

**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
May 5, 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: **2892225995** 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. HISTORICAL SOCIETY OF MONTEREY PARK – OVERVIEW OF PROGRAMS AND ACTIVITIES

[2.] OLD BUSINESS – None

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

3-A. MINUTES

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

- (1) Approving the minutes from the special and regular meetings of March 17, 2021 and April 7, 2021; and
- (2) Taking such additional, related, action that may be desirable.

3-B. WAIVE FURTHER READING AND ADOPT AN ORDINANCE EXTENDING THE EFFECTIVE DATE FOR THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM FROM JULY 1, 2021 TO DECEMBER 30, 2022

It is recommended that the City Council consider:

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

3-C. TREE MEMORIAL PROGRAM RECOMMENDATION FOR 2021

It is recommended that the City Council consider:

- (1) Approving to honor Mitchell and Gloria Ing with a memorial tree; and
- (2) Taking such additional, related, action that may be desirable.

3-D. A RESOLUTION OF THE CITY COUNCIL OF MONTEREY PARK, CALIFORNIA DECLARING THE WEEK OF MAY 9 – 15, 2021 AS “POLICE WEEK”

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring the week of May 9 - 15, 2021 as “Police Week” and May 15, 2021 as “Peace Officers Memorial Day” in the City of Monterey Park; and
- (2) Taking such additional, related, action that may be desirable.

3-E. RESOLUTION IDENTIFYING A PUBLIC WORKS STREET MAINTENANCE PROJECT TO BE INCLUDED IN THE FY 2021-22 BUDGET AND FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

It is recommended that the City Council consider:

- (1) Adopting a resolution identifying a street maintenance project to be included in the FY 2021-22 budget and funded with Road Maintenance and Rehabilitation Act (RMRA) funds, in a form approved by the City Attorney; and
- (2) Taking such additional, related, action that may be desirable.

3-F. ACCEPTANCE OF SGVMWD LOW-INCOME WATER BILL ASSISTANCE GRANT

It is recommended that the City Council consider:

- (1) Accepting grant funding in the amount of \$150,000 from the San Gabriel Valley Municipal Water District (SGVMWD) to pay down delinquent customer water bill accounts;
- (2) Authorizing the City Manager to execute the Grant Agreement, in a form approved by the City Attorney, with SGVMWD for this grant program; and
- (3) Taking such additional related action that may be desirable.

3-G. 2019-20 STREET REHABILITATION – AUTHORIZATION TO ADVERTISE

It is recommended that the City Council consider:

- (1) Adopting a resolution approving the design and plans for the 2019-20 Street Rehabilitation Project;
- (2) Authorizing staff to advertise the 2019-20 Street Rehabilitation Project; and
- (3) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

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

[4.] PUBLIC HEARING – None.

[5.] NEW BUSINESS

5-A. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 9.90 OF THE MPMC REGARDING GRAFFITI VIOLATIONS

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an Ordinance amending Chapter 9.90 of the Monterey Park Municipal Code in its entirety to regulate graffiti in conformance with California law; or
- (2) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

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 Ordinance may have a significant effect on the environment.

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

It is recommended that the City Council consider:

- (1) Adopting a Resolution establishing a bail schedule for misdemeanor and infraction violations of the Monterey Park Municipal Code; or
- (2) Taking such additional related action that may be desirable.

California Environmental Quality Act (CEQA):

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.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 6, 2021, DAY OF INCLUSION ON THE 139TH ANNIVERSARY OF THE PASSAGE OF THE CHINESE EXCLUSION ACT AND DECLARING THE MONTH OF MAY 2021 AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH (REQUESTED BY MAYOR PRO TEM LO AND COUNCIL MEMBER CHAN)

It is recommended that the City Council consider:

- (1) Adopting a resolution declaring May 6, 2021, Day of Inclusion on the 139th Anniversary of the passage of the Chinese Exclusion Act and declaring the month of May 2021 as Asian American and Pacific Islander Heritage Month; and
- (2) Taking such additional, related, action that may be desirable.

[7.] FUTURE AGENDA ITEMS

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

ADJOURN



City Council Staff Report

DATE: May 5, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3A

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 and regular meetings of March 17, 2021 and April 7, 2021; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

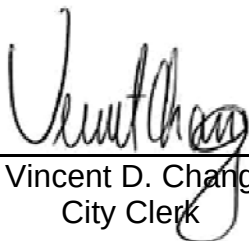
BACKGROUND:

None.

FISCAL IMPACT:

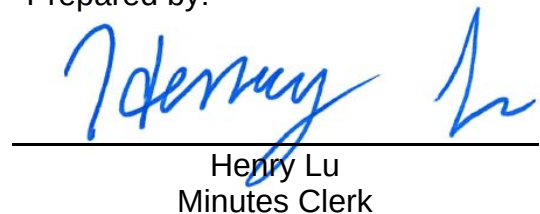
None.

Respectfully submitted,



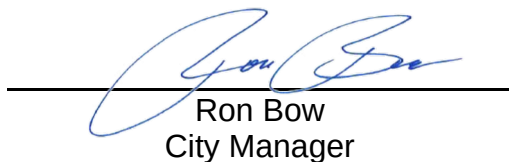
Vincent D. Chang
City Clerk

Prepared by:



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
MARCH 17, 2021**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, March 17, 2021 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: **973 3936 6994** 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 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 5:02 p.m.

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

Eugene Fowler vs City of Monterey Park, WCAB No.: ADJ11137764;
ADJ11137765

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present.
The meeting was adjourned at 5:39 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
MARCH 17, 2021**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, March 17, 2021 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: **989 6660 0822** 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 6:30 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, Fire Chief Matt Hallock, 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, Economic Development Manager Joseph Torres, Planning Manager Jason Moquin, Community Communications Coordinator Randy Ishino, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

The City Council requested Agenda Item No. 5B to be heard after Public Communications.

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.

None.

1. PRESENTATION

None.

2. OLD BUSINESS

None.

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

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

This item was heard after Agenda Item No. 5B.

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

Motion: Moved by Council Member Liang and seconded by 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

3A. MONTHLY INVESTMENT REPORT

As of February 28, 2021 invested funds for the City of Monterey Park is \$88,825,395.95.

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

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

3B. MINUTES

Approve the minutes from the regular meetings of February 3, 2021 and February 17, 2021.

Action Taken: The City Council and the City Council (acting on behalf of the Successor Agency) approved the minutes from the regular meetings of February 3, 2021 and February 17, 2021 on Consent Calendar.

3C. WAIVE FURTHER READING AND ADOPT AN OMNIBUS ORDINANCE AMENDING AND REPEALING VARIOUS SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AS SPECIFIED, TO CODIFY PORTIONS OF THE MONTEREY PARK BUSINESS RECOVERY PROGRAM AND REPEAL REGULATIONS GOVERNING FORTUNETELLING

The City Council waived second reading and adopted ordinance at the March 3, 2021 meeting. Through inadvertence, however, Exhibits A and B to the ordinance were not included with the staff report. In an abundance of caution, therefore, the City Clerk's office asks that the City Council again adopt the ordinance with all exhibits.

Other than the inclusion of the attached exhibits there are no other changes from the first reading that occurred on February 1, 2021.

The original staff report (from February 17, 2021) 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.

The proposed amendments are to further enact and make permanent procedural changes that further implement and carry out the city's goals and policies established by the Monterey Park Business Recovery Program ("BRP"). As part of the BRP, various elements of the Monterey Park Municipal Code ("MPMC"), specifically Title 21 as it relates to variances, conditional use permits, minor modifications, and administrative use permits warranted further refinement to establish consistency amongst the aforementioned sections including, without limitation, processing procedures, public hearing requirements, standards and expirations.

Additionally, the ordinance would repeal regulations governing fortunetelling within the MPMC. A series of court cases over the past decade made it plain that the practice of fortunetelling constitutes a First Amendment activity as both an exercise of religion and free speech. Most recently, an individual seeking to open a fortunetelling business in Monterey Park threatened litigation in December 2020. The matter was resolved, in part, by the City agreeing to propose amendments to the MPMC to reflect current federal and California law governing fortunetelling activities. These changes were vetted, among other City departments, with the Monterey Park Police Department. There were no objections to the changes.

Action Taken: The City Council waived the second reading and adopted Ordinance No. 2203 on Consent Calendar.

Ordinance No. 2203, entitled:

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

3D. RESOLUTION TO AGREEMENT EXTENSION FOR INTERIM EMPLOYMENT (DANIELLE TELLEZ)

As a result of the continued vacancy for the position of Director of Human Resources and Risk Management, the City and Danielle Tellez are desirous to extend a retired annuitant employment agreement pursuant to Government Code § 21221(H) and Executive Order No. N-25-20.

Action Taken: The City Council approved Resolution No. 12229 authorizing the City Manager to execute an employment agreement with Danielle Tellez to extend part-time employment for the position of Interim Director of Human Resources and Risk Management pursuant to Government Code § 21221(H) and Executive Order No. N-25-20 on Consent Calendar.

Resolution No. 12229, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, EXTENDING AN AGREEMENT WITH “RETIRED ANNUITANT” DANIELLE TELLEZ PURSUANT TO GOVERNMENT CODE § 21221(H) AND EXECUTIVE ORDER NOS. N-25-20 AND N-84-20

3E. CONSIDERATION OF FINAL MAP. NO. 77195 FOR A SINGLE LOT SUBDIVISION (CONDOMINIUM PURPOSES) TO FACILITATE AN EIGHT-UNIT RESIDENTIAL DEVELOPMENT, LOCATED AT 2011 POTRERO GRANDE DRIVE

On April 24, 2018, the Planning Commission approved Tentative Map No. 77195 via Resolution No. 07-18 for an eight-unit residential condominium development at 2011 Potrero Grande Drive (the “Project”).

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 all legal requirements. A subdivision improvement agreement must be executed by the applicant to complete approvals for the final map.

CEQA (California Environmental Quality Act):

On April 24, 2018, the Planning Commission found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines § 15315 and 15332 as a Class 15 categorical exemption (Minor Land Divisions) and 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: The City Council adopted Resolution No. 12230 approving Final Map No. 77195 and approved and authorized the City Manager to execute a Subdivision Improvement Agreement for Final Map No. 77195 in a form approved by the City Attorney on Consent Calendar.

Resolution No. 12230, entitled:

A RESOLUTION APPROVING FINAL MAP NO. 77195 FOR AN EIGHT-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 2011 POTRERO GRANDE DRIVE

3F. AWARD OF CONTRACT TO RINCON CONSULTANTS INC., FOR CONSULTING SERVICES TO PREPARE THE 2021-2029 HOUSING ELEMENT, UPDATE THE SAFETY ELEMENT AND ESTABLISHMENT OF THE ENVIRONMENTAL JUSTICE ELEMENT OF THE GENERAL PLAN AND ENVIRONMENTAL REVIEW TO FULFILL THE CITY'S HOUSING OBLIGATIONS

The City of Monterey Park, along with all jurisdictions throughout the State, is mandated by California State Law to prepare a Housing Element update for State certification. The new Housing Element must be adopted and reviewed by HCD by October 15, 2021. The Housing Element is a part of the General Plan and includes goals, policies, and quantified objectives to further the development and preservation of housing. Funding is provided via two reimbursable grants that have been awarded to the city in the combined amount of \$610,000 and fully fund the new Housing Element including updates to the city's Safety Element and establishes a newly mandated Environmental Justice Element.

Action Taken: The City Council authorized the City Manager to execute an agreement, in a form approved by the City Attorney, with Rincon Consultants Inc., in the amount of \$397,743 on Consent Calendar.

3G. HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 9

The City of Monterey Park was awarded \$537,200 federal funds with no local match required. This funding amount includes all phases of the project including preliminary engineering, construction and construction engineering. Staff recommends that the City Council authorize the City Manager to accept and appropriate funds received from Caltrans for Highway Safety Improvement Program (HSIP) Cycle 9 for Garfield Avenue Traffic Signal Improvements. There is no fiscal impact to the General Fund.

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: Mayor Yiu declared a property-related conflict of interest as she has ownership of 120 West Hellman Avenue and did not participate on the agenda item. The City Council adopted Resolution No. 12231 authorizing the City Manager, or designee, to apply for, receive, and appropriate \$537,200 in Highway Safety Improvement Program (HSIP) funds for Garfield Avenue Traffic Signal Improvements.

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
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Mayor Yiu did not participate on the agenda item due to a property-related conflict of interest.

Resolution No. 12231, entitled:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RECEIVE AND APPROPRIATE \$537,200 IN HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 9 FUNDS IN FISCAL YEAR (FY) FY 2020-21 FOR GARFIELD AVENUE TRAFFIC SIGNAL IMPROVEMENTS

4. PUBLIC HEARING

4A. A PUBLIC HEARING TO INTRODUCE AND CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (DA-20-01) BY AND BETWEEN THE CITY OF MONTEREY PARK AND BR CASTER CORP. TO FACILITATE DEVELOPMENT OF A STRUCTURE FOR SELF-STORAGE UNITS; TO ACTIVATE THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE ("BRDZ") IN MONTEREY PARK MUNICIPAL CODE CHAPTER 21.45; AND TO AMEND THE ZONE MAP

This matter was previously considered at a public hearing conducted on February 17, 2021. A copy of the staff report from that meeting is attached for reference (without its attachments) to the staff report.

Second reading and adoption was scheduled for March 3, 2021. Through inadvertence, the item did not get placed onto that agenda; ordinances may only be adopted at a regular meeting.

When the issue was identified on March 1st, there was insufficient time (agendas must be posted 72 hours in advance of a regular meeting) to amend the already posted agenda. Accordingly, this matter must be again considered for introduction and first reading.

Other than changing the dates in the draft documents, there are no other changes from the February 17, 2021 meeting.

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects). The Project consists of constructing a self-storage facility on a vacant 0.93 acre triangular shaped lot surrounded by existing development. Other than activating the BRDZ via the draft Development Agreement, there are no proposed changes to the General Plan nor the zoning. The Project site has no value as habitat for endangered, rare or threatened species. The technical studies prepared for the Project demonstrate there will not be any significant environmental effects relating to traffic, noise, air quality, or water quality. Finally, the Project can be adequately served by all required utilities and public services.

Public Speaker:

- Brian Caster, representing BR Caster Corp., stated that he was available to answer any questions.

Action Taken: The City Council (1) opened the public hearing at 9:15 p.m.; (2) received documentary and testimonial evidence; (3) closed the public hearing at 9:16 p.m.; and (4) introduced and waived first reading of an ordinance adopting DA-20-01. Second reading and adoption would occur on April 7, 2021. The DA would become effective May 7, 2021.

Motion: Moved by Council Member Chan and seconded by Mayor Yiu 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, 1st Reading, entitled:

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONTEREY PARK AND BR CASTER CORP. TO FACILITATE DEVELOPMENT OF A STRUCTURE FOR SELF-STORAGE UNITS; TO ACTIVATE THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE ("BRDZ") IN MONTEREY PARK MUNICIPAL CODE CHAPTER 21.45; AND TO AMEND THE ZONE MAP

5. NEW BUSINESS

5A. CONSIDERATION OF AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO ESTABLISH PARKING REQUIREMENTS FOR RELIGIOUS INSTITUTION AFFILIATED HOUSING DEVELOPMENT PROJECTS IN ACCORDANCE WITH CALIFORNIA LAW AND CODIFY PARKING REGULATIONS FROM THE MONTEREY PARK BUSINESS RECOVERY PROGRAM

AB (Assembly Bill) 1851, effective January 1, 2021, limits the number of parking spaces a local agency may require in connection with a “religious institution affiliated housing development project” (“RIAHD”), as defined. AB 1851 also requires a local agency to allow for the elimination of up to 50% of the existing parking spaces serving a place of worship in connection with the approval of a RIAHD and prohibits a local agency from requiring replacement of parking spaces that the developer of a RIAHD proposes to eliminate. An amendment to the MPMC is required to bring it into conformance with California law.

Additionally, the Ordinance would codify the parking regulations adopted by the City Council in 2020 as part of the Monterey Park Business Recovery Program.

CEQA (California Environmental Quality Act):

In accordance with the California Environmental Quality Act (Pub. Res. Code § 21000, et seq.; “CEQA”) and CEQA Guidelines (Cal. Code Regs. tit. 14, § 15000, et seq.) staff determined that the Ordinance is exempt from additional environmental review pursuant to CEQA Guidelines § 15305 because it consists only of minor alterations in land use limitations necessary to implement a state law mandate (AB 1851) and does not portend new development. Furthermore, staff finds that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. Consequently, it is exempt from additional environmental review per CEQA Guidelines § 15061(b)(3).

