or his duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 9. This Ordinance will take effect on the 30th day following its final passage and adoption.

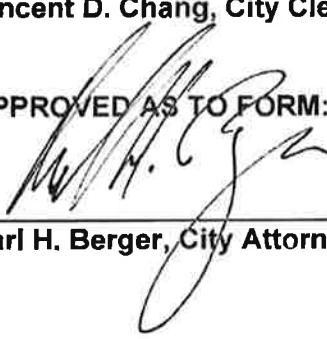
ORDINANCE NO. XXXX WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF April 27, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Staff Report
May 20, 2020

ATTACHMENT 2

May 6, 2020 City Council Staff Report



City Council Staff Report

DATE: May 6, 2020

AGENDA ITEM NO:

New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Consideration and possible action to adopt an Urgency Ordinance authorizing digital and electronic signatures for official city documents. Additionally, consideration and possible action to introduce and waive first reading of an ordinance that would take the same action as the urgency ordinance.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting an Urgency Ordinance upon 4/5^{ths} vote authorizing digital and electronic signatures for all City documents;
2. Waiving first reading and introduce an Ordinance authorizing digital and electronic signatures for all City documents; and/or
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On March 11, 2020, the City declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency"). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020 and extended on April 15, 2020 by Resolution No. 12151. In response to the requirements related to physical distancing issued by the Governor and the Los Angeles County Department of Public Health, the City ordered the closure of all public facilities; cancelled in-person public meetings; and is taking numerous additional steps to help ensure that the likelihood of being exposed to COVID-19 is significantly reduced.

Since the start of the Emergency, it became apparent that the City must improve its protocols in order to facilitate the timely processing of documents while also adhering to State and County requirements of physical distancing. The attached urgency and regular ordinances would authorize digital and electronic signatures for all City documents (e.g., ordinances, resolutions and contracts) by providing specific standards for the City Clerk to utilize when processing such documents. Following the termination of the Emergency, the City Manager and City Clerk may recommend changes to these protocols, including codification within the Monterey Park Municipal Code.

BACKGROUND:

The City may execute documents either by electronic or digital signature(s). The general legal framework for the use of electronic signatures on electronic records has been in place for more than twenty years. In 1999, California adopted a version of the Uniform Electronic Transactions Act (UETA), guaranteeing that electronic signatures would have the same legal effect as a “wet” or manual signature.¹ In addition, in 1995, five years before the UETA was adopted, the California Legislature passed a statute authorizing public entities to accept “digital signatures” if and only if they comply with stringent verification procedures established by the Secretary of State.² The Secretary of State adopted regulations in 1998 approving the use of digital signatures in certain circumstances.³

The attached ordinances would authorize the use of electronic signatures on City documents while allowing the City to strike a balance between flexibility and the need for signature security and integrity. Specifically, the ordinances would: (1) establish that digital signatures will be effective on electronic documents, so long as certain guidelines regarding the security and integrity of digital signatures are met; (2) authorize the City Clerk to determine the particular technologies or vendors that presumptively satisfy these guidelines; and (3) authorize the use of an electronic signature for certain documents (e.g., electronic transactions that comply with Civil Code §§ 1633.1, *et seq.*).

In order for the City to improve its protocols to facilitate the timely processing of documents, while also adhering to State and County requirements of physical distancing, one of the recommendations is for the City Council to adopt an urgency ordinance that would take effect immediately. Additionally, the City Council would introduce a regular ordinance; adoption would be scheduled for the regular May 20th City Council meeting. Both ordinances would accomplish the same goal: authorizing digital and electronic signatures for official city documents.

FISCAL IMPACT:

Adoption of the ordinance would not result in any fiscal impact. There may, however, be costs associated with the selection and implementation of electronic and/or digital signature platforms. In the event the City Council adopts either or both ordinance(s), the City should likely select a software system for digital signatures which has been approved by the Secretary of State based on specific criteria and acceptable technology that ensures security, authentication, and confidentiality.

¹ Civil Code §§ 1633.1-1633.17

² Government Code § 16.5

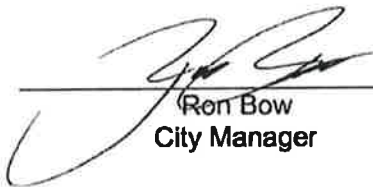
³ 2 C.C.R. § 22003

Respectfully submitted by:



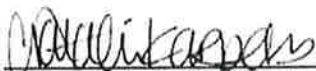
Vincent D. Chang
City Clerk

Approved by:



Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

ATTACHMENTS:

