

**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 19, 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: 289 222 5995 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. GEORGE ELDER MEMORIAL RECOGNITION

1-B. RETIRED CHIEF EXECUTIVE OFFICER AHMC GARFIELD HOSPITAL PATRICK PETRE

1-C. MAIN SAN GABRIEL BASIN WATERMASTER: GROUNDWATER UPDATE

1-D. COMMUNITY CLEAN UP, JUNE 5, 8 A.M. – 1 P.M., HIGHLANDS PARK

1-E. PUBLIC WORKS WEEK

[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 regular meeting of April 21, 2021; and
- (2) Taking such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – APRIL 2021

It is recommended that the City Council consider:

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

3-C. RESOLUTION FIXING THE SALARY SCHEDULE FOR PART TIME EMPLOYEES

It is recommended that the City Council consider:

- (1) Adopting the Resolution Fixing the Salary Schedule for Part Time Employees; and
- (2) Taking such additional, related, action that may be desirable.

3-D. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING CHAPTER 9.90 OF THE MONTEREY PARK MUNICIPAL CODE REGARDING GRAFFITI VIOLATIONS IN ITS ENTIRETY TO REGULATE GRAFFITI AND CONFORM WITH CALIFORNIA LAW

It is recommended that the City Council consider:

- (1) Waiving further reading and adopt an ordinance amending Monterey Park Municipal Code Chapter 9.90 in its entirety to regulate graffiti and conform with California law; or
- (2) Taking such additional, related, action that may be desirable.

3-E. AUTHORIZE THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH THE HISTORICAL SOCIETY OF MONTEREY PARK TO BE THE CURATOR OF THE MONTEREY PARK MUSEUM

It is recommended that the City Council consider:

- (1) Authorizing the City Manager, or designee, to execute a license agreement, in a form approved by the City Attorney with the Historical Society of Monterey Park to be the curator of the Monterey Park Museum; and/or
- (2) Taking such additional, related, action that may be desirable.

3-F. CUSTODIAL SERVICES – AWARD OF CONTRACT

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute an agreement with Valley Maintenance Corporation, in a form approved by the City Attorney, for custodial services in an amount not to exceed \$267,060 each year with three years agreement (July 1, 2021 to June 30, 2024) and a three years renewal option (2024 through 2027); and
- (2) Taking such additional, related, action that may be desirable.

3-G. ADOPT A RESOLUTION RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER REGARDING COVID-19 PANDEMIC AND CONTINUE TO EXTEND THE EXISTENCE OF A LOCAL EMERGENCY

It is recommended that the City Council consider:

- (1) Adopting a Resolution Ratifying Certain Actions Completed by the City Manager; and
- (2) Taking such additional related action that may be desirable.

California Environmental Quality Act (CEQA):

The Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this action 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

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

[4.] PUBLIC HEARING

4-A. PUBLIC HEARING AND APPROVAL OF THE 2021-2022 ANNUAL ACTION PLAN AS REQUIRED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT, AND HOME INVESTMENT PARTNERSHIPS PROGRAMS

It is recommended that the City Council consider:

- (1) Opening the public hearing to receive testimonial and documentary evidence;
- (2) Closing the public hearing and approving the One-year Action Plan (Action Plan) for Fiscal Year 2021-2022 for the Community Development Block Grant ("CDBG"), and HOME Investment Partnerships ("HOME") Programs;
- (3) Directing staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development ("HUD");
- (4) Authorizing the City Manager, or his designee, to take all actions necessary or desirable to implement the Annual Action Plan, and Subrecipient Agreements; and
- (5) Taking such additional, related, action that may be desirable.

[5.] NEW BUSINESS

5-A. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE AS SPECIFIED GOVERNING COMMISSIONS, BOARDS, AND COMMITTEES.

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an ordinance amending sections of the Monterey Park Municipal Code Chapter 2.82 regulating the term of service and quorum requirements for Boards, Commissions and Committees and
- (2) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA):

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

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

[7.] FUTURE AGENDA ITEMS

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

ADJOURN



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

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

1. Approving the minutes from the regular meeting of April 21, 2021; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent Chang", written over a horizontal line.

Vincent D. Chang
City Clerk

Prepared by:

A handwritten signature in blue ink, appearing to read "Henry Lu", written over a horizontal line.

Henry Lu
Minutes Clerk

Approved By:

A handwritten signature in blue ink, appearing to read "Ron Bow", written over a horizontal line.

Ron Bow
City Manager

ATTACHMENT(S):

1. Draft Minutes

ATTACHMENT 1

Draft Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
APRIL 21, 2021**

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

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MISSION STATEMENT

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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, Fire Division Chief Ryan Weddle, Economic Development Manager Joseph Torres, Recreation and Community Services Manager Robert Aguirre, 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.