Action Taken: The City Council introduced and waived first reading of an Ordinance of the City Council of the City of Monterey Park adding Sections 21.22.040 (Religious Institution Affiliated Housing Development Project; Parking Requirements) and 21.22.050 (application of Chapter) to the Monterey Park Municipal Code and codifying the parking regulations adopted as part of the 2020 Monterey Park Business Recovery Program (the “Program”).

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

Ordinance, 1st Reading, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK ADDING SECTIONS 21.22.040 (RELIGIOUS INSTITUTION AFFILIATED HOUSING DEVELOPMENT PROJECTS; PARKING REQUIREMENTS) AND 21.22.050 (APPLICATION OF CHAPTER) TO THE MONTEREY PARK MUNICIPAL CODE

5B. SR-710 NORTH MOBILITY IMPROVEMENT 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 Los Angeles County Metropolitan Transit Authority.

CEQA (California Environmental Quality Act):

This action is exempt from review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines") because it constitutes funding activity of the City that will not result in direct or indirect physical changes in the environment. Accordingly, it is not a "project" that has the potential to cause significant physical effects on the environment and is not subject to CEQA pursuant to CEQA Guidelines §§ 15061 and 15378. Any use of the funds for a particular project will require separate CEQA review.

This item was heard after Public Communications.

Public Speakers:

- Edith Gonzalez, representing Los Angeles County Supervisor Hilda Solis, stated that Los Angeles County Metropolitan Transit Authority (Metro) Board of Directors will meet to consider releasing revised guidelines for Measure R and Measure M highway funding for public review. Ms. Gonzalez offered the assistance of Supervisor Hilda Solis's office to discuss the City's SR-710 North Mobility Improvement Projects scopes of work with Metro staff and to explore opportunities to revise project scopes, if so desired.

- Edwin voiced his opposition to the agenda item. He stated that the funding agreements would jeopardize the City's ability to secure state funding for major state programs. He implored City staff to explore alternative use of the Measure R funds and urged the City Council to vote no on the funding agreements until the City has made significant efforts to explore non-automobile uses of the funds.
- Johnny Thompson, chair of Business Improvement Development Advisory Committee, conveyed his support for the agenda item.
- Paul Lee requested that the City Council reconsider moving forward with the agenda item until a future date after discussing and gathering more input from the community.
- Alvin encouraged the City Council to come up with alternative solutions to improve the quality of life of the residents and secure the funding.
- Jennifer Tang stated that the proposal would make the roads more dangerous and would do nothing in the long term of solving traffic concerns. She mentioned that the Metro Board will vote on more flexible guidelines on how the City can spend the Measure R funds. She appealed that the City Council vote no or delay the agenda item until a future date so that the City can renegotiate a proposal that is more community driven.
- Melissa Chu expressed her concerns on creating parking structures and expanding the street. She implored City Council to listen to community input before making a decision.
- Jeshow Yang beseeched the City Council to renegotiate the Measure R funding agreements and explore ways of improving lanes to allow for multi-modal roads.
- Connie stated that she is disappointed to learn that the agenda item is up for vote with no public outreach. She encouraged the City Council to take the assistance of Los Angeles County Supervisor Hilda Solis's office and engage with the residents to ensure that the Measure R funds spent is suitable for everyone.
- Eric Sunada conveyed that there was not enough adequate background information or public input for the agenda item.
- Janice Yiu communicated her opposition to the agenda item and urged the City Council to reconsider approving the proposal and engage the community to decide the best use of how the Measure R funds can be used.
- Laura Gallegos spoke in opposition of the agenda item. She articulated that any changes to downtown streets must first consider the elderly, children, and mobility impaired residents. She stated that she supports the idea of making the streets safer for pedestrian, bicyclist, the young, and the old.

- Megan Chea voiced that the proposal would increase risk to the elderly as it would make the streets more dangerous. She suggested that City Council oppose the agenda item and reconsider the negative implication that would come from agreeing to the proposal.
- Megan Lam implored that the City Council to vote no on the agenda item. She expressed that creating more lanes would not relieve the congestion and will in turn create more traffic.
- Michelle Li appealed that the City Council reject the proposal on spending measure R sales tax funds on parking structures and widening lanes. She expressed that road expansion would increase the level of danger for families and air pollution.
- Maribel Castillon voiced her opposition to the agenda item. She conveyed that widening lanes and building a parking structure will increase pollution and climate change.
- Teresa Real Sebastian explained that these Measure R funds are different from the traditional Measure R fund. She encouraged the City Council to meet with Supervisor Hilda Solis's office to find out about the revise changes affecting how the Measure R funds can be spent.
- Katie communicated that it is important that the street feels safe. She urged the City Council to not move forward with the proposal.
- Ariel Broadus voiced her opposition to the agenda item and stated that expanding the street may not be the most effective thing to do.
- Kathy Ko stated that the City should try to reduce parking structure development. She encouraged the City Council to explore ways to develop the city to be more environmental friendly to reduce greenhouse gases.
- Anna expressed her opposition to allocating Measure R funds to widening the streets of Garvey and Atlantic. She encouraged the City Council to reconsider the proposal.
- Howard voiced his support for the agenda item and stated he hopes that the City Council can revitalize the downtown area.
- Irma Gorrocino urged the City Council to reconsider and postpone the item for a later time.

- City Clerk Chang received, filed, and read into the record one hundred fifty written communications. One hundred forty-one written communications were in opposition from: Tara Kwan, Austin Phung, Jennifer Katan, Andrew Luu, Lili Ye, Thomas Wong, Jennifer Cao, Valarie Dao, Matt Tsang, Andy Fung, Angel Arredondo, Kiong Han, Marlene Buenrostro, Sophie Chen, Catherine Peng, Linda Huynh, Diane Velez, Edwin Sun, Matthew Phan, Andrew Yip, Maria Alejandra Santillan, Boschall Lee, Megan Lam, Megan Chea, Melissa Chea, Lisa Chea, Han Dao, Jennifer Van, Tracy Ou, Stefanie Dare, Darren Braden, Lauren Orozco, Karen Thai, Susan Martinez, Hagar Benitez, Doris Han, Ray Dang, Naqi Jaffery, Chris Hansen, Topher Mathers, Bill Luong, Kim Matsuda, Claudia Nario, Theodore Chou, Glenda Mutakami, Elizabeth Duenas, Carol Leung, Destiny Avila, Moses Lim, Nicolas Tran, Catherine Peng, Grant Lao, Asha Lew, Kevin Kartanata, Kimberly Navarro, David Phung, Shawn Gong, Katherine Guevarra, Kiong Han, Danny Chu, Tony Wu, Jennifer Leu, Anna Yeh, Allison Hirata, Giovanni & Maricruz Tlatenchi, Lisa Luu, Victor Luo, Barbara Ngai, Malvina Rincon, Elena Lee, Jeff Schwartz, Veronica Paez, Tiffany Katanyoutanant, Danny Woo, Jim Phit, Thomas Wong, Calvin Truong, Jean Wong, Natalie Sanchez, Margaret Cheng, Thomas Lo & Janis Wong-Lo, Kimberly Alvarado, Jaime Rodriguez, Jessica Jinn, Jonathan Yiu, Emily Pham, Esteban T. Jr., Kyle Tsukahira, Debra Maldonado, Audre Jung, Elena Diaz, Shirley Tatsuno, Michelle Li, Janice Chang Yu, Vivian Fuller, Irma Gorrocino, Angela Yang, Harry Li, Tony Truong, Catherine Tang, Jaime Rodriguez, Ariel, Lisa Marko, Monica Hernandez, Jean Park, Stanley Chu, Raquel Morales, Laura Gallegos, Jany Wang, Rose Scobie, Craig Takahashi, Roni Cisneros, Keith Lee, Brisa Aviles, Leilani Commons, Anthony Truong, Phyllis Thai, Michael Siegel, Richard A. Chavira & Barbara L. Chavira, Jazmin Navarro, Dan Huynh, Connie Cheung, Cathy Ta, Milt Deherrera, Mark Ces, Sin Fong & Po Lin Han, Katelyn Millette, Linda Bonilla, Rose Boubion, Cliff Bender, Ricky Rodriguez, Briana Liu, Sydney Zheng, Paul Tchen, Joyce Yu, Kelly Ta, Felix, Amy J. Wong, Maribel Castillon, and Jennifer Lizcano Do. Nine written communications had suggested alternatives to the plans and requested to continue the agenda item to a future date from: Philip Chang, Reanna Liaw, Tad A Kato, Bryan Matsumoto, Carlos Wong, Andrea Lofthouse-Quesada, Tommy Hoong, Emily Francis, and Bill Lam.

Recommendation: That the City Council consider: (1) Authorizing the City Manager to execute the remaining three Funding Agreements, in a form approved by the City Attorney, with Los Angeles County Metropolitan Authority (LACMTA) for the SR-710 North Mobility Improvements Projects for Garvey Avenue Capacity Improvements, Parking Structures Construction, and Adaptive Traffic/Traffic Responsive Control System Project; (2) Authorizing the City Manager to appropriate projects funds for the Garvey Avenue Capacity Improvements, Parking Structures Construction, and Adaptive Traffic/Traffic Responsive Control System projects per the project funding schedule included in the terms and conditions of the Funding Agreements to be received by the City; and (3) Taking such additional, related, action that may be necessary.

Action Taken: The City Council (1) authorized the City Manager to execute a 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 Projects for Adaptive Traffic/Traffic Responsive Control System Project; (2) authorized the City Manager to appropriate project funds for Adaptive Traffic/Traffic Responsive Control system project per the project funding schedule included in the terms and conditions of the Funding Agreement to be received by the City; and (3) to table the Garvey Ave Capacity Improvement Project and the Parking Structure Construction until a further date after receiving additional input from LACMTA regarding new guidelines for the project.

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

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

Discussion: Council Member Liang recommended to staff to investigate forming an Ad Hoc committee of residents to provide input on the Garvey Avenue Capacity Improvements project and Parking Structure Construction. Mayor Yiu agreed to the Ad Hoc committee and suggested online surveys and town hall meetings so that everyone can participate.

RECESSED AND RECONVENED

The City Council recessed at 8:54 p.m. and reconvened with all council members present at 9:00 p.m.

6. CITY COMMUNICATIONS (CITY COUNCIL)

6A. A RESOLUTION DECLARING APRIL 4, 2021 – APRIL 10, 2021 AS NATIONAL LIBRARY WEEK (REQUESTED BY COUNCIL MEMBER CHAN)

This item was heard after Agenda Item No. 5A.

Action Taken: The City Council adopted Resolution No. 12232 declaring April 4, 2021 – April 10, 2021 as National Library Week.

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

Resolution No. 12232, entitled:

A RESOLUTION DECLARING APRIL 4, 2021 – APRIL 10, 2021 AS NATIONAL LIBRARY WEEK

COUNCIL COMMUNICATIONS

Council Member Chan stated that on March 8, 2021 he attended the Barnes Park Playground and Fitness Court red ribbon cutting ceremony. He reported that the Metro Service Council discussed the Fareless System Initiative. He relayed that Metro has a program called “On the Move Riders Club” that is available for senior citizens. He informed that the San Gabriel Valley Council of Governors Transportation Committee is considering a study for an extension of the express/carpool lane on the Interstate 10 Freeway.

Council Member Liang reported that he attended the Barnes Park Playground and Fitness Court red ribbon cutting ceremony. He wished everyone a happy St. Patrick’s day.

Council Member Sornoso reported that he attended the Barnes Park Playground and Fitness Court red ribbon cutting ceremony. He stated that he completed the exercises to become an ambassador of the fitness court. He shared that he toured the new Courtyard Marriott.

Mayor Pro Tem Lo spoke about the unfortunate incident in Atlanta, regarding a shooting at massage parlors/spas. He directed staff to consider a resolution condemning anti Asian hate and xenophobia for the next City Council meeting.

Mayor Yiu reported that she attended two Asian hate crime discussions. She stated that racial discrimination is always unacceptable. She inquired from the Police department if there were any hate crimes reported to the Police department. She communicated that she attended the Community Participation Committee (CPC) meeting and informed the City Council that they have the opportunity to appoint two commissioners to this committee. She encouraged the Council to work on getting one more commissioner for the CPC.

7. FUTURE AGENDA ITEMS

None.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:43 p.m.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
APRIL 7, 2021**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, April 7, 2021 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: **930 4321 9695** 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 5:01 p.m.

ROLL CALL:

Deputy City Clerk Cindy Trang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Interim Director of Human Resources and Risk Management Danielle Tellez

ORAL AND WRITTEN COMMUNICATIONS

None.

OPEN SESSION

1. APPOINT LABOR NEGOTIATORS:

Appoint the City Attorney, City Manager and Interim Director of Human Resources and Risk Management as the City's labor negotiators for the Executive Management Employees (unrepresented unit).

MOTION _____. Appointing the City Attorney, City Manager and Interim Director of Human Resources and Risk Management as the City's labor negotiators with Executive Management Employees (unrepresented unit).

Action Taken: The City Council appointed the City Attorney, City Manager and Interim Director of Human Resources and Risk Management as the City's labor negotiators with Executive Management Employees (unrepresented unit).

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

CLOSED SESSION

The City Council adjourned to closed session at 5:03 p.m.

2. CONFERENCE WITH LABOR NEGOTIATORS - GOVERNMENT CODE § 54957.6

City Negotiators: City Attorney and City Manager and Interim Director of Human Resources and Risk Management

Employee Organizations: Executive Management Employees (unrepresented unit).

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

Betty Lu v. City of Monterey Park (filed July 25, 2018)

LASC Case No. EC068865

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:26 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
APRIL 7, 2021**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, April 7, 2021 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: **2892225995** 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 6:32 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, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, 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, Police Officer Sebastian Jimenez, Economic Development Manager Joseph Torres, Planning Manager Jason Moquin, Recreation and Community Services Manager Robert Aguirre, Principal Management Analyst Bonnie Tam, Community Communications Coordinator Randy Ishino, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

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.

- James Bradshaw spoke about a public notice he received regarding a development of 16 homes on Garvey Avenue and Abajo Drive. He voiced his opposition to the development citing unstable land mass.
- Denise R. Jaramillo, Superintendent of Alhambra Unified School District, thanked the City of Monterey Park for their collaborative effort with Alhambra Unified School District and Herald Christian Health Center in providing Covid-19 vaccination sites to the public.
- City Clerk Chang received, filed, and read into the record a written communication from Sue Arkosy. Ms. Arkosy spoke about the planned 16 home construction on Garvey Avenue and Abajo Drive and communicated her opposition.
- Ken Tang, Board President of the Alhambra Unified School District, spoke about the collaborative efforts between the City of Monterey Park and Alhambra Unified School district in providing vaccination sites for the public.

- Debbie spoke about the 16 home construction project on Garvey and Abajo and expressed her opposition to the project.

1. PRESENTATION

Matters listed under presentation are for informational content and discussion only.

1A. ANNUAL SPRING CLEANING AND CHIPPER SERVICE DAY – SATURDAY, APRIL 10, 2021

Interim Director of Public Works Lopez and Fire Chief Hallock provided information regarding the Annual Spring Cleaning and Chipper Service day on Saturday, April 10, 2021.

1B. AUTISM AWARENESS MONTH

Police Chief Gordon and Police Officer Jimenez promoted Autism Awareness Month.

2. OLD BUSINESS

None.

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

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

Public Speakers:

- Paul Lee expressed his gratitude of service and spoke about Agenda Item 3D. He implored that residents be involved in the planning process of the Lunar New Year event.
- John Bradshaw stated he wished to speak about the 16 homes construction project on Garvey and Abajo.
- Monica Vargas inquired where she can discuss the 16 homes construction project on Garvey and Abajo to voice her opposition.

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

Motion: Moved by Council Member Liang and seconded by Mayor Pro Tem 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. MINUTES

Approve the minutes from the regular meeting of March 3, 2021.

Action Taken: The City Council and the City Council (acting on behalf of the Successor Agency) approved the minutes from the regular meetings of March 3, 2021 on Consent Calendar.

3B. WAIVE FURTHER READING AND ADOPT AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (DA-20-01) BY AND BETWEEN THE CITY OF MONTEREY PARK AND BR CASTER CORP. TO FACILITATE DEVELOPMENT OF A STRUCTURE FOR SELF-STORAGE UNITS; TO ACTIVATE THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE ("BRDZ") IN MONTEREY PARK MUNICIPAL CODE CHAPTER 21.45; AND TO AMEND THE ZONE MAP

The Ordinance was introduced and received first reading at the March 17, 2021 City Council meeting. The original staff report (from March 17, 2021) 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.

This matter was previously considered at a public hearing conducted on February 17, 2021. A copy of the staff report from that meeting was attached to the March 17, 2021 staff report for reference (without its attachments).

Second reading and adoption was scheduled for March 3, 2021. Through inadvertence, the item did not get placed onto that agenda; ordinances may only be adopted at a regular meeting.