1. Urgency Ordinance
2. Regular Ordinance

ATTACHMENT 1

Urgency Ordinance

CITY OF MONTEREY PARK

ORDINANCE NO. U-_____

**AN UNCODIFIED URGENCY ORDINANCE AUTHORIZING
DIGITAL AND ELECTRONIC SIGNATURES FOR OFFICIAL CITY
DOCUMENTS**

THE COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. On March 11, 2020, at 7:00 p.m., the City declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency"). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020 and extended on April 15, 2020 by Resolution No. 12151;
- B. Among other things, the Emergency is a significant threat to public welfare and the well-being of the City's employees. As a result, the Governor and the Los Angeles County Department of Public Health implemented requirements as to physical distancing. Accordingly, the City ordered the closure of all public facilities; cancelled in-person public meetings; and is taking numerous additional steps to help ensure that the likelihood of being exposed to COVID-19 is significantly reduced;
- C. Since the start of the Emergency, it became apparent that the City must improve its protocols in order to facilitate the timely processing of documents while also adhering to State and County requirements of physical distancing;
- D. California Government Code § 16.5 expressly authorizes municipalities to use digital signatures with appropriate security standards in place of traditional ink signatures ("wet signatures") for all official documents;
- E. Civil Code §§ 1633.1, *et seq.*, the Uniform Electronic Transactions Act, provides standards that govern electronic records and electronic signatures relating to the conduct of business, commercial, or governmental affairs; and
- F. The Council finds that it is in the best interest of the public safety, welfare and convenience of the City to implement the use of electronic and digital signatures during, at least, the Emergency. The City Manager and City Clerk may

recommend changes to this Ordinance – including codification within the Monterey Park Municipal Code – when it is practicable after termination of the Emergency.

- G. Because of the findings set forth above, the City Council finds that this Ordinance should be adopted on an urgency basis to preserve the public health, safety, and welfare in accordance with Government Code §§ 36934 and 36937(b).

SECTION 2. The City Clerk may utilize the following standards when processing all City documents including, without limitation, ordinances, resolutions, and contracts:

“DIGITAL AND ELECTRONIC SIGNATURES

I. 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 these standards:

- A. “Acceptable technology” means technology, acceptable for use in the State of California, capable of creating signatures and which conforms to the requirements in both Government Code § 16.5 and 2 California Code of Regulations § 22003.
- B. “Digitally signed communication” means a message that is processed by acceptable technology in such a manner that ties the message to the signer.
- C. “Electronic document” means all records retained by the City in its regular course of business that are specifically designated by the City Council, City Manager, City Clerk, or City Attorney as being eligible for execution via an electronic signature. Such designation must be set forth in the body of a record and substantially read as follows: “This Document 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.”
- D. “Electronic signature” means an electronic symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document. For purposes of these standards, a “digital signature” as defined in Government Code § 16.5 is a type of electronic signature.
- E. “Message” means a digital representation of information intended to serve as a written communication provided to the city by a public entity or private entity.

- F. "Person" means a human being or any organization capable of signing a document, either legally or as a matter of fact.
- G. "Public entity" has the same meaning as Government Code § 811.2.
- H. "Signer" means the person who signs a digitally signed communication with the use of an acceptable technology to uniquely link the message with the person sending it.
- I. "Technology" means the computer hardware and/or software-based method or process used to create digital signatures.

II. Digital signatures.

- A. Digital signatures may be used for electronic documents. Only digital signatures created by an acceptable technology will be deemed valid.
- B. Before accepting a digital signature, the City Clerk, or designee will determine acceptable technologies and vendors to provide the means for employing digital signatures under these standards, consistent with industry best practices, to ensure the security and integrity of the data and the signature; including, ensuring that:
 - 1. The level of security used to identify the signer of a document and transmit the signature is sufficient for the transaction being conducted; and
 - 2. The certificate format used by the signer is sufficient for the security and interoperability needs of the public entity.
- C. The use of a digital signature compliant with this section will have the same force and effect as the use of a manual signature using ink applied to paper (aka "wet signature").

III. Electronic signatures.

For any electronic document consisting of an agreement with the City, in which a signature is required or used, the City may authorize the use of an electronic signature by any party, so long as the electronic transaction complies with the requirements of Civil Code §§ 1633.1, *et seq.*"

SECTION 3. This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service

essential to the public, health and welfare.¹ Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 4. Declaration of Urgency. Based on the findings set forth in Section 1, this is an Urgency Ordinance adopted for the immediate preservation of the public peace, health, safety and welfare.

SECTION 5. 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 6. Effective Date. This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36934 and 36937 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by fourth-fifths vote of the City Council.