- Robert Aguirre, Recreation and Community Services Manager, reported that the Monterey Park Spring Egg Hunt was a huge success. He informed the public that the Cherry Blossom Festival was held virtually from April 16-23, 2021. He invited the public to participate in the Cinco de Mayo Drive-in Loteria event to be held on May 2, 2021. He advertised that the Recreation and Community Services department will be offering Mother's Day gift baskets that the public can purchase for a friend, neighbor, or family.
- Vincent Chang wished everyone Happy Earth Month. He spoke about increased plastic single use utensils that are filling up the landfills. He urged that City Council consider an Ordinance to require restaurants to provide single use utensils upon request.
- Ryan Weddle, Fire Division Chief, informed the public that the Fire Department is preparing a virtual Fire Service Day to be held on Saturday, May 15, 2021. He stated that more information will be provided at the next City Council meeting.

1. PRESENTATION

None.

2. OLD BUSINESS

None

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

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

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

Motion: Moved by Council Member 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

3A. MONTHLY INVESTMENT REPORT – MARCH 2021

As of March 31, 2021 invested funds for the City of Monterey Park is \$84,580,395.95.

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

3B. FY 2020-2021 3RD QUARTER FINANCIAL REPORT

During Fiscal Year (FY) 2020-21 and resulting from the COVID-19 economic impacts, the City Council implemented a quarterly financial review process. The purpose of this FY 2020-2021 3rd Quarter Financial Report is to provide City Council and the residents of Monterey Park transparency in areas of revenue projection updates, expenditures projection updates, revenues received to date, proposed budget adjustments, and a contingency plan if revenues received are below budget projections.

Action Taken: The City Council received and filed the FY 2020-2021 3rd Quarter Financial Report and authorized a budget appropriation of \$38,575 from the General Fund.

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

3C. RENEWAL OF THE ASSESSMENT DISTRICT FOR FISCAL YEAR 2021-22 AND SCHEDULE A PUBLIC HEARING PURSUANT TO STREETS AND HIGHWAYS CODE §§ 22500, *ET SEQ.*

In 1993 the City formed a citywide benefit assessment district to finance the operation and maintenance of public street lighting and landscaping. The district was renewed each of the past 28 years and must be renewed for 2021-22 in order for the City to continue collecting assessments. To begin the district renewal, staff recommends a public hearing be held on June 2, 2021. Scheduling the public hearing is a required process and it does not automatically renew the district. The district renewal will follow the City Council's action at the conclusion of the June 2nd public hearing.

CEQA (California Environmental Quality Act)

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

Action Taken: The City Council adopted Resolution No. 12235 declaring the City Council's intent to levy and collect assessments for Fiscal Year 2021-22 in Citywide Maintenance District No. 93-1 pursuant to Streets and Highways Code §§ 22500, *et seq.* and setting a time and place for a public hearing on Consent Calendar.

Resolution No. 12235, entitled:

RESOLUTION DECLARING THE CITY COUNCIL'S INTENT TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2021-2022 IN CITYWIDE MAINTENANCE DISTRICT NO. 93-1 PURSUANT TO STREETS AND HIGHWAYS CODE § 22587 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING

3D. HAZARD MITIGATION GRANT PROGRAM

The City of Monterey Park Fire Department was notified by California Governor's Office of Emergency Services (Cal OES) of a formal invitation to submit a full subapplication for consideration of Hazard Mitigation Grant Program (HMGP) funding. If the City is offered a grant award, the total proposed budget request is \$60,000.00, which includes a Federal Share Request of \$45,000.00 and a Required Applicant Match of \$15,000.00. The Subapplicant Activity Title is City of Monterey Park Local Hazard Mitigation Plan Update (MPK LHMP Plan Update).

Staff seeks City Council consideration and approval of the City of Monterey Park's HMGP subapplication, which also includes the authorization of funding the Required Applicant Match and adopting required Resolutions. The due date for the DR-4569 Subapplication is on May 1, 2021. When the grant award decision is made and if the grant award is received, staff will inform City Council.

Action Taken: The City Council (1) approved the Hazard Mitigation Grant Program (HMGP) subapplication for consideration of HMGP funding; (2) authorized the City's Management Services Director to allocate \$15,000.00 from the City budget to fund the required applicant match if the grant is awarded; (3) adopted the Designation of Applicant's Agent Resolution (Form 130) with the California Governor's Office of Emergency Services (Cal OES) for the Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program; and (4) authorized the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Hazard Mitigation Grant Program.