When the issue was identified on March 1st, there was insufficient time (agendas must be posted 72 hours in advance of a regular meeting) to amend the already posted agenda. Accordingly, this matter must be again considered for introduction and first reading.

Other than changing the dates in the draft documents, there are no other changes from the February 17, 2021 meeting.

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects). The Project consists of constructing a self-storage facility on a vacant 0.93 acre triangular shaped lot surrounded by existing development. Other than activating the BRDZ via the draft Development Agreement, there are no proposed changes to the General Plan nor the zoning. The Project site has no value as habitat for endangered, rare or threatened species. The technical studies prepared for the Project demonstrate there will not be any significant environmental effects relating to traffic, noise, air quality, or water quality. Finally, the Project can be adequately served by all required utilities and public services.

Action Taken: The City Council waived the second reading and adopted Ordinance No. 2206 on Consent Calendar.

Ordinance No. 2206, entitled:

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MONTEREY PARK AND BR CASTER CORP. TO FACILITATE DEVELOPMENT OF A STRUCTURE FOR SELF-STORAGE UNITS; TO ACTIVATE THE BUSINESS RECOVERY DEVELOPMENT AGREEMENT ZONE (“BRDZ”) IN MONTEREY PARK MUNICIPAL CODE CHAPTER 21.45; AND TO AMEND THE ZONE MAP

3C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO ESTABLISH PARKING REQUIREMENTS FOR RELIGIOUS INSTITUTION AFFILIATED HOUSING DEVELOPMENT PROJECTS IN ACCORDANCE WITH CALIFORNIA LAW AND CODIFY PARKING REGULATIONS FROM THE MONTEREY PARK BUSINESS RECOVERY PROGRAM

The Ordinance was introduced and received first reading at the March 17, 2021 City Council meeting. The original staff report (from March 17, 2021) 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.

AB 1851, effective January 1, 2021, limits the number of parking spaces a local agency may require in connection with a “religious institution affiliated housing development project” (“RIAHD”), as defined. AB 1851 also requires a local agency to allow for the elimination of up to 50% of the existing parking spaces serving a place of worship in connection with the approval of a RIAHD and prohibits a local agency from requiring replacement of parking spaces that the developer of a RIAHD proposes to eliminate. An amendment to the MPMC is required to bring it into conformance with California law.

Additionally, the Ordinance would codify the parking regulations adopted by the City Council in 2020 as part of the Monterey Park Business Recovery Program.

CEQA (California Environmental Quality Act):

In accordance with the California Environmental Quality Act (Pub. Res. Code § 21000, et seq.; “CEQA”) and CEQA Guidelines (Cal. Code Regs. tit. 14, § 15000, et seq.) staff determined that the Ordinance is exempt from additional environmental review pursuant to CEQA Guidelines § 15305 because it consists only of minor alterations in land use limitations necessary to implement a state law mandate (AB 1851) and does not portend new development. Furthermore, staff finds that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. Consequently, it is exempt from additional environmental review per CEQA Guidelines § 15061(b)(3).

Action Taken: The City Council waived the second reading and adopted Ordinance No. 2205 on Consent Calendar.

Ordinance No. 2205, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK ADDING SECTIONS 21.22.040 (RELIGIOUS INSTITUTION AFFILIATED HOUSING DEVELOPMENT PROJECTS; PARKING REQUIREMENTS) AND 21.22.050 (APPLICATION OF CHAPTER) TO THE MONTEREY PARK MUNICIPAL CODE

3D. AUTHORIZE CITY MANAGER TO AMEND AGREEMENT NO. 1718-A WITH WORLD JOURNAL LA, LLC, TO BE THE CO-PRODUCER OF THE MONTEREY PARK LUNAR NEW YEAR FESTIVAL

Agreement no. 1718-A between the City of Monterey Park and World Journal LA, LLC (World Journal), allowed for three consecutive Lunar New Year Festivals held in 2018, 2019, and 2020. Agreement no. 1718-A also allowed for two additional one-year extension terms and in 2020 the City agreed to the first extension with plans of having the festival in 2021.

However, due to the COVID-19 pandemic, the 2021 Lunar New Year Festival was cancelled. World Journal has requested that the City consider an amendment to Agreement No. 1718-A to include the first extension for the Lunar New Year Festival to be held in 2022, since the 2021 event was cancelled. If approved, Agreement No. 1718-A would be amended to allow for two additional one-year extensions, beginning with the first one-year extension in 2022 and the option for a second one-year extension in 2023.

If approved, the amendment would provide World Journal adequate time to plan for the 2022 event, secure sponsors and vendors, as well as implement all safety protocols established by state or local health departments.

Action Taken: The City Council authorized the City Manager to amend agreement no. 1718-A and extend the term for two additional one-year terms, in a form approved by the City Attorney, with World Journal LA, LLC, to co-produce the Monterey Park Lunar New Year Festival, on dates to be determined by the City.

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

3E. NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK RESOLUTION

The Monterey Park Police Department is celebrating the week of April 11-17, 2021 as National Public Safety Telecommunicators Week. This week, sponsored by the Association of Public-Safety Communications Officials (APCO) International and celebrated annually, honors the thousands of men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render lifesaving assistance to the citizens of the United States. We are enlisting your support in the form of a resolution to honor these men and women in our area for the work that they do every day to protect the residents of Monterey Park.

Action Taken: The City Council adopted Resolution No. 12233 Declaring the week of April 11 through 17, 2021 to be National Public Safety Telecommunicators Week in the City of Monterey Park.

Motion: Moved by Council Member Chan and seconded by Council Member Sornoso 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. 12233, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK
DECLARING APRIL 11 - 17 2021, NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS WEEK IN MONTEREY PARK

4. PUBLIC HEARING

None.

5. NEW BUSINESS

5A. CITY COUNCIL DISTRICTING – CENSUS DATA UPDATE

In accordance with the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act (Elections Code § 21600-21609), following each decennial federal census, the City Council must adopt a map showing the district boundaries city council offices so that the districts will be substantially equal in population. Certain requirements must be met before the City Council adopts the final district voting map. This includes holding at least four public hearings, good faith effort in engaging in community involvement, maintaining a dedicated webpage for providing redistricting information, and providing translated materials and live translation upon request.

Recent legislation changed the redistricting process. This report is intended to give the City Council an overview of the redistricting process and the timeline affecting the submittal of the new district map. The combination of the when the next regularly scheduled election date and when the City receives the census data will determine the deadline for submitting the new City Council district boundary map.

The U.S. Census Bureau announced on February 12, 2021 that the 2020 Census redistricting data will be released by September 30, 2021. The Statewide Database will require an additional 30 days to adjust the datasets for redistricts. In accordance with Elections Code § 21602, the boundaries of council districts must be adopted not later than 174 days before the City's next regular municipal election. The City Council has not yet decided whether that election will be held in June 2022 or November 2022. The Los Angeles County Registrar Recorder's office's deadline for submittal of new district map is December 9, 2021 for the June 7, 2022 election and May 12, 2022 for the November 8, 2022 election.

Public Speakers:

- City Clerk Chang received, filed, and read into the record a written communication from Bill Lam. Mr. Lam inquired whether the public would be allowed to draw a redistricted map and encouraged that the City Council to schedule the Municipal election in June instead of November.

Action Taken: The City Council received and filed this report as amended to correct a typographical error in the Staff Report in the Background section from "March 2021" to "March 2020".

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. CITY COMMUNICATIONS (CITY COUNCIL)

6A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DENOUNCING CORONAVIRUS (COVID-19) STIGMATIZATION, HATE CRIMES AND XENOPHOBIC VIOLENCE AGAINST ALL ASIAN AMERICANS AND PACIFIC ISLANDERS (REQUESTED BY MAYOR PRO TEM LO AND COUNCIL MEMBER CHAN)

Action Taken: The City Council adopted Resolution No. 12234 denouncing Coronavirus (COVID-19) stigmatization, hate crimes and xenophobic violence against all Asian Americans and Pacific Islanders as amended to add “social equity and social justice” to Section 1, Item G.

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

Resolution No. 12234, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DENOUNCING CORONAVIRUS (COVID-19) STIGMATIZATION, HATE CRIMES AND XENOPHOBIC VIOLENCE AGAINST ALL ASIAN AMERICANS AND PACIFIC ISLANDERS

COUNCIL COMMUNICATIONS

Council Member Chan communicated that it is National Library week. He requested Fire Chief Hallock to provide updates on the Covid-19 vaccination site at Garvey Ranch Park. He encouraged the public to register to get the vaccine. He wished everyone Happy Easter. He stated that he attended Albert Gin Chong Washington, DC Congressional Gold Medal event on April 3, 2021 and wished Council Member Sornoso’s uncle Frank a happy birthday. He reported that he attended the Tree Memorial for David Kwok on March 25, 2021.

Council Member Liang wished everyone a Happy Easter. He wished happy birthday to Council Member Sornoso's uncle.

Council Member Sornoso thanked City staff for providing a birthday caravan to celebrate his uncle's birthday.

Mayor Pro Tem Lo reported that he attended Council Member Sornoso Uncle's Birthday event and Albert Gin Chong's Washington, DC Congressional Gold Medal event. He expressed that he is looking forward to the Spring Cleaning and Chipper Day event. He acknowledged Veteran Post 397 for hosting a Easter drive-thru event for the community.

Mayor Yiu reported that she attended the following events: East Los Angeles College Covid-19 vaccination site hosted by the Service Employees International Union (SEIU) workers; Council Member Sornoso's uncle 96th birthday event; David Kwok Tree Memorial ceremony; and Albert Gin Chong's Washington, DC Congressional Gold Medal event.

7. FUTURE AGENDA ITEMS

None.

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

City Attorney Berger announced no reportable action taken in closed session of the Special City Council meeting held on April 7, 2021 at 5:00 p.m.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:00 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: May 5, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3B

TO: The Honorable Mayor and City Council

FROM: Ron Bow, City Manager
Joseph Torres, Economic Development Manager

SUBJECT: Waive further reading and adopt an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from July 1, 2021 to December 30, 2022.

RECOMMENDATION:

It is recommended that the City Council consider:

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

EXECUTIVE SUMMARY:

The Ordinance was introduced and received first reading at the April 21, 2021 City Council meeting. The original staff report (from April 21, 2021) 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:



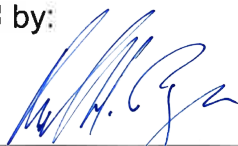
Ron Bow
City Manager

Prepared by:



Joseph Torres
Economic Development Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS

1. Draft Ordinance
2. April 21, 2021 Staff Report

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM AND EXTENDING ITS EFFECTIVE DATE TO DECEMBER 30, 2022.

The City Council does ordain as follows:

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

- A. Since March 11, 2020, the City (and the nation) has been in a declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency").
- B. During the Emergency, the City Council adopted a series of regulations (Ordinance Nos. 2178, 2182, 2184, and 2185) which are, collectively, the 2020 Monterey Park Business Recovery Program (the "Program").
- C. Since the Program was adopted, the City Council took various actions to codify various regulations on a permanent basis. Most of the Program is now codified within the Monterey Park Municipal Code ("MPMC"). The remaining temporary regulations that affect outdoor dining and events within the Program will expire June 30, 2021.
- D. The City Manager and Economic Development Manager provided a report to the City Council regarding the ongoing efforts to stimulate the local economy by using the Program's regulations. Based upon that report, the City Council finds it is in the public interest to extend the outdoor dining and events permit regulations to 2022. This will give the City Manager additional time to recommend appropriate changes to the Monterey Park Municipal Code ("MPMC") that will help promote the City Council's intent to assist local businesses recover from the Emergency.

SECTION 2. *Environmental Assessment.* This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Adopting this Ordinance is exempt from further environmental review because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. The Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adopting the ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Individual projects utilizing the 2020 Monterey Park Business Recovery Program will each be separately subject to an

environmental assessment. Finally, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

SECTION 3. *Extension of Time.* The Sunset Clause set forth in Section 3 of Ordinance No. 2197 (adopted November 4, 2020) is further extended until December 30, 2022. To ensure that the City Manager reviews the MPMC as contemplated by the 2020 Monterey Park Business Recovery Program, this Ordinance (and, therefore, the Program) will automatically be repealed and will become ineffective on December 31, 2022, unless the City Council takes additional action to extend the effectiveness of this Ordinance or supersedes it via a subsequently adopted Ordinance.

SECTION 4. *Amendments.* The portions of the Program codified within the MPMC take supersede all portions of the Program that are uncoded. Accordingly, any conflict between the MPMC and the remaining portions of the Program will be resolved in favor of the MPMC.

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

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

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

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

SECTION 9. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this

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

end, the provisions of this Ordinance are severable.

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

SECTION 11. *Electronic Signatures.* Pursuant to MPMC Chapter 3.95, this Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

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

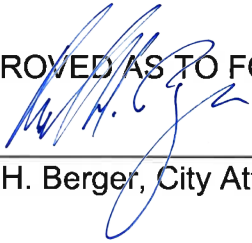
PASSED AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 2
April 21, 2021 Staff Report



City Council Staff Report

DATE: April 21, 2021

AGENDA ITEM NO: New Business
Agenda Item 5A

TO: The Honorable Mayor and City Council

FROM: Ron Bow, City Manager
Joseph Torres, Economic Development Manager

SUBJECT: Introducing and waiving the first reading of an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from July 1, 2021 to December 30, 2022

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving the first reading of an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from July 1, 2021 to December 30, 2022.
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Since March 11, 2020, the City (and the nation) has been in a declared state of local emergency due to the COVID-19 pandemic (the "Emergency"). This Emergency has had a devastating effect on the City's battered restaurant industry, risking permanently losing businesses, jobs, and community assets. Following staff's analysis of the overwhelming effect this Emergency has had on our City's restaurant community, staff has determined that it is in the City's best interest to extend the outdoor dining and events permit regulations (the "Program") to December 30, 2022. This will give the City Manager additional time to recommend appropriate changes to the Monterey Park Municipal Code that will help promote the City Council's intent to assist local businesses recover from the Emergency.

FISCAL IMPACT:

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

Respectfully submitted by:

A handwritten signature in blue ink, appearing to read "Ron Bow".

Ron Bow
City Manager

Prepared by:

A handwritten signature in blue ink, appearing to read "Joseph Torres".

Joseph Torres
Economic Development Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS:

1. Ordinance extending the time of the 2020 Monterey Park Business Recovery Program from July 1, 2021 to December 30, 2022.
2. Ordinance 2197 amending the 2020 Monterey Park Business Recovery Program and extending its effective date to July 1, 2021.

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM AND EXTENDING ITS EFFECTIVE DATE TO DECEMBER 30, 2022.

The City Council does ordain as follows:

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

- A. Since March 11, 2020, the City (and the nation) has been in a declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency").
- B. During the Emergency, the City Council adopted a series of regulations (Ordinance Nos. 2178, 2182, 2184, and 2185) which are, collectively, the 2020 Monterey Park Business Recovery Program (the "Program").
- C. Since the Program was adopted, the City Council took various actions to codify various regulations on a permanent basis. Most of the Program is now codified within the Monterey Park Municipal Code ("MPMC"). The remaining temporary regulations that affect outdoor dining and events within the Program will expire June 30, 2021.
- D. The City Manager and Economic Development Manager provided a report to the City Council regarding the ongoing efforts to stimulate the local economy by using the Program's regulations. Based upon that report, the City Council finds it is in the public interest to extend the outdoor dining and events permit regulations to 2022. This will give the City Manager additional time to recommend appropriate changes to the Monterey Park Municipal Code ("MPMC") that will help promote the City Council's intent to assist local businesses recover from the Emergency.

SECTION 2. *Environmental Assessment.* This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Adopting this Ordinance is exempt from further environmental review because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. The Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adopting the ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Individual projects utilizing the 2020 Monterey Park Business Recovery Program will each be separately subject to an

environmental assessment. Finally, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

SECTION 3. *Extension of Time.* The Sunset Clause set forth in Section 3 of Ordinance No. 2197 (adopted November 4, 2020) is further extended until December 30, 2022. To ensure that the City Manager reviews the MPMC as contemplated by the 2020 Monterey Park Business Recovery Program, this Ordinance (and, therefore, the Program) will automatically be repealed and will become ineffective on December 31, 2022, unless the City Council takes additional action to extend the effectiveness of this Ordinance or supersedes it via a subsequently adopted Ordinance.

SECTION 4. *Amendments.* The portions of the Program codified within the MPMC take supersede all portions of the Program that are uncoded. Accordingly, any conflict between the MPMC and the remaining portions of the Program will be resolved in favor of the MPMC.

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

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

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

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

SECTION 9. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this

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

end, the provisions of this Ordinance are severable.