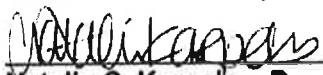
URGENCY ORDINANCE NO. _____ WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF May 6, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

**APPROVED AS TO FORM:
MARK D. HENSLEY, CITY ATTORNEY**



Natalie C. Karpeles, Deputy City Attorney

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

ATTACHMENT 2

Regular Ordinance

CITY OF MONTEREY PARK

ORDINANCE NO. _____

**AN UNCODIFIED ORDINANCE AUTHORIZING DIGITAL AND
ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS**

THE COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. On March 11, 2020, at 7:00 p.m., the City declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency"). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020 and extended on April 15, 2020 by Resolution No. 12151;
- B. Among other things, the Emergency is a significant threat to public welfare and the well-being of the City's employees. As a result, the Governor and the Los Angeles County Department of Public Health implemented requirements as to physical distancing. Accordingly, the City ordered the closure of all public facilities; cancelled in-person public meetings; and is taking numerous additional steps to help ensure that the likelihood of being exposed to COVID-19 is significantly reduced;
- C. Since the start of the Emergency, it became apparent that the City must improve its protocols in order to facilitate the timely processing of documents while also adhering to State and County requirements of physical distancing;
- D. California Government Code § 16.5 expressly authorizes municipalities to use digital signatures with appropriate security standards in place of traditional ink signatures ("wet signatures") for all official documents;
- E. Civil Code §§ 1633.1, *et seq.*, the Uniform Electronic Transactions Act, provides standards that govern electronic records and electronic signatures relating to the conduct of business, commercial, or governmental affairs; and
- F. The Council finds that it is in the best interest of the public safety, welfare and convenience of the City to implement the use of electronic and digital signatures during, at least, the Emergency. The City Manager and City Clerk may recommend changes to this Ordinance – including

codification within the Monterey Park Municipal Code – when it is practicable after termination of the Emergency.

SECTION 2. The City Clerk may utilize the following standards when processing all City documents including, without limitation, ordinances, resolutions, and contracts:

“DIGITAL AND ELECTRONIC SIGNATURES

I. 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 these standards:

- A. “Acceptable technology” means technology, acceptable for use in the State of California, capable of creating signatures and which conforms to the requirements in both Government Code § 16.5 and 2 California Code of Regulations § 22003.
- B. “Digitally signed communication” means a message that is processed by acceptable technology in such a manner that ties the message to the signer.
- C. “Electronic document” means all records retained by the City in its regular course of business that are specifically designated by the City Council, City Manager, City Clerk, or City Attorney as being eligible for execution via an electronic signature. Such designation must be set forth in the body of a record and substantially read as follows: “This Document 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.”
- D. “Electronic signature” means an electronic symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document. For purposes of these standards, a “digital signature” as defined in Government Code § 16.5 is a type of electronic signature.
- E. “Message” means a digital representation of information intended to serve as a written communication provided to the city by a public entity or private entity.
- F. “Person” means a human being or any organization capable of signing a document, either legally or as a matter of fact.
- G. “Public entity” has the same meaning as Government Code § 811.2.
- H. “Signer” means the person who signs a digitally signed

communication with the use of an acceptable technology to uniquely link the message with the person sending it.

- I. "Technology" means the computer hardware and/or software-based method or process used to create digital signatures.

II. Digital signatures.

- A. Digital signatures may be used for electronic documents. Only digital signatures created by an acceptable technology will be deemed valid.
- B. Before accepting a digital signature, the City Clerk, or designee will determine acceptable technologies and vendors to provide the means for employing digital signatures under these standards, consistent with industry best practices, to ensure the security and integrity of the data and the signature; including, ensuring that:
 1. The level of security used to identify the signer of a document and transmit the signature is sufficient for the transaction being conducted; and
 2. The certificate format used by the signer is sufficient for the security and interoperability needs of the public entity.
- C. The use of a digital signature compliant with this section will have the same force and effect as the use of a manual signature using ink applied to paper (aka "wet signature").

III. Electronic signatures.

For any electronic document consisting of an agreement with the City, in which a signature is required or used, the City may authorize the use of an electronic signature by any party, so long as the electronic transaction complies with the requirements of Civil Code §§ 1633.1, *et seq.*"

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

SECTION 4. *Electronic Signatures.* This Ordinance may be executed with

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

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

SECTION 6. 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. 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 8. The City Clerk, or his duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 9. This Ordinance will take effect on the 30th day following its final passage and adoption.

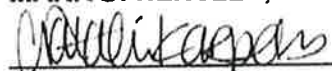
ORDINANCE NO. _____ WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF May 6, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

**APPROVED AS TO FORM:
MARK D. HENSLEY, CITY ATTORNEY**



Natalie C. Karpeles, Deputy City Attorney