Motion: Moved by Council Member Sornoso 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. 2018 STATE HOMELAND SECURITY GRANT PROGRAM – COST SAVINGS PROJECTS

The City of Monterey Park Fire Department was notified of an approved modification for an increase of \$25,952 for the 2018 State Homeland Security Grant Program (SHSP 2018 Grant). As per Resolution No. 11740 adopted by the City Council on May 6, 2015, staff is reporting to the City Council the type of money obtained and the project details.

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

Motion: Moved by Council Member Sornoso 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

3F. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA FIXING THE SALARY RATES AND BENEFITS FOR EXECUTIVE MANAGEMENT

If adopted, the draft resolution would establish baseline salaries and benefits for the eight unrepresented executive management employees. The proposed resolution represents the City Manager's recommendations to the City Council during closed session of the City Council on April 7, 2021.

Action Taken: The City Council adopted Resolution No. 12236 fixing the salary rates and benefits for the Executive Management Employees and authorized the expenditure of \$3,986 for Fiscal Year (FY) 20/21; and authorized expenditures in the FY 21/22 and FY 22/23 budgets accordingly.

Resolution No. 12236, entitled:

A RESOLUTION FIXING THE SALARY RATES AND BENEFITS FOR EXECUTIVE MANAGEMENT EMPLOYEES

3G. PROFESSIONAL MUNICIPAL CLERKS WEEK RESOLUTION

The Office of the City Clerk is celebrating the week of May 2-8, 2021 as Professional Municipal Clerks Week. This week, sponsored by the International Institute of Municipal Clerk's (IIMC) and celebrated annually, honors and recognizes the Municipal Clerk profession as a vital part of local government celebrated throughout the world including the United States, Canada and 15 other countries. We are enlisting your support in the form of a resolution to honor Professional Municipal Clerks for providing supports to the Council, departmental staff, other agencies, and residents of Monterey Park.

Action Taken: The City Council adopted Resolution 12237 declaring the week of May 2 through 8, 2021 as Professional Municipal Clerks Week in 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. 12237, entitled;

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK
DECLARING MAY 2-8, 2021, PROFESSIONAL MUNICIPAL CLERKS WEEK IN
MONTEREY PARK

**3H. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK,
CALIFORNIA DECLARING WEDNESDAY, APRIL 28, 2021 TO BE “DENIM DAY
MONTEREY PARK”**

“Denim Day” was established in 1999 after the California Legislature’s Women’s Caucus learned of a protest of a court decision that occurred in Italy. Enraged by the verdict and the judge’s statement, within a matter of hours the women of the Italian Parliament launched into immediate action and protested by wearing jeans to work. This call to action motivated the California legislators to do the same. Peace Over Violence, a Los Angeles County based Sexual Assault and Domestic Violence victims’ advocacy organization promoted the idea and the first “Denim Day-L.A.” was created. “Denim Day” is now recognized throughout the United States.

Action Taken: The City Council adopted Resolution No. 12238 declaring Wednesday, April 28, 2021 as “Denim Day Monterey Park”.

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

Resolution No. 12238 entitled;

A RESOLUTION DECLARING APRIL 28, 2021 TO BE “DENIM DAY MONTEREY PARK”, SUPPORTING SEXUAL ABUSE AWARENESS AND THE BELIEF THAT THERE IS NO EXCUSE AND NEVER AN INVITATION TO RAPE

4. PUBLIC HEARING

None.

5. NEW BUSINESS

5A. 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

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.

Action Taken: The City Council introduced and waived 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.

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

5B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK CALIFORNIA APPOINTING COUNCIL REPRESENTATIVES TO SPECIFIC ORGANIZATIONS

The City Council generally appoints representatives to various regional and community organizations annually. Appointments are recommended by the Mayor and confirmed by the City Council.

Action Taken: The City Council adopted Resolution No. 12239 appointing representatives to specific organizations.

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

Resolution No. 12239, entitled:

A RESOLUTION ASSIGNING CITY COUNCILMEMBERS TO SPECIFIC ORGANIZATIONS

6. CITY COMMUNICATIONS (CITY COUNCIL)

COUNCIL COMMUNICATIONS

Council Member Chan thanked the Fire Department for hosting a Covid-19 vaccination site at Garvey Ranch Park. He reported that he attended the Spring Cleaning Day event held on April 10, 2021. He stated that he attended the San Gabriel Valley Council of Governments (SGVCOG) monthly meeting and reported that the SGVCOG passed a Resolution to Condemn Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders. He relayed that the SGVCOG held a presentation regarding Vehicles Miles Traveled.

Council Member Liang appointed Tomas Wong to the Economic Development Advisory Committee. He mentioned that it is Administrative Professional Day. He reported that he attended the Spring Cleaning Day event held on April 10, 2021.