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

SECTION 11. *Electronic Signatures.* Pursuant to MPMC Chapter 3.95, this Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

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

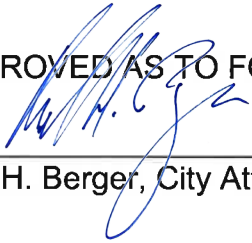
PASSED AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 2

Ordinance No. 2197

ORDINANCE NO. 2197

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

The City Council does ordain as follows:

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

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

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

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

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

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

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

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

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

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

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

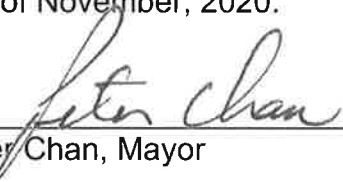
SECTION 9. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

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

SECTION 11. *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

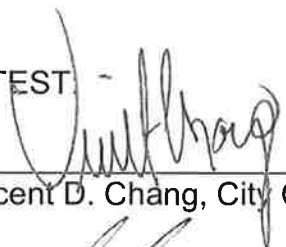
SECTION 12. *Effective Date.* This Ordinance will become effective 30 days after its adoption and remain effective unless superseded or repealed.

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



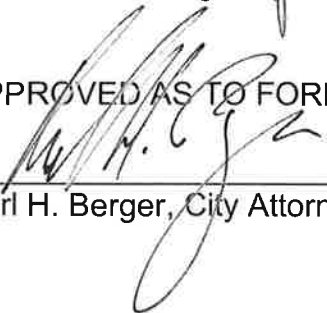
Peter Chan, Mayor

ATTEST:



Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2197 was introduced, and placed upon its first reading at a regular meeting of the City Council of the City of Monterey Park, held on the 21st day of October, 2020. That thereafter on the 4th day of November, 2020, said Ordinance was duly passed, approved and adopted by the following vote:

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

Dated this 4th day of November, 2020.



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



City Council Staff Report

DATE: May 5, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3C

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Assistant City Manager
Robert Aguirre, Recreation Manager
SUBJECT: Tree Memorial Program Recommendation for 2021

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving to honor Mitchell and Gloria Ing with a memorial tree; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Nominations for the Tree Memorial Award were advertised and accepted during the month of March 2021. The Recreation and Community Services Department received a nomination application for Mitchell and Gloria Ing.

Subsequently, the Tree Memorial Program Committee consisting of three Community Participation Commissioners and two Recreation and Parks Commissioners met to review the nomination of Mitchell and Gloria Ing and discuss their consideration for a Tree Memorial based on the criteria established in Resolution Nos. 10485 and 11484 (Attachment 1).

The Committee reviewed each nominee application. After reviewing the information provided on the nomination application for Mitchell and Gloria Ing (Attachment 2), the committee voted unanimously to recommend City Council approves to honor Mitchell and Gloria Ing with a Tree Memorial for their service and positive impact on the Monterey Park Community.

BACKGROUND:

In an effort to provide a fair and equitable process to honor individuals for their service to the community, the City Council established resolutions outlining the guidelines to conduct the Tree Memorial Program. A Program Committee consisting of three members of the Community Participation Commission and two members of the Recreation and Parks Commission met to review the nomination applications and make recommendations to the City Council.

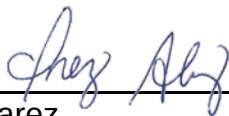
The nominees, Mitchell and Gloria Ing are long time residents, volunteers, and community leaders. Mr. Mitchell Ing served as the Monterey Park City Treasurer from 2001-2007 and was Mayor three times during his time serving on City Council from

2007-2020. Mr. Ing has also been instrumental in raising funds for local scholarships and musical/educational programming. Mrs. Gloria Ing has dedicated countless hours toward mentoring and developing youth in Monterey Park. Mrs. Ing has volunteered for over nine years, preparing numerous students for annual Mock Trial competitions. She has also volunteered for over 10 years with the Future Business Leaders of America program.

FISCAL IMPACT:

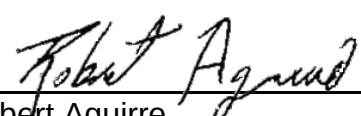
The Tree Memorial plaque and ceremony (when gatherings can resume) would cost approximately \$300 and funding is included in the FY 20-21 adopted budget in the Community Participation Division fund, account no. 1016508-5242.

Respectfully submitted by:



Inez Alvarez
Assistant City Manager

Prepared by:



Robert Aguirre
Recreation Manager

Approved by:



Ron Bow
City Manager

ATTACHMENTS:

1. Resolution 10485 and 11484
2. Nomination of Mitchell and Gloria Ing

ATTACHMENT 1

Resolution 10485 and 11484

RESOLUTION NO. 10485

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

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

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

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

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

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

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

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

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

SECTION 1

MEMORIAL PLAQUE / TREE

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

SECTION II

QUALIFICATIONS

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

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

SECTION III

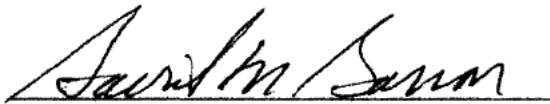
NOMINATION PROCESS

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

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


Rita Valenzuela, Mayor
City of Monterey Park
California

ATTEST:

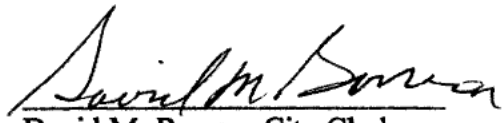

David M. Barron, City Clerk
City of Monterey Park,
California

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

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

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

Dated this 15th day of March , 2000.


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

RESOLUTION NO. 11484

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

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

SECTION 1: The City Council finds as follows:

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

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

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

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

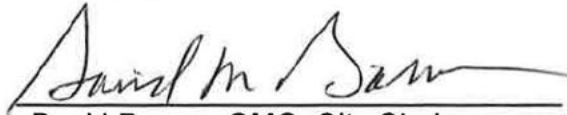
SECTION 4: This Resolution will become effective immediately upon adoption and will remain effective unless superseded or repealed.

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



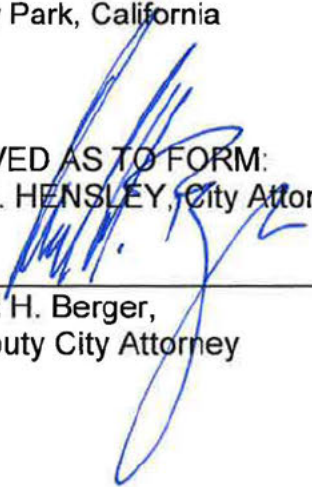
David Lau, Mayor
Monterey Park, California

ATTEST:



David Barron, CMC, City Clerk
Monterey Park, California

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

By: 

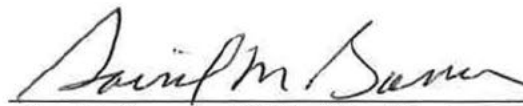
Karl H. Berger,
Deputy City Attorney

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

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

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

Dated this 2nd day of May 2012.



David Barron, CMC, City Clerk
Monterey Park, California

ATTACHMENT 2

Nomination of Mitchell and Gloria Ing



Recreation and Community Services
320 West Newmark Avenue
Monterey Park, CA 91754
Telephone: (626) 307-1388
Website: <http://www.montereypark.ca.gov>

APPLICATION FOR TREE MEMORIAL 2021

NAME OF
INDIVIDUAL NOMINATED: Mr. & Mrs. Mitchell Ing LIVING? Y (Y/N)
ADDRESS: [REDACTED], Monterey Park, CA 91754

NAME OF NOMINATING
GROUP OR ORGANIZATION: 2 Founding Members of Mark Keppel Appliance
CONTACT PERSON: Cindy Yee and Paul Isozaki
ADDRESS: [REDACTED] CITY: Monterey Park ZIP 91754
PHONE: [REDACTED] EMAIL: [REDACTED]

Nomination Process:

Please attach all materials, photos, documentation and letters to this application. The City will make every effort to return materials to the nominating authority listed, however, the City will not guarantee this or the condition of which the materials are returned. Please do not send original documents. Copies of these materials will be sufficient.

Deadline for submission of application and all materials is Wednesday, March 31, 2021 by 4:30pm. Submit in person to the Recreation and Community Services Department via mail or email: 320 W Newmark Ave. Monterey Park, CA 91754 or * Recreation@montereypark.ca.gov. A committee of Commissioners will meet in April to review applications and make recommendations to City Council in May. Ceremony to be scheduled thereafter. All Committee review meetings are posted and open to the public. Nominating groups or individuals may speak and bring other pertinent materials to the meeting.

Committee reserves the right to accept, reject, approve or deny any and all of the applications it receives based on review of the materials submitted. The burden of proof as to the worthiness of a particular individual must be demonstrated by the information submitted by the applicant. Common knowledge or prestige of an individual is not enough to qualify for this recognition award.

The City shall determine the location for the tree memorial. Groups or individuals will not be allowed to request a particular site. The decision to plant a new tree versus using existing trees is at the sole discretion of the City. Wording on the plaque will be consistent with existing memorial plaques.

The intent of the program is to have the memorial remain undisturbed forever, however, the City must reserve the right to move, remove or change the existing tree or plaque as it deems necessary.

Please provide at least one picture and other suitable materials deemed necessary. In order to further determine merit, and to add significance to the prestige of the memorial, any individual whose name is put forth should be supported by at least three letters of reference by community members indicating the contribution made and significance, in their opinion.

QUALIFICATIONS

(Monterey Park Resolution No. 10485 & 11484)

Individual should have been a long term resident (10 years or more) of the City of Monterey Park, and has provided a service benefit to the entire Community, in one or more of the following ways (check items that apply):

YES ^{MONTEREY PARK TREASURER, CITY COUNCIL, MAYOR} Served on a City elected or appointed position for at least two terms or 5 years, whichever is greater;

YES Voluntarily served the City as an officer, or board member of, one or more City recognized Service Clubs, Volunteer community based organizations or other City service and charitable service organization, which provide a direct service to Monterey Park residents;

YES A long term community business leader who has served the Community through his/her financial or voluntary efforts to one or more service and charitable service organization or non profit organization in the City of Monterey Park for a period of no less than 10 years.

YES An individual, resident or non resident, who has made a significant or cumulative and positive impact on the Community.

The term "served" means that the individual must demonstrate an active role in providing a benefit to the Monterey Park Community, in addition to service to the City and charitable service organizations.

Special consideration without regard to the above mentioned qualifications, should be given to an individual, resident or non resident, who has deceased while performing service to our community.

Nominations may be submitted, accepted, and considered only once per year. There is no limit to the number of years in which a person may be nominated. Only three nominations will be recommended to the City Council per year. A person may only receive this honor once.

Complete resolutions available at:

[https://grmservices.grmims.com/CityofMonterey/\(S\(mnoqvplvaun42o01n5f3jkce\)\)/orc.aspx](https://grmservices.grmims.com/CityofMonterey/(S(mnoqvplvaun42o01n5f3jkce))/orc.aspx)

March 26, 2021

Dear Committee for 2021 Tree Memorial,

One day back in 1993 a couple knocked on my door collecting signatures on a petition informing residents of a pending gambling casino. This couple was Mitchell and Gloria Ing. I invited them in and showed them a faster way of notifying residents and collecting signatures. We collected 1500 signatures in two weeks. Approximately 750 residents stormed the council chambers and it overflowed into the City Hall's lobby whereby the fire codes were broken.

Years later I learned that Gloria's mentor in elementary school was Louise Davis. The Ing family has been very close to Mrs. Davis to this day. Mitchell's profession is in the financial field. It was very natural for him to run for City Treasurer with Mrs. Davis's endorsement. Mitchell was our City Treasurer for six years and I felt confident and secure that our spending and investments were in good hands.

Mitchell decided to run for City Council in late 2000. Mitchell worked hard walking door to door throughout our city. Mitchell was on the city council from March 2007 until April 2020. He served as mayor three times. Mitchell used the funds that he received as council person towards \$500 per scholarship. In total there have been 48 young graduating seniors who have benefitted from Mark Keppel, Garfield, and Schurr high schools. One example, Mark Keppel music band badly needed uniforms and instruments before marching in the 2009 Rose Parade. He sponsored community concerts at Barnes Park Amphitheater.

While representing the City of Monterey Park, he was an independent individual who worked with other members when it came to sound fiscally acceptable development such as the Marketplace. He ensured that our city was able to compete with competitive bidding with city contracts. He was against re-zoning of residential properties. Mitchell was always looking out for US the residents against poor development. He is responsive and willingly meets with his constituents and an excellent communicator.

Besides Mitchell Ing, I would like this nomination to include Gloria Ing. She has always supported Mitchell in his community activities and without fanfare. Gloria, an attorney for Southern California Edison, has grown up her entire life in Monterey Park attending Monterey Highlands Elementary School and graduated from Alhambra High. Gloria volunteers with the middle grades at Monterey Highlands in the Mock Trial Team. Students learn to think out of the box and prepare speeches. Some of her students have gone on to competitions where they beat out students at the high school level. Gloria also volunteers at both elementary and high school levels in the Future Business Leaders of America Competition program for 10 years.

This couple who knocked on my door back in 1993 has shown their lifelong commitment to Monterey Park all these years. It would be fitting for them to share a tree together as Mr. and Mrs.

With warmest regards,

A handwritten signature in black ink that reads "Cindy Yee". The signature is written in a cursive, flowing style.



BFV

Benjamin "Frank" Venti

Millennial Mayor, City of Monterey Park (Retired)

To Whom It May Concern,

As a former city council member and former Mayor of Monterey Park, I had the privilege to serve on the Monterey Park City Council for several years with Mitchell Ing, who is also a former council member and Mayor. Mitchell served a total of 15 years as a council member and prior to city council, he served as the City Treasurer. During that time, the City of Monterey Park was honored by Money Magazine as one of the Top 3 Cities in the USA to live!

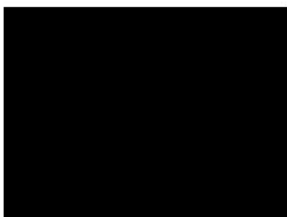
Mitchel and Gloria Ing are upstanding citizens of Monterey Park and their dedication to this City goes beyond their residency. For the past several years, Mitchell & Gloria have given much of their time making Monterey Park more than a place to "Live" but a place that all residents can be proud to call "Home". Mitchell Ing, also known as, Monterey Park's "WATCHDOG OF CITY BUDGETARY ISSUES", assisted and supported me in bringing the Market Place to fruition. The Market Place is a huge tax revenue for the City of Monterey Park! It has created jobs and is a great shopping and dining experience for not only the residents of Monterey Park, but for many of the adjoining cities and passers-by who travel the 60 freeway every day.

Gloria Ing has given her time and commitment to the young students of Monterey Park by creating a program of "mock trials" to open awareness and teach the students the importance of having a better understanding of legal procedures and complicated legal arguments. Through this program, the students can learn how our judicial system operates. Gloria's dedication to creating this project for the students, go above and beyond the expectations of the City of Monterey Park. Citizens like Mitchell & Gloria Ing are the people that make this City a great place to live. So today, I am honored to recommend and nominate Mitchell Ing & Gloria Ing as recipients of the 2021 Tree Memorial Award.

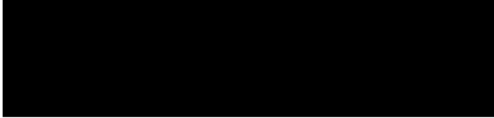
The Tree Memorial Award is our City's way of acknowledging those individuals who create a better Monterey Park every day. Mitchell & Gloria's commitment and dedication continue to impact this City through their efforts of providing a better future and a better Monterey Park...a City, I am proud to call HOME!

Sincerely,

Benjamin "Frank" Venti
Benjamin "Frank" Venti



PAUL T. ISOZAKI



March 28, 2021

To the 2021 Tree Memorial Committee:

I would like to nominate Mitchell and Gloria Ing for the Tree Memorial. Mitchell served as the Monterey Park City Treasurer for six years, City Councilman for ten years, and Mayor for three terms.

I feel Monterey Park's greatest resource is our children. As a co-founder of the Mark Keppel High School Alliance, I saw Mark Keppel High School go from the worst high school in Alhambra Unified School District to the best high school in the District. The improvement came about from the efforts of volunteers like Mitchell and Gloria.

In the 1990's, the Mark Keppel High School music program was without an orchestra, and the band was very small with old and broken instruments. Mitchell made it a personal goal to improve the Mark Keppel High School music program by fundraising. A new music teacher, Dr. Carla Bartlett, worked with Mitchell to transform the music program to become world class. Through Mitchell's fundraising efforts, the music program was able to acquire new instruments and uniforms, repair the old instruments, and connect Johnny Thompson with Carla Bartlett. The band went on to march in the Rose Bowl parade, and the orchestra provided live music at Mark Keppel High School drama department plays. Mark Keppel High School now had an exciting marching band and an excellent orchestra.

Mitchell donated all of his stipend earned from serving on the Monterey Park City Council for scholarships that were made available to City of Monterey Park high school students. In all, Mitchell and Gloria donated 48 scholarships to Monterey Park high school students.

Gloria created and led the Monterey Highlands Mock Trial Team for nine years. Gloria also started the Future Business Leaders of America Club at Monterey Highlands. Two of the students placed first in a State competition in public speaking and accounting, and more to their credit, the Monterey Highlands students were competing against high school students.

Gloria went on to start the Future Business Leaders of America Club at Mark Keppel High School. She served as their director for seven years. For each of those years, Gloria and Mitchell spent eight months of the year working on public speaking skills. The Mark Keppel team took first place against 25 high schools.

Mitchell and Gloria have volunteered their time and money for the schools, city government and the Monterey Park community, all at an extraordinary level. This couple should be honored for the outstanding efforts they have made on behalf of the citizens of our City.

Very truly yours,



Paul T. Isozaki



City Council Staff Report

DATE: May 5, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3D

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: A resolution of the City Council of Monterey Park, California declaring the week of May 9 – 15, 2021 as “Police Week”

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution Declaring the week of May 9 - 15, 2021 as “Police Week” and May 15, 2021 as “Peace Officers Memorial Day” in the City of Monterey Park; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The week of May 9-15, 2021 is recognized as National Police Week and May 15, 2021 is “Peace Officers Memorial Day.” The City Council is requested to approve a Resolution to observe both National Police Week and Peace Officers Memorial Day.

BACKGROUND:

In 1962, President John F. Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

Communities across the United States will come together during National Police Week—May 12-18—to honor and remember those law enforcement officers who made the ultimate sacrifice, as well as the family members, friends, and fellow officers they left behind.

This year, the names of 394 officers killed in the line of duty are being added to the National Law Enforcement Officers Memorial in Washington, DC. These 394 officers included 295 (182 fatalities are COVID-19-related) officers who were killed during 2020,

plus 99 officers who died in previous years but whose stories of sacrifice had been lost to history until now.

The fallen officers include two members of the law enforcement community in Monterey Park, Officer George Elder who was killed in a shootout in 1961 and Officer William Guidera who was killed in a traffic collision in 1927. In addition to remembering Officers Elder and Guidera, the Police Department also remembers and pays tribute to DEA Special Agents Paul Seema and George Montoya who were killed in the line of duty during a shootout while working alongside Monterey Park Police Officers during a narcotics investigation in 1989.

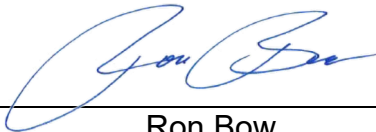
In tribute to American law enforcement officers and at the request of the National Law Enforcement Officers Memorial Fund, Public Law 103-322 designates May 15th National Peace Officers Memorial Day, which is one of only two days each year during which government agencies, businesses and residents are to fly their U.S. flags at half-staff.

Respectfully submitted by:



Kelly Gordon
Chief of Police

Approved by:



Ron Bow
City Manager

ATTACHMENT:

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO.

A RESOLUTION DECLARING THE WEEK OF MAY 9 - 15, 2021 AS “POLICE WEEK” AND MAY 15, 2021 AS “PEACE OFFICERS MEMORIAL DAY” IN THE CITY OF MONTEREY PARK.

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

SECTION 1: The City Council finds as follows:

- A. National Police Week 2020 honors the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.
- B. There are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Monterey Park Police Department.
- C. Since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including 2 members of the Monterey Park Police Department, Officer George Elder and Officer William Guidera.
- D. The names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.
- E. This year, the names of 394 officers killed in the line of duty are being added to the National Law Enforcement Officers Memorial in Washington, DC. These 394 officers included 295 (182 fatalities are COVID-19-related) officers who were killed during 2020, plus 99 officers who died in previous years but whose stories of sacrifice had been lost to history until now.
- F. The service and sacrifice of all officers killed in the line of duty will be honored during the virtual National Law Enforcement Officers Memorial Fund’s 31st Annual Candlelight Vigil, on the evening of May 15, 2021.
- G. May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

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

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

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

PASSED AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

Attest:

Vincent Chang, City Clerk



City Council Staff Report

DATE: May 05, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3E

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Director of Public Works / City Engineer
SUBJECT: Resolution Identifying a Public Works Street Maintenance Project to be Included in the FY 2021-22 Budget and Funded by Senate Bill 1: The Road Repair and Accountability Act of 2017

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution identifying a street maintenance project to be included in the FY 2021-22 budget and funded with Road Maintenance and Rehabilitation Act (RMRA) funds, in a form approved by the City Attorney; and
2. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 addresses the significant multi-modal transportation funding shortfall statewide. As of November 2017, portions of SB 1 revenues are deposited into a Road Maintenance and Rehabilitation Account (RMRA) and made available to eligible cities and counties, which must comply with RMRA funding requirements as determined by the California Transportation Commission (CTC).

RMRA funds made available for the Local Streets and Roads Funding Program are prioritized for expenditure on basic road maintenance and rehabilitation projects, and on critical safety projects. The CTC provided a number of example projects and uses for RMRA funding that include, but are not limited to, the following: Road Maintenance and Rehabilitation, Safety Projects, Railroad Grade Separations, Complete Streets Components (including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project), and Traffic Control Devices.

BACKGROUND:

The most recent State estimates for FY 2021-22 project Monterey Park will receive \$1,103,381 in RMRA funds. In order to be eligible to receive these funds, normally agencies must submit a proposed project list to the CTC by May 1, 2021, along with budget support documentation including the council meeting minutes and/or resolution of the City Council committing to the project list. This year, project lists are due July 1, 2021.

The proposed capital improvement project includes the resurfacing of various local streets as identified in the City's Pavement Management Study, listed in the resolution. Staff reviewed the study and selected those street segments that would most benefit from a rehabilitation project based on their current conditions. Once the resolution is adopted and submitted, staff may begin the design. Once plans and specifications are complete construction of the project may be expected in the Summer of 2022. Rehabilitation can include isolated repairs and patching, concrete items such as sidewalk and ramp repairs, but is primarily grinding and overlay of the roadway surface with asphalt concrete and asphalt rubber hot mix.

FISCAL IMPACT:

As the City's budget process for FY 2021-22 is now underway, the adoption of the resolution to include the capital improvement project in the upcoming budget and funded with RMRA funds will allow the City to receive the RMRA funding for street rehabilitation projects, and help the City improve the overall quality of the roadway system.

Respectfully prepared & submitted by:

A blue ink signature of Frank A. Lopez, written over a horizontal line.

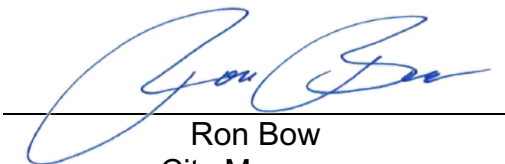
Frank A. Lopez
Director of Public Works /
City Engineer

Reviewed by:

A blue ink signature of Martha Garcia, written over a horizontal line.

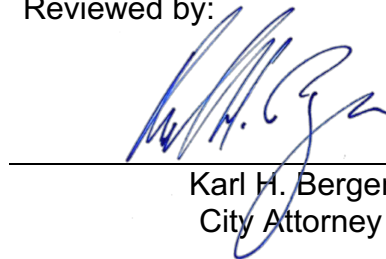
Martha Garcia
Director of Management Services

Approved by:

A blue ink signature of Ron Bow, written over a horizontal line.

Ron Bow
City Manager

Reviewed by:

A blue ink signature of Karl H. Berger, written over a horizontal line.

Karl H. Berger
City Attorney

Attachment:

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO.

A RESOLUTION IDENTIFYING A STREET MAINTENANCE PROJECT TO BE INCLUDED IN THE FY 2021-22 BUDGET AND FUNDED BY SENATE BILL 1: ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds as follows:

- A. The Road Repair and Accountability Act of 2017 was adopted to address the significant multi-modal transportation funding shortfalls statewide.
- B. The includes accountability and transparency provisions that will ensure the residents of the City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year.
- C. The City must adopt, by resolution, a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by the Act, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement.
- D. The City will receive an estimated \$1,103,381 in RMRA funding in Fiscal Year 2021-22.
- E. This is the fifth year in which the City is receiving such funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without the Act.
- F. The City used a Pavement Management Program to help develop the RMRA project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment.
- G. The funding from the Act will help the City maintain and rehabilitate its streets throughout the City this year and several similar projects into the future. This revenue will help the City increase the overall quality of our road system over the next decade.
- H. Cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive

to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network.

- I. The project list and overall investment in the City's local streets and roads infrastructure with a focus on basic maintenance and safety and investing in complete streets infrastructure will have significant positive co-benefits statewide.

SECTION 2. The Operating Budget for fiscal year 2021-2022 is amended to incorporate the following project planned to be funded with Road Maintenance and Rehabilitation Account revenues:

Project: Various Street Rehabilitation

Description: Cold mill asphalt concrete pavement and construct conventional and rubberized asphalt concrete overlay on various local streets. Work includes but is not limited to asphalt grind and overlay, concrete curb, gutter, sidewalk, and curb ramps repair or replacement.

Location:

Street Segments
Alpine Terrace - Crest Vista Drive to End
Bleakwood Avenue - Cesar Chavez Avenue to 1st Street
Cesar E Chavez Avenue - Bleakwood Avenue to End
Cesar E Chavez Avenue - Vancouver Avenue to Westcott Avenue
Cesar E Chavez Avenue - Schoolside Avenue to Collegian Avenue
Chalet Terrace - Crest Vista Drive to End
College View Lane - College View Drive to End
Collegian Avenue - Floral Drive to South End
Crest Haven Way - Crest Vista Drive to End
Crest Vista Drive - Ridge Crest Street to Crest Way
Dell Drive - Wandering Drive to Hillvale Drive
Dorner Drive - Schoolside Avenue to Westcott Avenue
Dorner Drive - Collegian Avenue to 1st Street

Dorner Drive - Roscommon Avenue to Bleakwood Avenue
Dover Way - Crest Vista Drive to End
East Crest Way - Ridgeside Drive to End
Gladmar Street - Collegian Avenue to Sherbrook Avenue
Glenview Terrace - Crest Vista Drive to Sunrise Drive
Grand Vista Place - Grand Vista Way to End
Grand Vista Way - Crest Vista Drive to End
Hillside Street - Floral Drive to Brightwood Drive
Hillvale Drive - Dell Drive to End
Longhill Drive - Highland Drive to Hillside Street
Lunar Drive - Crest Vista Drive to Brightwood Street
Moonbeam Dr - Sunrise Drive to Crest Vista Drive
North Ridge Place - Star Ridge Drive to End
Ridgecrest Street - Hillside Street to Highland Drive
Ridgecrest Street - Floral Drive to Brightwood Street
Ridgecrest Way - Ridgecrest Street to End
Ridgeside Circle - Ridgeside Drive to End
Ridgeside Drive - Wandering Drive to Crest Vista Drive
Rodman Circle - Crest Vista Drive to End
Rolling Hill Drive - Crest Vista Drive to Brightwood Street
Roscommon Avenue - Cesar E Chavez Ave (Frontage) to 1st Street
Schoolside Avenue - Cesar E Chavez Avenue to 1st Street
Shady Crest Lane - Brightwood Street to End
Sherbrook Avenue - 1st Street to Gladmar Street
Solar Drive - Highland Drive to Brightwood Street
Star Ridge Drive - Highland Drive to Hillside Street
Sunny Slope Place - Sunnyslope Drive to End

Sunnyhill Drive - Sunnyslope Drive to End
Sunnyslope Drive - Highland Drive to Brightwood Street
Sunrise Drive - El Repetto Drive to College View Drive
Sunrise Place - Sunrise Drive to End
Valley Vista Drive - Solar Drive to Floral Drive
Vancouver Avenue - Cesar E Chavez Avenue to Floral Drive
Vancouver Avenue - Dorner drive to Crest Vista Drive
Wandering Drive - Dell Drive to Brightwood Street
West Crest Way - Crest Vista Drive to End
Westcott Avenue - Cesar E Chavez Avenue to South End
Windover Way - Crest Vista Drive to End

Estimated Useful Life: 15-20 years

**Est. Year of Construction/
Completion:** Fiscal Year 2021-2022

Budget Amount: \$1,103,381

SECTION 3. 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 4. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5. The City Clerk is directed to certify the adoption of this Resolution.

SECTION 6. To the extent that any other resolution is incorporated into this Resolution, it is superseded or amended in its entirety.

SECTION 7. This Resolution takes effect immediately upon its adoption.

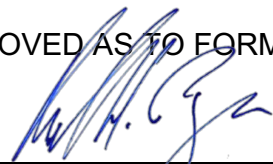
PASSED, APPROVED AND ADOPTED this 5th of May 2021.

Yvonne Yiu, Mayor
City of Monterey Park

ATTEST:

Vincent D. Chang, City Clerk
City of Monterey Park

APPROVED AS TO FORM:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: May 5, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3F

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Director of Public Works / City Engineer
SUBJECT: Acceptance of SGVMWD Low-Income Water Bill Assistance Grant

RECOMMENDATION:

It is recommended that the City Council consider:

1. Accepting grant funding in the amount of \$150,000 from the San Gabriel Valley Municipal Water District (SGVMWD) to pay down delinquent customer water bill accounts;
2. Authorizing the City Manager to execute the Grant Agreement, in a form approved by the City Attorney, with SGVMWD for this grant program; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In response to the pandemic, the San Gabriel Valley Municipal Water District (SGVMWD) is offering member cities grant funding to assist with water bills for low-income residents. The allotment to Monterey Park is \$150,000.

BACKGROUND:

The San Gabriel Valley Municipal Water District (SGVMWD) established the Member City Low-Income Rate Assistance Program to provide funding to member cities for a delinquent water-bill account program. The program would be administered by the City. The purpose of the program is to aid residents who have been affected financially by the pandemic.

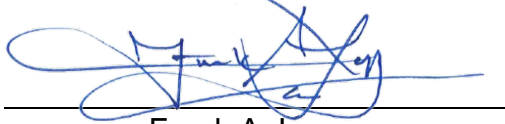
The City suspended turning off water service for delinquent accounts due to the Governor's Executive Orders. The District's grant funds would allow the city to replenish revenue loss from unpaid accounts. Total District grant funding is \$500,000. Each member's allotment is based on city population and water usage: Monterey Park's share is \$150,000.

The City has until June 1, 2021 to notify the District of how the Low-Income Rate Assistance Program grant funds will be used. Funds must be used no later than October 31, 2021.

FISCAL IMPACT:

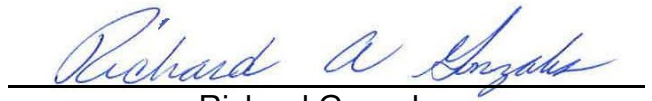
Grant funds in the amount of \$150,000 will be used to pay down eligible delinquent water bill account, thus, replenishing the water revenue fund by \$150,000 from lost revenues.

Respectfully submitted by:

A blue ink signature of Frank A. Lopez, written in a cursive style, positioned above a horizontal line.

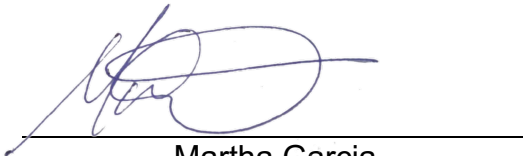
Frank A. Lopez
Director of Public Works /
City Engineer

Prepared by:

A blue ink signature of Richard A. Gonzales, written in a cursive style, positioned above a horizontal line.

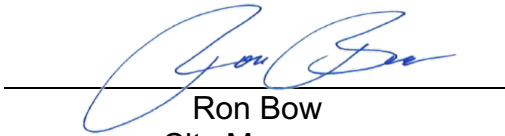
Richard Gonzales
Water Utility Manager

Reviewed by:

A blue ink signature of Martha Garcia, written in a cursive style, positioned above a horizontal line.

Martha Garcia
Director of Management Services

Approved by:

A blue ink signature of Ron Bow, written in a cursive style, positioned above a horizontal line.

Ron Bow
City Manager

Reviewed by:

A blue ink signature of Karl H. Berger, written in a cursive style, positioned above a horizontal line.

Karl H. Berger
City Attorney



City Council Staff Report

DATE: May 05, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3G

TO: The Honorable Mayor and City Council
FROM: Frank A. Lopez, Director of Public Works / City Engineer
SUBJECT: 2019-20 Street Rehabilitation – Authorization to Advertise

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution approving the design and plans for the 2019-20 Street Rehabilitation Project;
2. Authorizing staff to advertise the 2019-20 Street Rehabilitation Project; and
3. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

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

EXECUTIVE SUMMARY

Staff has prepared bid specification for the 2019-20 Street Rehabilitation project and is requesting the City Council's authorization to advertise the project for construction bids.