Council Member Sornoso reported that he attended the Spring Cleaning Day event held on April 10, 2021. He thanked staff for all their creative ways of reaching out and engaging the public.

Mayor Pro Tem Lo stated that he attended the Garvey School District Board meeting and reported that the Garvey School District Board presented the City of Monterey Park with an award recognizing the City for its collaboration with Herald Christian Center and the Alhambra Unified School District on providing vaccination sites to the public.

Mayor Yiu reported that she attended the East Los Angeles College Leadership Conference as a speaker and shared her secret of how to get your dream job.

7. FUTURE AGENDA ITEMS

This item was heard after Closed Session.

Discussion: By consensus, the City Council directed staff bring back for City Council consideration an agenda item regarding city Commission and Board Member's term limits. The City Council also requested an agenda item to discuss the option of requiring restaurants to provide single use plastic utensil upon request.

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

This item was heard after City Communications.

City Attorney Berger announced that there was no Closed Session item for consideration.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:03 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-B

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – April 2021

RECOMMENDATION:

It is recommended that the City Council consider:

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

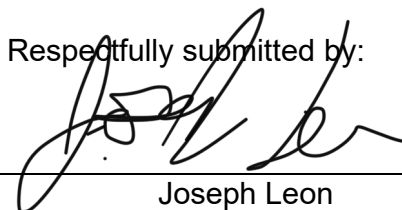
EXECUTIVE SUMMARY:

As of April 30, 2021 invested funds for the City of Monterey Park is \$88,419,847.88.

BACKGROUND:

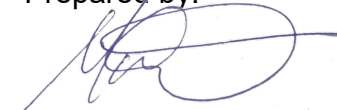
In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates of maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months. The attached monthly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

Respectfully submitted by:



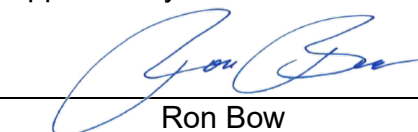
Joseph Leon
City Treasurer

Prepared by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Attachment 1 Monthly Investment Report

**CITY OF MONTEREY PARK
INVESTMENT REPORT
APRIL 30, 2021**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 4/30/2021

\$ 88,419,847.88

INVESTMENT COMPOSITION

(1) <u>LA COUNTY POOLED INVESTMENT FUND</u>		ON DEMAND	0.480%	<u>\$ 8,738,626.14</u>
<i>(See Schedule A for LA County Pool Composition)</i>				
(2) <u>LOCAL AGENCY INVESTMENT FUND</u>		ON DEMAND	0.340%	<u>\$ 78,696,221.74</u>
(3) <u>CERTIFICATES OF DEPOSIT</u>	Purchase Date	Maturity Date	Interest Rate	
1 PREFERRED BANK	09/03/20	09/03/21	0.75%	100,000
2 PREFERRED BANK	09/08/20	09/08/21	0.76%	150,000
3 MORGAN STANLEY BANK	02/27/20	02/28/22	1.70%	245,000
4 MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
5 AMERICAN FIRST CREDIT UNION	03/06/20	03/07/22	1.60%	245,000
<i>Total CDs (5)</i>			1.302%	<u>\$ 985,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ \$ 8,462,052.69

AVERAGE MATURITY DAYS 3

AVERAGE INTEREST RATE FOR THE MONTH 0.368%

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

INTEREST EARNINGS FOR 3RD QUARTER 2020-2021 (ESTIMATED) \$ 130,639.00

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

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

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS
AS OF MARCH 31, 2021

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 03/31/21		
At Cost	\$ 38,198,469,113	\$ 116,829,371
At Market	\$ 37,748,262,154	\$ 115,383,703
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	9.03%	0.00%
United States Government and Agency Obligations	56.83%	62.68%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	33.87%	0.00%
Municipal Obligations	0.08%	2.74%
Corporate and Deposit Notes	0.19%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	34.58%
1-60 days	40.42%	0.00%
61 days-1 year	26.69%	34.58%
Over 1 year	32.89%	65.42%
Weighted Average Days to Maturity	990	



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council
FROM: Danielle Tellez, Interim Director of Human Resources and Risk Management
SUBJECT: Resolution Fixing the Salary Schedule for Part Time Employees

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting the Resolution Fixing the Salary Schedule for Part Time Employees;
and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City Council approved the State mandated minimum wage increases for 2021 on December 16, 2020. As a result of the minimum wage increases applied to certain classifications, there was salary compaction issues to six higher level classifications. Staff is requesting to adjust the salary of the following six classifications that were affected:

- Pool Manager
- Assistant Pool Manager
- Senior Lifeguard
- Lifeguard
- Senior Recreation Leader
- Recreation Leader

BACKGROUND:

Effective January 1, 2021, California's Minimum Wage increased from \$13.00 an hour to \$14.00 an hour, which affected ten employee classifications at that time.

Following implementation of the minimum wage increases, staff conducted a salary survey on several part time classifications to ensure that appropriate salary spreads were maintained within the job families. As a result of the salary survey, staff found that in order to maintain appropriate salary spreads between certain classifications, the salary range for the classifications of Pool Manager, Assistant Pool Manager, Senior Lifeguard, Lifeguard, Senior Recreation Leader, and Recreation Leader should be adjusted. These salary adjustments will ensure that the City is competitive in the local job market.

FISCAL IMPACT:

There is no fiscal impact.

Respectfully submitted by:



Danielle Tellez
Interim Director of Human
Resources & Risk Management

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS:

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO. _____

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

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

SECTION 1: The City Council authorizes the City Manager, or designee, to compensate temporary part-time, seasonal and hourly job classifications at hourly rates set forth in the attached Exhibit "A," which is incorporated by reference. Those rates will become effective May 20, 2021 pursuant to Labor Code § 1182.12.

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

SECTION 4: *Recordation.* The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

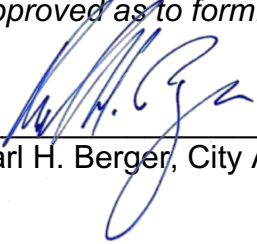
PASSED, AND ADOPTED this 19TH day of May 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

Approved as to form:



Karl H. Berger, City Attorney

	Effective 05/20/2021										
Part-Time Salaries											
	Job										
Range	Classifications	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
01	Cashier	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.91
	Junior Lifeguard	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.91
	Library Page	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.91
	Locker Room Attendant	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.91
	School Crossing Guard	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.91
	Community Media Specialist	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.91
21	Recreation Leader	14.26	14.62	14.98	15.36	15.74	16.13	16.54	16.95	17.37	18.24
	Fire Intern I	14.26	14.62	14.98	15.36	15.74	16.13	16.54	16.95	17.37	18.24
22	Equipment Service Specialist	21.94	22.49	23.05	23.63	24.22	24.82	25.44	26.08	26.73	28.07
23	Lifeguard	14.53	14.89	15.27	15.65	16.04	16.44	16.85	17.27	17.70	18.59
27	Data Entry Clerk	14.03	14.38	14.74	15.11	15.49	15.87	16.27	16.68	17.09	17.95
	Janitor	14.03	14.38	14.74	15.11	15.49	15.87	16.27	16.68	17.09	17.95
28	Senior Lifeguard/Instructor	15.58	15.97	16.37	16.78	17.20	17.63	18.07	18.52	18.98	19.93
30	Dial-A-Ride Driver	14.06	14.41	14.77	15.14	15.52	15.91	16.31	16.71	17.13	17.99
	Police Cadet	14.06	14.41	14.77	15.14	15.52	15.91	16.31	16.71	17.13	17.99
	Police Records Cadet	14.06	14.41	14.77	15.14	15.52	15.91	16.31	16.71	17.13	17.99
	Police Records Intern	14.06	14.41	14.77	15.14	15.52	15.91	16.31	16.71	17.13	17.99
33	Planning Intern	14.00	14.35	14.71	15.08	15.45	15.84	16.24	16.64	17.06	17.91
34	Accountant	25.50	26.14	26.79	27.46	28.15	28.85	29.57	30.31	31.07	32.62
35	Assistant Pool Manager	16.62	17.04	17.46	17.90	18.35	18.80	19.27	19.76	20.25	21.26