BACKGROUND

The project involves the rehabilitation of the following streets:

Street Segments
Abe Way - Metro Drive to End
Andrix Street - Lupine Avenue to Floral Drive
Arlight Street - Garfield Avenue to Andrix Street
Bluffdale Street - Markland Drive to Markland Drive
Corporate Center at Casuda Canyon
Emerald Way - Wheeler Drive to End
Fernfield Drive - Wilcox Avenue to Markland Drive
Floral Drive - Garfield Avenue to Fulton Avenue
Foxglove Drive - Fernfield Drive to End

Heather Drive - Lupine Avenue to Clover Drive
Kempton Avenue - Lincoln Avenue to Fulton Avenue
Kempton Avenue - Trumbower Avenue to Keller Street
Lupine Avenue - Kempton Avenue to Coral View Street
Lupine Place - Lupine Avenue to End
Mancha Place - Mancha Way to End
Mancha Way - Coral View Street to Keller Street
Metro Drive - Aztec Way to Village Drive
McPherrin Avenue - Newmark Avenue to Harding Avenue
Mooney Drive - Kempton Avenue to Russell Avenue
Mooney Drive - Pomelo Avenue to City Limits
Russell Avenue - Graves Avenue to End (South)
Starbird Drive - Trumbower Avenue to End (South)
Trumbower Avenue - Starbird Drive to Keller Street
Wheeler Drive - Heather Drive (S) to Heather Drive (N)
Whitehurst Drive - Keller Street to Mancha Way
Wilcox Avenue - Fulton Avenue at Kempton Avenue
Ynez Avenue - Graves Avenue to Loma Verde Street
Ackley Place - Ackley Street to End
Adams Way - Van Buren Drive to End
Buchanan Place - Ackley Street to End
Fernfield Drive - West End to Wilcox Avenue
Fernfield Drive - Markland Drive to East Cul-De-Sac
Fillmore Drive - Ackley Street to End
Gleason Street - End (E) to End (W)
Gleason Street - Fulton Avenue to Wilcox Avenue
Hamlet Drive - Village Drive to Country Road
Harrison Road - Ackley Street to Orange Avenue
Juneway Road - Gleason Street to Pomona Boulevard
Pierce Place - Ackley Street to End
Plateau Avenue - Village Drive to End
Taylor Drive - Ackley Street to End
Tyler drive - Ackley Street to End
Van Buren Drive - Fulton Avenue to Fillmore Drive
Village Drive - Plateau Avenue to Kays Avenue
Village Place - Village Drive to End
Alisar Way - North End to Ackley Street
Ash Drive - Pepper Street to Holly Oak Drive
Corporate Center Dr at Casuda Canyon Rd

Country Place - Country Road to End
Country Road - Town Avenue to Gate
Grant Street - Van Buren Drive to End
Holly Oak Place - Holly Oak Drive to End
Laurel Center - Laurel Drive to End
Laurel Drive - Pepper Street to Ackley Street
Laurel Place - Laurel Drive to End
Luy Street - Van Buren Drive to End
Magnolia Drive - Ackley Street to Holly Oak Drive
Olive Place - Orange Avenue to End
Orange Place - Orange Avenue to End
San Patricio Drive - Alisar Avenue to Ackley Street
Taft Court (Orange Avenue to End)
Town Avenue - Country Road to Kays Avenue
Wilson Place - Orange Avenue to End
Woodland Way - Markland Drive to End

The work includes cold milling the existing asphalt pavement and constructing a rubberized asphalt overlay, adjusting utility covers to grade; constructing new ADA curb ramps; replacing traffic loop detectors, restoring traffic striping and pavement markings; and providing and maintaining traffic control during construction.

FISCAL IMPACT

The project (96008) is included in FY 2019-20 adopted budget and will be funded with RMRA (SB1) funds in the amount of \$1,886,342, Measure R funds in the amount of \$983,725, Measure M funds in the amount of \$1,500,000, and Water funds in the amount of \$75,000 for a total amount of \$4,445,067.

Respectfully prepared and submitted by:



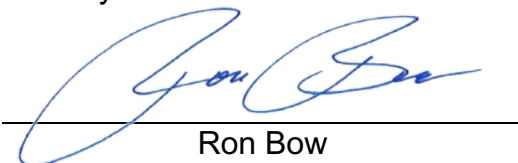
Frank A. Lopez
Director of Public Works /
City Engineer

Reviewed by:



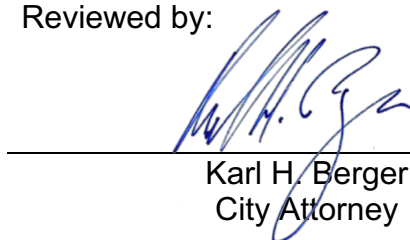
Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT

1. Draft Resolution

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE 2019-20 STREET RESURFACING PROJECT PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT

THE CITY COUNCIL RESOLVES AS FOLLOWS:

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

- A. City staff has prepared bid specifications for the 2019-20 Street Resurfacing Project ("Project").
- B. The City Engineer reviewed the completed design and plans for the Project and agrees with staff that the plans are complete and the Project may be constructed.
- C. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2. *Environmental Assessment.* 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. There are adequate utilities and public services to serve the project.

SECTION 3. *Design Immunity; Authorization.*

- A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms to the City's General Plan.
- D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- E. The approval and authorization granted by this Resolution is intended to

avail the City of the immunities set forth in Government Code § 830.6.

- F. The City Manager, or designee, may solicit bids for the Project in accordance with applicable law.

SECTION 4. *Project Payment Account.* For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish an account allocating funds from the appropriate fiscal year budget to pay for the Project ("Project Payment Account"). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

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

SECTION 6. The City Clerk is directed to certify the adoption of this Resolution.

SECTION 7. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 5th of May 2021.

Yvonne Yiu, Mayor
City of Monterey Park

ATTEST:

Vincent D. Chang, City Clerk
City of Monterey Park

APPROVED AS TO FORM:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: May 5, 2021

AGENDA ITEM NO: New Business
Agenda Item 5A

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: Consideration and possible action to introduce and waive first reading of an ordinance amending Chapter 9.90 of the Monterey Park Municipal Code regarding graffiti violations.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an Ordinance amending Chapter 9.90 of the Monterey Park Municipal Code in its entirety to regulate graffiti in conformance with California law; or
2. 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 Ordinance may have a significant effect on the environment.

BACKGROUND:

Within the City, the effect of graffiti in the form of spray paint, tagging with indelible ink, etching surfaces, and stickers on public and private property have proven to be a blight, particularly in certain areas. Published sociological studies and the experience of law enforcement indicate a correlation between the presence of graffiti and increased instances of littering, theft and other crimes in those same neighborhoods.

Chapter 9.90 of the Monterey Park Municipal Code ("MPMC"), which regulates graffiti, has not been updated or amended since 1993. Since that time, there have been changes to state vandalism laws, enforcement of such laws by the Los Angeles District Attorney, and changes in circumstances within the City.

While acts of vandalism are a crime under state law (see Penal Code § 594, *et seq.*), the California Constitution and Penal Code empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that

promote social, economic, or aesthetic considerations. Government Code § 38771 permits general law cities to identify public nuisances by ordinance.

This Ordinance would revise Chapter 9.90 of the MPMC to designate acts related to graffiti as public nuisances and unlawful. It is specifically intended to be responsive to the many different ways in which graffiti is currently being applied, how graffiti implements are made available to violators, to prohibit the possession of implements intended to be used for graffiti, and provide a means of enforcement through the Monterey Park Police Department and City Attorney's office by making these violations misdemeanors.

In December 2020, Los Angeles County District Attorney George Gascon announced he would no longer prosecute a range of "low level" misdemeanor offenses. This includes quality-of-life crimes and most municipal code offenses. The Monterey Park Police Department and City Attorney's Office are coordinating efforts to begin citing and criminally prosecuting applicable MPMC violations, including graffiti offenses.

In addition to criminal enforcement efforts, this Ordinance also allows for civil enforcement for the removal of graffiti as public nuisances and for the City to recoup costs related to abatement of such nuisances, including treble damages for repeat offenders.

This Ordinance further authorizes the use of rewards for information leading to the apprehension and conviction of any person who commits a graffiti offense on any public or private property within the city.

FISCAL IMPACT:

Adopting the Ordinance itself will have a nominal fiscal impact in requiring the Assistant City Attorney or deputy city attorney to appear in court up to one day per month to prosecute graffiti offenses along with other misdemeanor MPMC violations. The City will receive offsetting revenue from fines paid by persons prosecuted. It is difficult to predict exactly how much the City will receive from such fines. Civil enforcement as a public nuisance will also have a nominal fiscal impact, as this Ordinance specifically provides for recouping City costs associated with abatement efforts.

Respectfully submitted by:



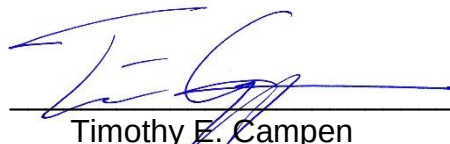
Kelly Gordon
Chief of Police

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

Attachments:

1. Ordinance

ATTACHMENT 1

Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL
CODE CHAPTER 9.90 IN ITS ENTIRETY TO REGULATE
GRAFFITI AND CONFORM WITH CALIFORNIA LAW.**

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

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

- A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations;
- B. Government Code § 38771 permits general law cities to identify public nuisances by ordinance;
- C. Code of Civil Procedure § 731 permits civil actions to be brought in the name of the people of the state of California to abate public nuisances;
- D. It is in the public interest for the City to take appropriate actions to protect citizens and their property from conditions that threaten public health, safety, and welfare including, without limitation, matters that devalue real property; and
- E. A review of the Monterey Park Municipal Code (“MPMC”) shows that it is desirable to amend the regulations prohibiting and abating graffiti.

SECTION 2: MPMC Chapter 9.90 is amended in its entirety to read as follows:

“Chapter 9.90

GRAFFITI

9.90.010 Purpose.

This Part is adopted in accordance with California Constitution Article XI, § 7; Government Code §§ 38771-38773.7 and 53069.3, including any successor statutes; and Civil Procedure Code § 731, including any successor statutes, for the purposes of identifying graffiti as a public nuisance; authorizing abatement of graffiti; and imposing criminal and civil penalties upon persons for causing or permitting graffiti. Adopting this Chapter is a municipal affair and will protect public health, safety, and

welfare by ensuring that graffiti is prohibited; providing for its prompt removal; and imposing criminal and civil penalties upon persons permitting graffiti to occur. Nothing contained in this Chapter is intended to, nor will it, preclude the City from pursuing any other available civil or criminal remedies concurrently or in addition to the proceedings established by this Chapter to enforce this Code.

9.90.020 Findings. The City Council finds as follows:

- A. Graffiti on either public or private property, results in blight, decreases property values and deprives surrounding residents and owners of the right to comfortable enjoyment of life and property.
- B. Graffiti is obnoxious, constitutes a public nuisance, and is a threat to public safety which must be abated to prevent its proliferation.
- C. Graffiti must be removed as quickly as possible to minimize harm to persons and property in the community.
- D. This Chapter is intended to compliment, and not conflict with, Penal Code §§ 594 and 640.5-640.8, which provide that any person who maliciously defaces property is guilty of vandalism; and Penal Code § 594.1, which provides that certain activities involving the possession, sale and use of aerosol paint containers are misdemeanors.

9.90.030 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. “Aerosol Paint Container” means any aerosol container which is adapted or made for the purpose of spraying paint or other substances capable of defacing property.
- B. “Carving Tool” means any tools or instruments designed, or intended, to cut, carve or scratch into glass, metal, wood or other surfaces.
- C. “Etching substance” means any type of liquid or paste product used to permanently etch glass. Ingredients of etching substances may include, without limitation, ammonia/sodium bifluorides and sulfuric acid.
- D. “Felt Tip Marker” means any indelible marker or similar implement

with a tip which at its broadest width is 1/8 inch or greater, containing an ink that is not water-soluble.

- E. "Graffiti" means any inscription, word, figure or design that is marked, etched, pasted, or otherwise placed on property without the prior approval of the property owner or person in lawful possession or control of the property.
- F. "Graffiti Implement" means any implement capable of marking a surface to create graffiti including, without limitation, any aerosol paint container, spray actuator, paint stick, felt tip marker, marking pen, gum label, marking instrument, paint stick, drill bit, grinding stone, scribe, carving tool, etching substance or other implements capable of marking or scarring glass, metal, concrete or wood.
- G. "Graffiti Removal Costs" means all costs that would be considered abatement costs in the context of a nuisance abatement proceeding pursuant to this chapter and chapter 4.30. In addition, such costs expressly include, without limitation, costs of removal of graffiti or other material, costs of repair and replacement of the defaced property, all city staff time, costs of the police investigation, attorney time and fees, and any court costs incurred.
- H. "Gum Label" means any sheet of paper, fabric, plastic or other substance with an adhesive backing which, when placed on a surface, is not easily removed.
- I. "Expenses" include, without limitation, actual expenses, city administrative costs and other costs of the city of all previous code enforcement efforts, the preparation of the abatement work specifications, contracts, and staff time in inspecting the work, as well as the costs of printing, posting and mailings required by this Part.
- J. "Minor" means, except as otherwise provided, a person under 18 years of age.
- K. "Paint Stick" means a device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and, upon application, leaving a mark at least 1/8 of an inch in width, visible from a distance of 20 feet, and not water-soluble.
- L. "Remove" means to restore any surface with graffiti to substantially the same appearance it had prior to the application of the graffiti, including, without limitation, removal, covering over, or

replacement, as may be necessary.

- M. "Responsible person" has the same meaning as in sections 4.30.030 and 4.40.030.
- N. "Self-service merchandising" means open display of graffiti implements to which the public has access without the intervention of any employee.
- O. "Spray Actuator" means an object, such as a spray tip, nozzle, or button, which is capable of being attached to an aerosol paint container for the purpose of spraying the substance contained therein.
- P. "Vendor-assisted" means only an employee has access to the graffiti implement and assists the customer by supplying the product. The customer does not take possession of the product until it is purchased.

9.90.040 Graffiti Prohibitions.

The following is unlawful:

- A. For any person to mark, apply, or etch graffiti on any structure located on public or private real property within the city.
- B. For any minor to possess any graffiti implement while on public or private property without the consent of a responsible person. Any law enforcement officer who observes an apparent violation of this section may take immediate possession of the graffiti implements.
- C. For any person to possess, other than a lawful purpose, any graffiti implement while present in or on any public facility owned by the city including, without limitation, any road or utility infrastructure.
- D. For any person to possess any graffiti implement for the purpose of defacing, marking, or damaging any public or private property without the express consent of the property owner or the person in lawful possession or control of the property.

9.90.050 Accessibility to graffiti implements.

- A. It is unlawful for any person to sell, give, or otherwise furnish any graffiti implement to any minor without the consent of the minor's parent or legal guardian. Evidence that a person, his or her employee, or agent, demanded and was shown bona fide evidence

of majority and acted upon such evidence of majority in a transaction or sale is a defense to any criminal prosecution.

- B. It is unlawful for any person to sell, permit to be sold, offer for sale, or display for sale any graffiti implement by means of self-service merchandising or by means other than vendor-assisted sales.
- C. In addition to the sign required by Penal Code § 594.1(c), persons selling, allowing to be sold, offering for sale, or displaying for sale any graffiti implement must post a sign with lettering at least three-eighths of an inch (3/8") high which states as follows:

"WARNING: IT IS UNLAWFUL TO SELL OR DISTRIBUTE AEROSOL PAINT, PAINT STICKS OR BROAD-TIPPED MARKERS TO ANY MINOR OR FOR ANY MINOR TO POSSESS OR ATTEMPT TO PURCHASE SAME. IF YOU ARE OVER EIGHTEEN YEARS OLD, IT IS ILLEGAL FOR YOU TO PURCHASE AEROSOL PAINT, PAINT STICKS OR BROAD-TIPPED MARKERS FOR A MINOR IF YOU ARE NOT THAT PERSON'S PARENT OR GUARDIAN. VIOLATIONS ARE PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH."

9.90.100 Abatement authority; Cost Recovery.

- A. The city manager, or designee, is authorized to abate graffiti in the manner provided in chapter 4.30. Graffiti removal costs may be recovered in accordance with chapter 4.30 along with any other costs authorized by that chapter.
- B. Cost recovery may also occur pursuant to chapter 4.40.
- C. Any parent or other legal guardian of a minor is personally liable for any and all graffiti removal costs associated with graffiti caused by that minor. This section does not limit the amount of recovery against the parent or other legal guardian for their own common law negligence.