	Effective 05/20/2021										
Part-Time Salaries											
	Job										
Range	Classifications	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
40	Child Care Teacher	15.24	15.62	16.01	16.41	16.82	17.24	17.67	18.12	18.57	19.50
41	Pool Manager	17.88	18.33	18.79	19.25	19.74	20.23	20.74	21.25	21.79	22.87
42	Pool Maintenance Worker	20.05	20.55	21.07	21.59	22.13	22.68	23.25	23.83	24.43	25.65
45	Administrative Intern	14.87	15.24	15.62	16.01	16.41	16.82	17.24	17.68	18.12	19.02
	Clerk Typist	14.87	15.24	15.62	16.01	16.41	16.82	17.24	17.68	18.12	19.02
	Drafting Technician	14.87	15.24	15.62	16.01	16.41	16.82	17.24	17.68	18.12	19.02
	Engineering Aide	14.87	15.24	15.62	16.01	16.41	16.82	17.24	17.68	18.12	19.02
	Senior Recreation Leader	14.87	15.24	15.62	16.01	16.41	16.82	17.24	17.68	18.12	19.02
	Fire Intern II	14.87	15.24	15.62	16.01	16.41	16.82	17.24	17.68	18.12	19.02
50	Elections Clerk	16.34	16.75	17.17	17.60	18.04	18.49	18.95	19.42	19.91	20.90
	Library Clerk	16.34	16.75	17.17	17.60	18.04	18.49	18.95	19.42	19.91	20.90
	Police Records Clerk	16.34	16.75	17.17	17.60	18.04	18.49	18.95	19.42	19.91	20.90
52	Senior Clerk Typist	17.55	17.99	18.44	18.90	19.37	19.86	20.35	20.86	21.38	22.45
	Account Clerk	17.55	17.99	18.44	18.90	19.37	19.86	20.35	20.86	21.38	22.45
55	Community Service Officer	17.87	18.32	18.77	19.24	19.73	20.22	20.72	21.24	21.77	22.86
	Evidence Officer	17.87	18.32	18.77	19.24	19.73	20.22	20.72	21.24	21.77	22.86
	Maintenance Worker	17.87	18.32	18.77	19.24	19.73	20.22	20.72	21.24	21.77	22.86
	Minutes Clerk	17.87	18.32	18.77	19.24	19.73	20.22	20.72	21.24	21.77	22.86
56	Crime Analyst	18.34	18.80	19.27	19.75	20.24	20.75	21.27	21.80	22.35	23.46
	Dispatch Assistant	18.34	18.80	19.27	19.75	20.24	20.75	21.27	21.80	22.35	23.46
57	Building Trades Technician	21.28	21.81	22.36	22.92	23.49	24.08	24.68	25.30	25.93	27.22
	Equipment Mechanic	21.28	21.81	22.36	22.92	23.49	24.08	24.68	25.30	25.93	27.22

	Effective 05/20/2021										
Part-Time Salaries											
	Job										
Range	Classifications	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
58	Water Utility Maintenance Worker	22.39	22.95	23.52	24.11	24.71	25.33	25.97	26.61	27.28	28.64
60	Dispatcher	23.49	24.08	24.68	25.30	25.93	26.58	27.24	27.92	28.62	30.05
65	Jailer	18.63	19.10	19.57	20.06	20.56	21.08	21.61	22.15	22.70	23.83
68	Library Technician	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.56
	Permit Systems Technician	16.85	17.27	17.70	18.15	18.60	19.06	19.54	20.03	20.53	21.56
70	Animal Services Officer	18.54	19.00	19.48	19.97	20.46	20.98	21.50	22.04	22.59	23.72
75	Planning Technician	15.91	16.31	16.72	17.13	17.56	18.00	18.45	18.91	19.38	20.35
80	Administrative Secretary	16.62	17.04	17.46	17.90	18.35	18.80	19.27	19.76	20.25	21.26
81	Management Aide	23.76	24.36	24.96	25.58	26.22	26.88	27.55	28.24	28.94	30.39
82	Water Production System Operator	24.74	25.36	26.00	26.65	27.31	27.99	28.69	29.41	30.15	31.65
83	Police Records Mgmt Tech	21.88	22.43	22.99	23.56	24.15	24.76	25.37	26.01	26.66	27.99
85	Administrative Aide	21.32	21.85	22.40	22.96	23.53	24.12	24.72	25.34	25.98	27.28
	Librarian	21.32	21.85	22.40	22.96	23.53	24.12	24.72	25.34	25.98	27.28
	Senior Account Clerk	21.32	21.85	22.40	22.96	23.53	24.12	24.72	25.34	25.98	27.28
86	Permit Technician I	18.75	19.22	19.70	20.19	20.70	21.21	21.74	22.29	22.85	23.99
	Program Coordinator	18.75	19.22	19.70	20.19	20.70	21.21	21.74	22.29	22.85	23.99
87	Assistant Planner	26.66	27.33	28.01	28.71	29.43	30.16	30.92	31.69	32.48	34.11

	Effective 05/20/2021										
Part-Time Salaries											
	Job										
Range	Classifications	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
	Building Inspector	26.66	27.33	28.01	28.71	29.43	30.16	30.92	31.69	32.48	34.11
88	Electrician	23.50	24.09	24.69	25.31	25.94	26.59	27.26	27.94	28.64	30.07
	Senior Librarian	23.50	24.09	24.69	25.31	25.94	26.59	27.26	27.94	28.64	30.07
89	Code Enforcement Officer	23.05	23.63	24.22	24.82	25.44	26.08	26.73	27.40	28.09	29.49
90	Management Analyst	28.98	29.70	30.45	31.21	31.99	32.79	33.61	34.45	35.31	37.07
	Recreation Superintendent	28.98	29.71	30.45	31.21	31.99	32.79	33.61	34.45	35.31	37.08
	Transportation Prog Mgr	28.98	29.71	30.45	31.21	31.99	32.79	33.61	34.45	35.31	37.08
91	Fire Safety Specialist	23.40	23.99	24.58	25.20	25.83	26.48	27.14	27.82	28.51	29.94
92	Human Resources Technician	24.48	25.09	25.72	26.36	27.02	27.70	28.39	29.10	29.83	31.32
93	Civil Engineering Assoc.	33.24	34.07	34.92	35.79	36.69	37.60	38.54	39.51	40.49	42.52
	Literacy Program Admin.	33.24	34.07	34.92	35.79	36.69	37.60	38.54	39.51	40.49	42.52
93-1	Human Resources Analyst	35.63	36.53	37.44	38.37	39.34	40.32	41.34	42.37	43.42	45.59
94	Public Works Maintenance	43.16	44.24	45.34	46.48	47.64	48.83	50.05	51.30	52.59	55.22
95	Attorney/Investigator	75.00									
96	Principal Management Analyst	36.39	37.30	38.23	39.18	40.16	41.17	42.20	43.25	44.33	46.55
97	Interim Fire Chief	85.00									
	Interim Human Resource & Risk Management Director	82.00									
98	Interim Water Utility Manager	50.41	51.67	52.96	54.28	55.64	57.03	58.45	59.91	61.41	64.48

	Effective 05/20/2021										
<i>Part-Time Salaries</i>											
	Job										
Range	Classifications	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
98	Economic Development Specialist	32.15	32.96	33.78	34.63	35.49	36.38	37.29	38.23	39.18	41.13



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D

TO: The Honorable Mayor and City Council

FROM: Kelly Gordon, Chief of Police

SUBJECT: Waive further reading and adopt an ordinance amending Chapter 9.90 of the Monterey Park Municipal Code regarding graffiti violations in its entirety to regulate graffiti and conform with California law.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving further reading and adopt an ordinance amending Monterey Park Municipal Code Chapter 9.90 in its entirety to regulate graffiti and conform with California law; or
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The first reading and introduction of the Ordinance took place at the May 5, 2021 City Council meeting. The May 5, 2021 staff report is attached for reference. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "KG", is positioned above a horizontal line.

Kelly Gordon
Chief of Police

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

Attachments:

1. Draft Ordinance
2. May 5, 2021 Staff Report

ATTACHMENT 1

Draft 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

ATTACHMENT 2

May 5, 2021 Staff Report



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:



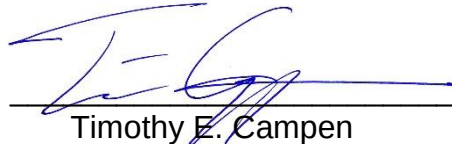
Kelly Gordon
Chief of Police

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 19, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-E

TO: The Honorable Mayor and City Council

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

SUBJECT: Authorize the City Manager to execute a license agreement with the Historical Society of Monterey Park to be the curator of the Monterey Park Museum.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager, or designee, to execute a license agreement, in a form approved by the City Attorney with the Historical Society of Monterey Park to be the curator of the Monterey Park Museum; and/or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Historical Society of Monterey Park (Historical Society) has been the curator of the Monterey Park Museum since the late 1980s. The City would like to continue partnering with the Historical Society to be the curator of the Monterey Park Museum. The organization is an invaluable partner in preserving historical artifacts, stories, and exhibits for future generations to enjoy and learn about the history of Monterey Park.

The City will continue to provide a dedicated facility space including maintenance and utilities, at Garvey Ranch Park for museum displays, tours, and activities. The Historical Society will continue to provide public tours, maintain and preserve relevant city artifacts, secure and train volunteers, and provide updates to the City Council about the organization's events, activities, and exhibits. Even though the Historical Society has been curating the Monterey Park Museum for many years, the City would like to establish a license agreement with the Historical Society to document the established partnership. Therefore, staff recommends City Council authorize the City Manager, or designee, to execute a license agreement, in a form approved by the City Attorney with the Historical Society of Monterey Park to continue serving as the curator for the Monterey Park Museum.