9.90.110 Authorization to remove.

Graffiti located on public or private property within the city and observable from the public right-of-way, as determined by the city manager or designee, may be removed upon authorization by the city manager only upon the following conditions:

- A. If the graffiti is located on city-owned property, the city manager, or designee, may immediately remove the graffiti by any practicable

means.

- B. If graffiti is located on property owned by a public entity other than the city, graffiti removal is authorized only after securing the consent of the public entity having jurisdiction over the property and such entity executes a release and waiver, approved as to form by the city attorney, and agrees to an assumption of costs incurred by the city for the removal of the graffiti.
- C. If graffiti is located on private property, graffiti may be removed by the City only under the following circumstances:
 - 1. After securing the consent of the owner and such owner executes a release and waiver approved as to form by the city attorney.
 - 2. Complying with section 4.30.180.

9.90.120 Order for treble costs of abatement.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this chapter, except conditions abated pursuant to Health and Safety Code § 17980, the court may order the owner to pay treble the costs of the abatement.

9.90.130 Penalties for Failure to remove graffiti upon notice.

In addition to any graffiti removal costs incurred by the city for the abatement of graffiti from private property, failure to voluntarily abate graffiti after notification will result in the penalties set out in this chapter.

9.90.140 Recovery of costs from minor or parent or guardian.

- A. If the city manager, or designee, abates graffiti in accord with this chapter, the city may recover the graffiti removal costs by making such costs a lien against the property of the minor creating, causing, or committing the nuisance. Further, such costs may be recovered against the property of the parent or guardian having custody or control of the minor up to and including the sum of \$25,000.
- B. For the purposes of this section, the terms “expense of abatement,” “graffiti” and “minor” have the same meaning set forth in Government Code § 38772.

- C. The cost recovery procedures against the property of a minor or a parent or guardian of the minor are the same as set forth in this chapter.
- D. The graffiti removal costs are also a personal obligation of the minor and his or her parent or legal guardian.

9.90.150 Community service.

- A. After the conviction of any person for violation of this chapter, the city may petition the sentencing court to impose community service time, pursuant to Penal Code §§ 640.6 or 1203.1. The sentencing court may require the performance of community service within the city in addition to any monetary penalties imposed.
- B. Any minor violating any provision of this Chapter or any state law pertaining to vandalism of property with a graffiti implement who is found to be a person described in Welfare and Institutions Code § 602 by reason of the commission of vandalism, may be required to perform community service time pursuant to Welfare and Institutions Code § 742.16. For any minor adjudicated guilty of vandalism, the city will petition the juvenile court and the court may, in addition to any other penalties imposed by the city, require the unemancipated minor to provide the necessary labor to clean up, repair, or replace defaced, damaged or destroyed property, or otherwise make restitution to the property owner.
- C. If a minor is personally unable to pay any fine levied for violating any provision of this Chapter or is otherwise unable to make restitution for damages, the minor's parent or legal guardian are liable for payment of the fine or restitution. If the parent or legal guardian cannot make restitution, the sentencing court may waive payment of the fine or community service time by the parent or legal guardian upon finding good cause. If the sentencing court waives payment of the fine by the parent or legal guardian, the city will petition the sentencing court, and the court, at the court's option, may order the parent or legal guardian to provide the necessary labor, equal to the number of hours assigned to the minor adjudicated guilty of violating any provision of this Chapter, to clean up, repair, or replace property damaged by the unemancipated minor.

9.90.160 Suspension or delay of driving privileges.

For each conviction of a person aged 13 to 21 for violating this Chapter, or any state law pertaining to vandalism of property with a

graffiti implement, the city may petition the sentencing court to suspend driving privileges or delay the issuance of driving privileges in accordance with Vehicle Code § 13202.6.

9.90.170 Additional Penalties.

- A. Any person who violates any provision of this Chapter for which no other penalty is otherwise provided is guilty of a misdemeanor.
- B. Any person failing to remove graffiti within the prescribed time-period is guilty of an infraction and may be punished with a fine of \$100 for a first conviction, \$300 for the second conviction, and \$500 for each subsequent violation.

9.90.210 Reward

- A. The city manager, or designee, is authorized to offer and pay a reward to any person who provides information leading to the apprehension and conviction of any person who willfully or maliciously places graffiti on any public or private property within the city. The city council will establish the maximum amount available for rewards by minute action or resolution.
- B. The city manager, or designee, may determine the exact amount of the reward to be offered and paid in accordance with this section. City elected officials, appointed, officials and employees are ineligible to receive such rewards.”

SECTION 3: Environmental Review. The ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it consists only of revisions and clarifications to existing public nuisance codes and procedures related to such codes. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings. This ordinance is an action being taken for enhanced protection of the environment.

SECTION 4: Repeal of any provision of the MPMC, or any other City resolution or ordinance herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5: 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 6: *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 7: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 8: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this XX day of XX, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

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

By:



Timothy E. Campen,
Assistant City Attorney



City Council Staff Report

DATE: May 5, 2021

AGENDA ITEM NO: New Business
Agenda Item 5B

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: Consideration and possible action to adopt a Resolution approving the bail schedule for violations of the Monterey Park Municipal Code

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution establishing a bail schedule for misdemeanor and infraction violations of the Monterey Park Municipal Code; or
2. 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.

BACKGROUND:

In December 2020, Los Angeles County District Attorney George Gascon announced he would no longer prosecute a range of "low level" misdemeanor offenses. This includes quality-of-life crimes, such as trespass, disturbing the peace, criminal threats, resisting arrest, loitering, and public intoxication. District Attorney Gascon's non-prosecution directives also apply to any violation "falling within the spirit" of this policy, which necessarily includes violations of the Monterey Park Municipal Code ("MPMC").

Most violations of the MPMC constitute a misdemeanor that may be punished by a \$1000 fine, six months in jail, or both (MPMC § 4.10.010). This reflects California law (Government Code § 36900 and Penal Code § 802).

The result of District Attorney Gascon's non-prosecution policy has been to severely hamper the ability of the Monterey Park Police Department to protect and serve the residents of this City. To address this policy, the Police Department seeks to use violations of the Monterey Park Municipal Code ("MPMC"), when applicable, to encourage compliance with the law, and have MPMC violations prosecuted by the City Attorney's

office in lieu of the District Attorney. Enforcement of the MPMC includes: disturbing the peace, graffiti, unruly gatherings, damage to public property, weapon possession, sale of narcotics paraphernalia, unpermitted cannabis dispensaries, and a variety of other activities that directly affect the peaceful enjoyment of this City.

A bail schedule establishes the amount a person booked into jail must post for release as security to ensure their appearance at a future court date. Additionally, for the Court to accept misdemeanor or infraction violations of the MPMC for criminal prosecution, a bail amount must be established for each MPMC section the City wishes the court to hear.

The City does not have a current bail schedule submitted to the Superior Court, and criminal violations of the MPMC are therefore not being accepted for criminal prosecution. Submitting this bail schedule will provide the City the opportunity to more effectively address many quality-of-life crimes that the District Attorney would otherwise decline to accept for prosecution.

If adopted, the draft Resolution would not only establish a bail schedule to allow for the criminal prosecution of violations of the MPMC, but the Superior Court will also use the bail schedule as a guide for imposing fine amounts when a violator is found guilty. For infraction violations, the MPMC establishes a default fine schedule of \$100/\$200/\$500, which is followed in the proposed bail schedule.¹ \$500 is the default bail amount for misdemeanor municipal code violations throughout the County, which is also used in this Bail Schedule. The court can still impose fines up to \$1,000 per misdemeanor violation.

Please note that this bail schedule is different than fine amounts established for administrative citations. Any updates to the administrative fine schedule will be addressed in a future City Council meeting.

FISCAL IMPACT:

Adopting the Resolution itself will have a nominal fiscal impact in requiring the Assistant City Attorney or deputy city attorney to appear in court up to one day per month to prosecute misdemeanor MPMC violations. The City will receive offsetting revenue from fines paid by persons prosecuted. It is difficult to predict exactly how much the City will receive from such fines.

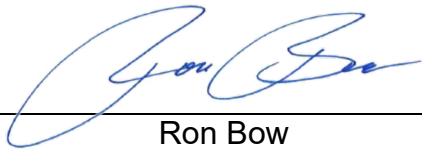
¹ This is slightly higher for violations of the building code and other safety regulations.

Respectfully submitted by:



Kelly Gordon
Chief of Police

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

Attachments:

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO.

A RESOLUTION ADOPTING THE BAIL SCHEDULE AND REQUESTING THE PRESIDING JUDGE OF THE LOS ANGELES SUPERIOR COURT APPROVE THE ATTACHED BAIL SCHEDULE FOR MISDEMEANOR AND INFRACTION VIOLATIONS OF THE MONTEREY PARK MUNICIPAL CODE

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

SECTION 1: The City Council finds and declares that:

- A. The City is statutorily authorized to establish fines for violations of municipal ordinances. That power does not extend to establishing bails for those violations. The authority to establish bails for violations within a county lies exclusively with the courts. California law provides for the approval by the Superior Court of a schedule of bails for those offenses for which bail may be posted and forfeited;
- B. The City does not have a current bail schedule submitted to the Superior Court. In order for the Court to accept misdemeanor or infraction violations of the Monterey Park Municipal Code ("MPMC") for criminal prosecution, a bail amount must be established for each MPMC section. Further, the Superior Court will use the bail schedule as a guide for imposing fine amounts when a violator is found guilty;
- C. The Bail Schedule has been reviewed by the City Manager, the City Attorney, the Monterey Park Police Department, and other staff members in the areas which involve violations within their supervision or jurisdiction; and
- D. The City Council desires to establish the City's Bail Schedule to enable the Alhambra and Pasadena Courthouses to accept violations of the MPMC for prosecution and to accurately process citations in accordance with the MPMC.

SECTION 2: The City Council adopts the Monterey Park Bail Schedule attached as Exhibit "A," and incorporated by reference.

SECTION 3: The City Council requests that the Superior Court of the County of Los Angeles approve the attached recommended Bail Schedule for violations of the Monterey Park Municipal Code, attached as Exhibit "A."

SECTION 4: The City Council authorizes the City Manager to make technical amendments to the Bail Schedule, in a form approved by the City Attorney, when desirable.

SECTION 5: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 6: 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 7: The City Clerk is directed to mail a copy of this Resolution to the Presiding Judge of the Los Angeles County Superior Court with a copy to the Chair of the Los Angeles County Court Bail Committee.

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: 

Timothy E. Campen, Assistant City Attorney

CITY OF MONTEREY PARK
BAIL SCHEDULE
(Current as of March 24, 2021)

UNLESS SPECIFICALLY STATED OTHERWISE WITHIN THE MONTEREY PARK MUNICIPAL CODE ("MPMC") ALL VIOLATIONS OF THE MUNICIPAL CODE ARE MISDEMEANORS. MPMC § 4.10.010. THE CITY ATTORNEY IS THE ONLY OFFICIAL AUTHORIZED TO FILE MISDEMEANOR CHARGES FOR VIOLATIONS OF THE MPMC. MPMC § 4.10.080(B). THE CITY ATTORNEY MAY, IN THE INTERESTS OF JUSTICE, REDUCE MISDEMEANOR CHARGES TO INFRACTIONS. MPMC § 4.10.080(B).

THE RELEVANT CODE SECTIONS ARE ATTACHED AT THE END OF THIS BAIL SCHEDULE.

SECTION	CLASS	TITLE	BAIL AMOUNT
<u>VIOLATIONS DURING STATE OF EMERGENCY</u>			
2.52.100(1)	M	Willful obstruction of emergency personnel prohibited	\$500
2.52.100(2)	M	Perform any act that would aid enemy, imperil or hinder protection of lives/property of inhabitants, prohibited	\$500
2.52.100(3)	M	Wear/carry/display false identification of emergency agency, without authority, prohibited	\$500
<u>TRANSIENT OCCUPANCY TAX</u>			
3.26.120	M	Operator failure to register or provide required data, or who renders false information, prohibited	\$500
<u>ADMISSION TAX</u>			
Chapter 3.36	M	All sections violated are misdemeanors	\$500
<u>GENERAL PENALTIES</u>			
4.10.010(a)	M	Any violation of Monterey Park Municipal Code is a misdemeanor, unless otherwise stated	\$500
4.10.030(b)	M	Same person violates same section 3 times in 12 months	\$500
4.10.070	M	Failure to appear	\$500

4.30.050	I/M	<u>Public Nuisance</u> Maintaining premises as a public nuisance	\$100/\$200/\$500/\$500
4.40.040(a)	I/M	<u>Unruly Gatherings</u> Knowingly permit an unruly gathering or disturbance at premises	\$100/\$200/\$500/\$500
5.48.030(a)	I/M	<u>FIREWORKS</u> Permit required to engage in firework sales	\$100/\$200/\$500/\$500
5.48.030(b)	I/M	Fireworks must be stored per Chapter 5.48	\$100/\$200/\$500/\$500
5.48.030(c)	I/M	Sale, storage or discharge of unlawful fireworks prohibited	\$100/\$200/\$500/\$500
5.48.110	I/M	Regulation of temporary firework-sale stands	\$100/\$200/\$500/\$500
5.48.130	I/M	Prohibitions on discharge of fireworks	\$100/\$200/\$500/\$500
5.48.140	I/M	Firework permit must be displayed	\$100/\$200/\$500/\$500
5.48.170	I/M	Firework permit may not be transferred	\$100/\$200/\$500/\$500
Chapter 5.78	I	<u>GROCERY STORE PRICE MARKING</u> Any violation of Chapter 5.78 is an infraction	\$100/\$200/\$500
Chapter 6.04	M	<u>PUBLIC HEALTH CODE</u> All violations are misdemeanors	\$500
Chapter 6.05	M	<u>REGULATION OF FOOD ESTABLISHMENTS</u> All violations are misdemeanors	\$500
6.08.230	M	<u>SOLID WASTE, RECYCLABLES, AND CONSTRUCTION AND DEMOLITION DEBRIS</u> Only authorized franchisee can collect refuse in the City	\$500
6.08.260	M	Scavenging of recyclables, prohibited	\$500
Chapter 6.10	I/M	<u>TRASH DISPOSAL BY TOUR BUS OPERATORS</u> All violations are either misdemeanors or	

		Infractions	\$100/\$200/\$500/\$500
6.20.030	I	<u>SMOKING PROHIBITED</u> Smoking in certain places, prohibited; Failure to pose signs required by Chapter 6.20, prohibited	\$100/\$200/\$500
6.30.030	I/M	<u>STORMWATER AND URBAN RUNOFF POLLUTION PREVENTION CONTROLS</u> Illicit discharge or connection	\$100/\$200/\$500/\$500
6.30.060	I/M	Industrial activity without a permit	\$100/\$200/\$500/\$500
6.33.030	M	<u>COMMERCIAL CANNABIS ACTIVITIES</u> Unauthorized commercial cannabis activity	\$500
6.37.040(b)	I/M	<u>USE OF PUBLIC PROPERTY</u> Sleep, camp, or store personal property on public	\$100/\$200/\$500/\$500
6.37.040(c)	I/M	Interfere with the ordinary flow of pedestrian or vehicle traffic	\$100/\$200/\$500/\$500
8.14.050	M	<u>INCORPORATION OF LOS ANGELES COUNTY ANIMAL REGULATIONS</u> General Penalty in violation of Los Angeles County Title 10 animal regulations	\$500
9.09.010	M	<u>PEACE SAFETY AND MORALS</u> Unpermitted use of any amplifying system or loudspeaker upon any public street	\$100/\$200/\$500/\$500
9.12.010	M	<u>EXPOSURE BY WAITERS, WAITRESSES AND ENTERTAINERS</u> Prohibitions-Waiters, waitresses and Entertainers; exposure	\$500
9.12.030	M	Prohibitions-Public performance	\$500
9.12.040	M	Counseling or assisting exposure	\$500

9.18.030	I	<u>MINORS-CURFEW</u> Unlawful for minor to remain in public during curfew	\$100/\$200/\$500
9.29.020	M	<u>DANCEHALLS</u> Intoxicated, boisterous or disorderly conduct at dancehall	\$500
9.21.060	M	Unpermitted sale, dispensing, or distributing of alcoholic beverages at dancehall	\$500
9.24.010	M	<u>EXPLOSIVES</u> Unpermitted discharge of explosive material	\$500
9.27.0010	M	<u>FALSE REPORT</u> False report to police or fire department	\$500
9.29.020	I	<u>MOTOR VEHICLE ALARMS</u> Audible false alarm for more than five minutes prohibited	\$100/\$200/\$500
9.30.010	M	<u>BLANK CARTRIDGE AND FIREWORKS</u> Discharge of blank cartridge or dangerous fireworks	\$500
9.39.040	M	<u>GAMBLING</u> Visiting gambling establishment	\$500
9.39.040	M	Operating gambling establishment	\$500
9.40.010	M	<u>BINGO GAMES</u> Operating unpermitted bingo game	\$500
9.51.020	M	<u>INTIMIDATION</u> Threats or intimidating noise to impede entry, purchasing good, services, or labor	\$500
9.53.0740	M	<u>NOISE</u> Exceeding noise standards	\$500

		<u>SPECIAL EVENTS</u>	
9.57.050	M	Conduct, sponsor or participate in special event on public right-of-way	\$500
		<u>DAMAGE TO PUBLIC PROPERTY</u>	
9.63.010	M	Damage to public property, fire alarm, public signs, or public utility	\$500
		<u>PUBLIC URINATION AND EXCRETION</u>	
9.64.010	I	Public urination/defecation prohibited	\$100/\$200/\$500
		<u>SHOPPING CARTS</u>	
9.74.050	I	Signs on shopping carts required	\$100/\$200/\$500
9.74.060	I/M	Shopping carts must have required appearance	\$100/\$200/\$500/\$500
9.74.070	I/M	Possession of shopping cart off premise of retail establishment unlawful	\$100/\$200/\$500/\$500
9.74.080	I/M	Abandonment of shopping cart unlawful	\$100/\$200/\$500/\$500
9.74.090	I/M	Mandatory cart-retrieval plan required	\$100/\$200/\$500/\$500
		<u>THROWING STONES</u>	
9.78.010	M	Unlawful to throw stones or substances at or upon any person or building	\$500
		<u>WEAPONS</u>	
9.84.010	M	Provide weapon to minor	\$500
9.84.020	M	Possession of weapon by minor	\$500
9.84.030	M	Discharge of firearm	\$500
9.84.040	M	Possession of dangerous weapon	\$500
		<u>GRAFFITI</u>	
9.90.030	M	Unlawful to apply graffiti	\$500
		<u>GRAFFITI</u>	
9.90.040(A)	M	Unlawful to apply graffiti	\$500
9.90.040(B)	M	Possession of graffiti implements by minors	\$500

9.90.040(C)	M	Possession of graffiti implements in designated public places prohibited	\$500
9.90.040(D)	M	Possession of graffiti implements for purpose of Defacing public or private property	\$500
9.90.050(A)	M	Furnishing graffiti implements to minors	\$500
9.90.050(B)	M	unlawful sales of graffiti implements	\$500
9.90.170(B)	I	Failure to remove graffiti within the prescribed time-period	\$500
<u>SALE AND DISPLAY OF NARCOTICS</u>			
9.93.010	M	Sale or display of narcotics paraphernalia	\$500
9.93.030	M	Access to minors of place of business with sale of narcotics or narcotic paraphernalia	\$500
<u>THREATS WITH REPLICA FIREARMS</u>			
9.97.020	M	Unlawful to brandish replica firearm	\$500
<u>DRINKING ALCOHOL IN PUBLIC AREAS</u>			
9.98.010	M	Unlawful to drink alcohol in public areas	\$500
<u>MATERIAL HARMFUL TO MINORS</u>			
9.99.030	M	Displaying harmful material to minors prohibited	\$500
9.99.040	I	Renting harmful material to minors prohibited	\$100
<u>TOBACCO RETAILER LICENSE</u>			
9.100.030 (A)	I/M	Unlawful for persons to act as tobacco retailer without valid license	\$100/\$200/\$500/\$500
9.100.030 (B)	I/M	Unlawful to act as tobacco retailer from other than a fixed location	\$100/\$200/\$500/\$500
9.100.030(C)	I/M	Unlawful to permit/aid/abet/conceal violation of this chapter	\$100/\$200/\$500/\$500
<u>DRIVING RULES</u>			
10.40.070	M	Racing motor vehicle on private property	\$500
10.40.080	M	Operating a motorcycle on posted private property	\$500

STOPPING, STANDING AND PARKING*

10.48.020	I	Stopping, standing or parking vehicles in parkway prohibited	\$100/\$200/\$500
10.48.030 (A)	I	Parking vehicle on street/alley for more than 72 hours prohibited	\$100/\$200/\$500
10.48.040 (A)	I	Parking vehicle on roadway for purpose of sale prohibited	\$100/\$200/\$500
10.48.040 (B)	I	Parking vehicle on roadway for washing/repairing prohibited	\$100/\$200/\$500
10.48.045	I	Repair shop parking vehicles on street prohibited	\$100/\$200/\$500
10.48.050 (B)	I	Parking in any manner other than permitted by signs/markings prohibited	\$100/\$200/\$500
10.48.060 (B)	I	Parking adjacent to school contrary to posted signs prohibited	\$100/\$200/\$500
10.48.070 (B)	I	Parking on narrow street contrary to posted signs prohibited	\$100/\$200/\$500
10.48.080	I	Parking on hills incorrectly prohibited	\$100/\$200/\$500
10.48.090 (A)	I	Stopping, parking prohibited at any place within twenty-five feet of an intersection	\$100/\$200/\$500
10.48.090 (B)	I	Parking prohibited within twenty-five feet of the approach to any traffic signal	\$100/\$200/\$500
10.48.090 (C)	I	Parking prohibited at any place determined necessary to prevent traffic hazard	\$100/\$200/\$500
10.48.100 (A)	I	Vending from vehicles for more than 10 minutes prohibited unless subject to exceptions	\$100/\$200/\$500
10.48.100 (B)	I	Vending from vehicle prohibited without permit	\$100/\$200/\$500
10.48.100 (C)	I	Parking vehicle used in the transportation of property for hire on any street without permit prohibited	\$100/\$200/\$500
10.48.100 (D)	I	Parking any vehicle on any location other than designated in permit prohibited	\$100/\$200/\$500
10.48.100 (E)	I	Selling food/beverages/merchandise from pushcart prohibited	\$100/\$200/\$500
10.48.100 (F)	I	Parking, stopping or standing any non-motorized device upon public property for sale of merchandise prohibited	\$100/\$200/\$500
10.48.100 (G)	I	Vending on private property subject to regulations/requirements	\$100/\$200/\$500
10.48.110	I	Parking/standing vehicles where emergency parking signs are present prohibited	\$100/\$200/\$500
10.48.130	I	Parking vehicles in violation of Business-district restrictions prohibited	\$100/\$200/\$500
10.48.140	I	Violating parking time limit on enumerated streets	\$100/\$200/\$500
10.48.150 (A)	I	Parking vehicle in violation of city council parking restriction prohibited	\$100/\$200/\$500
10.48.150 (B)	I	Parking vehicle in violation of street sweeping	\$100/\$200/\$500

		restriction prohibited	
10.48.160	I	Parking during certain times/hours contrary to posted signs prohibited	\$100/\$200/\$500
10.48.170	I	Parking prohibited at all times on certain streets	\$100/\$200/\$500
10.48.175	I	Parking in disabled parking without plates/placards prohibited	\$100/\$200/\$500
10.48.180	I	Unauthorized parking on private property prohibited	\$100/\$200/\$500
10.48.190	I	Parking vehicle on off-street restricted facility prohibited	\$100/\$200/\$500
10.48.200	I	Parking vehicle of excess capacity in Residential zone prohibited	\$100/\$200/\$500
10.48.205	I	Overnight parking in business districts from two a.m. to five a.m. prohibited	\$100/\$200/\$500
10.48.210	I	Vehicles transporting hazardous materials must be attended at all times	\$100/\$200/\$500
10.48.215 (A)	I	Parking vehicles which restrict sight or constitute hazard on certain streets prohibited	\$100/\$200/\$500
10.48.220	I	Parking vehicle in residential zone that constitutes public nuisance prohibited	\$100/\$200/\$500

LOADING AND UNLOADING*

10.52.040	I	Stopping, standing, or parking vehicle in yellow loading zone for purpose other than loading, prohibited	\$100/\$200/\$500
10.52.050	I	Stopping, standing, or parking vehicle in white loading zone for purpose other than loading prohibited	\$100/\$200/\$500
10.52.060	I	Parking in alley for purpose other than loading prohibited	\$100/\$200/\$500
10.52.070 (F)	I	Parking any vehicle except a bus in a bus zone prohibited	\$100/\$200/\$500
10.52.080	I	Parking any vehicle other than a taxicab in "taxi stand" prohibited	\$100/\$200/\$500

OVERSIZED VEHICLE AND TRAILER PARKING*

10.64.050 (A)	I	Unlawful to park or stand oversized vehicle in residential area or for more than 2 hours in business area	\$100/\$200/\$500
10.64.060 (A)	I	Unlawful to park any trailer attached to a vehicle upon street in a residential or business area	\$100/\$200/\$500
10.64.060 (B)	I	Parking unhitched trailers prohibited	\$100/\$200/\$500

		<u>KILLING ANIMALS</u>	
12.04.080	M	Unlawful to wound, kill or catch animal	\$500
		<u>DRINKING ALCOHOL IN PUBLIC AND PRIVATE AREAS</u>	
12.04.100(a)(1)	I/M	Unlawful to drink alcohol upon any street, sidewalk, highway or alley	\$100/\$200/\$500/\$500
12.04.100(a)(2)	I/M	Unlawful to drink alcohol in any place open to the public	\$100/\$200/\$500/\$500
12.04.100(a)(3)	I/M	Unlawful to drink alcohol in any City building	\$100/\$200/\$500/\$500
12.04.100(a)(4)	I/M	Unlawful to drink alcohol upon any private street, building or other private property without owner's consent	\$100/\$200/\$500/\$500
12.04.100(a)(5)	I/M	Unlawful to drink alcohol in any public park	\$100/\$200/\$500/\$500
		<u>LOUD, BOISTEROUS CONDUCT</u>	
12.04.170	I/M	Engage in loud, boisterous or riotous conduct	\$100/\$200/\$500/\$500
		<u>PARK CLOSURE</u>	
12.04.190	I/M	Unlawful to remain in any park or recreation center after hours.	\$100/\$200/\$500/\$500
		<u>ENCROACHMENTS AND OBSTRUCTIONS</u>	
13.12.060	I	Skateboarding, roller skates, in-line skates, or similar devices restricted	\$100/\$200/\$500
		<u>SEWERS AND INDUSTRIAL WASTE</u>	
Chapter 14.04	M	Any violation is subject to a misdemeanor	\$500
		<u>WATER REGULATIONS</u>	
14.08.100	I	General water-use regulations	\$100/\$200/\$500
		<u>UNIFORM CODES</u>	
		<u>BUILDING CODE</u>	
Chapter 16.05	M	All sections violated are misdemeanors	\$500
		<u>RESIDENTIAL CODE</u>	
Chapter 16.06	M	All sections violated are misdemeanors	\$500

<u>ELECTRICAL CODE</u>		
Chapter 16.07	M	All sections violated are misdemeanors \$500
<u>MECHANICAL CODE</u>		
Chapter 16.08	M	All sections violated are misdemeanors \$500
<u>PLUMBING CODE</u>		
Chapter 16.09	M	All sections violated are misdemeanors \$500
<u>ENERGY CODE</u>		
Chapter 16.10	M	All sections violated are misdemeanors \$500
<u>HISTORICAL BUILDING CODE</u>		
Chapter 16.11	M	All sections violated are misdemeanors \$500
<u>EXISTING BUILDING CODE</u>		
Chapter 16.12	M	All sections violated are misdemeanors \$500
<u>GREEN BUILDING STANDARDS CODE</u>		
Chapter 16.13	M	All sections violated are misdemeanors \$500
<u>REFERENCED STANDARDS CODE</u>		
Chapter 16.14	M	All sections violated are misdemeanors \$500
<u>INTERNATIONAL POOL AND SPA CODE</u>		
Chapter 16.15	M	All sections violated are misdemeanors \$500
<u>FIRE CODE</u>		
17.03.010	M	Violation of the California Fire Code \$500
<u>TRAILER PARKING</u>		
Chapter 19.08	I	All sections violated are infractions \$100/\$200/\$500
<u>ZONING</u>		
Title 21	I	All violations of the City's zoning provisions are infractions \$100/\$200/\$500

Selections from the Monterey Park Municipal Code

1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Monterey Park, codified pursuant to the provisions of Sections 50022.1—50022.8 and 50022.10 of the Government Code of the state of California.

4.10.010 General prohibition.

(a) It is unlawful for any person to violate, or fail to comply with, any provision of the Monterey Park Municipal Code. Each and every violation of any part of this code including, without limitation, any franchise or permit issued pursuant to this code, is a misdemeanor unless otherwise specified.

(b) Every person violating the code is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued, or permitted by such person.

(c) In addition to these criminal penalties, any condition caused or permitted to exist in violation of any of the provisions of this code is a public nuisance and may be abated in accordance with this code.

4.10.080 City attorney enforcement authority.

(a) In addition to any other general functions, powers, and duties given to the city attorney by this code or California law, the city attorney is authorized to:

(1) Prosecute on behalf of the people all criminal and civil cases for violations of this code; any franchises or permits issued pursuant to this code; city ordinances; any state misdemeanors that the city council elects to enforce; and, without limitation, administrative or judicial nuisance abatement, suits for injunctive relief, and petitions for receivership.

(2) Draft complaints for such cases and prosecute all recognizances and bail bonds forfeited arising from or resulting from the commission of such offenses.

(3) Prosecute all actions for the recovery of fines, penalties, forfeitures, and other money accruing to the city under this code or otherwise.

(4) Represent the city in all appeals arising as a consequence of the city attorney's prosecutions.

(b) Notwithstanding any other provision of this code, the city attorney is the only officer that may file misdemeanor charges in accordance with this code. The city attorney may, in his or her discretion, prosecute misdemeanor violations of this code as infractions.

(c) Nothing contained in this section will interfere with the authority of public safety officials to arrest persons pursuant to any applicable provision of this code and/or the California Penal Code.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING MAY 6, 2021, DAY OF INCLUSION ON THE 139TH ANNIVERSARY OF THE PASSAGE OF THE CHINESE EXCLUSION ACT AND DECLARING THE MONTH OF MAY 2021 AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH

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

SECTION 1: The City Council finds as follows:

- A. On May 6, 1882, President Chester Arthur signed the Chinese Exclusion Act, which was the nation's first law to prohibit immigration solely based on ethnicity.
- B. The Chinese Exclusion Act, based on racial hostility against the Chinese, was characterized as "unassimilable, vile heathens" and were blamed for lowering wages, taking away jobs, draining the economy, and endangering the American way of life.
- C. The Chinese Exclusion Act, which was renewed in 1892, 1902, and made permanent in 1904, prevented Chinese laborers from entering the U.S. and denied Chinese a pathway to citizenship for more than 60 years.
- D. Chinese and Chinese Americans in the United States have suffered every moment, every action, every offense, and every heartbreak, as triggered and scripted by that Act.
- E. The U.S. Senate in 2011 and the U.S. House of Representatives in 2012 unanimously condemned in Resolutions the Chinese Exclusion Laws and "affirmed Congress" commitment to preserving the civil rights and constitutional protections for all people.
- F. America is greater and more prosperous because we practice the ideals of inclusion, embracing everyone regardless of race, color, national origin, religion, or gender.
- G. Asian Americans and Pacific Islanders strengthen our economy as entrepreneurs, business owners, and employees who initiate and expand opportunities for their families, communities, and country. Their languages, art, cuisine, and other cultural elements have enriched the American experience. Many have fearlessly responded to the call of duty to defend our freedom as members of our Armed Forces.
- H. Approximately 21 million residents of the United States identify themselves as Asian, and about 1.5 million residents of the United States identify themselves as Native Hawaiian or other Pacific Islander, making up nearly 6 percent of the total United States population.

- I. Congress chose the month of May to commemorate the Asian American and Pacific Islander Heritage Month because the first Japanese immigrants arrived in the United States on May 7, 1843, and the transcontinental railroad was completed on May 10, 1869 with substantial contributions from Chinese immigrants.

SECTION 2: The City Council of Monterey Park declares May 6, 2021, the Day of Inclusion on the 139th anniversary of the passage of the Chinese Exclusion Act. We recognize the ramifications of the Chinese Exclusion Act, which caused racially discriminatory immigration measures, and honor the contributions of all Chinese Americans who have enriched our communities.

SECTION 3: The City Council of Monterey Park declares the month of May 2021 as Asian American and Pacific Islander Heritage Month. The people of the United States join together each May to pay tribute to the contributions of generations of Asian Americans and Pacific Islanders that enriched the history of the United States.

SECTION 4: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 5: *Recordation.* The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

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

PASSED AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

Attest:

Vincent Chang, City Clerk