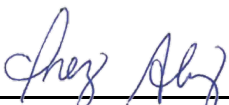
BACKGROUND:

The City Council dedicated the Monterey Park Museum facility at Garvey Ranch Park in September 1988 and the Historical Society has secured volunteers to operate, supervise, and preserve historical artifacts related to the City's history at this site. The Historical Society is an independent 501(c)(3) nonprofit with Articles of Incorporation that specify their purpose is to encourage and promote the study of history in its relation to Monterey Park, California and the surrounding San Gabriel Valley, and to collect and preserve materials which could have any bearing on the City of Monterey Park; to discuss historical and literary subjects; and to organize a non-profit Monterey Park Historical Museum where historical materials will be displayed to the public. The Historical Society provides public tours on Saturdays and Sundays from 2:00-4:00pm; coordinates individual school and senior tours; participates in the City's Happy Birthday Monterey Park, Play Days event by recommending an Honorary Grand Marshal; provides historical informational articles to be published in the Cascades Newsletter; preserves historical artifacts and exhibits; hosts rotating historical displays; partners with the Monterey Park Bruggemeyer Library to recommend and show historical movies; assists with the Laura Schudder educational grant program; and conducts interviews of long-time residents to preserve relevant stories.

FISCAL IMPACT:

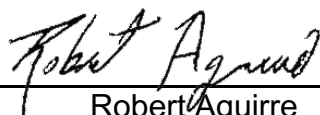
None.

Respectfully submitted by:



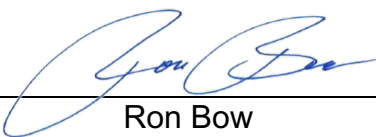
Inez Alvarez
Assistant City Manager

Prepared by:



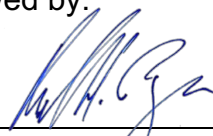
Robert Aguirre
Recreation Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-F

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Custodial Services – Award of Contract

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an agreement with Valley Maintenance Corporation, in a form approved by the City Attorney, for custodial services in an amount not to exceed \$267,060 each year with a three year agreement (July 1, 2021 to June 30, 2024) and a three year renewal option (2024 through 2027); and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In January 2021, the City issued a Request for Proposal (RFP) for custodial services for several City facilities. These facilities include Civic Center and non-jail areas, Police Department Dispatch and Police Department Records, City Yard offices (Parks Division, Public Works Division, Water Division, Delta Pumping Plant in Rosemead, Langley Senior Center, Garvey Ranch House, Sierra Vista Park, Barnes Community Center, Barnes Gym, Barnes Day Care, Barnes Pool, Barnes Service Club House, Bruggemeyer Library, and Downtown Business Improvement District (BID).

The City received five proposals. The Management Services Director that Valley Maintenance Corporation be awarded the contract. The contract will be for three years and will have a three-year renewal option. The Company will perform the regular custodial services at the facilities specified in the RFP, as well as window and carpet cleaning services.

<u>Bidder</u>	<u>Annual Cost</u>
1. Valley Maintenance Corporation	\$267,060
2. Ultimate Maintenance Services	\$342,348
3. Lincoln Training Center	\$444,260
4. Haynes Building Service LLC	\$651.327
5. C.F.K. Industries LLC	\$2,422,440

BACKGROUND:

The pricing on the five proposals that were received varied greatly. The low bid of \$267,060 (Valley Maintenance Corp.) to \$2,422,440 (C.F.K. Industries LLC). The City's current provider for custodial services is Valley Maintenance Corp, a month-to-month Agreement. It is recommended the contract be award to Valley Maintenance Corp.

FISCAL IMPACT:

The cost for the Agreement is \$267,060 annually and has been included in the FY 2021-2022 proposed budget. This contract is funded with General Fund Administration funds.

Respectfully submitted by:



Martha Garcia
Director of Management Services

Prepared by:



Dia Khuu
Support Services Supervisor

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-G

TO: The Honorable Mayor and City Council

FROM: Ron Bow, City Manager & Director of Emergency Services

SUBJECT: Adopt a Resolution ratifying certain actions completed by the City Manager regarding COVID-19 Pandemic and continue to extend the existence of a local emergency

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution Ratifying Certain Actions Completed by the City Manager; and
2. Taking such additional, related, action that may be desirable.

CEQA:

The Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this action 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

EXECUTIVE SUMMARY:

On March 18, 2020, the City Council adopted Resolution No. 12142 which declared a local emergency resulting from the COVID-19 Pandemic (the "COVID-19 Pandemic"). Pursuant to Resolution No. 12142 and Monterey Park Municipal Code ("MPMC"), the City Manager implemented certain emergency policies and procedures ("EP&P") to protect public health and safety. Generally, these relate to designation of quarantine sites; protection of public employees; and continuity of government.

On April 15, the City Council adopted Resolution No.12151 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.

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

On June 3, the City Council adopted Resolution No.12164 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.

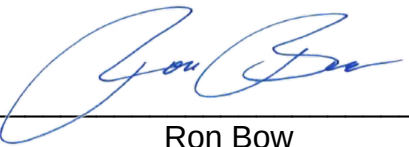
On August 19, the City Council adopted Resolution No.12192 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.

Government Code § 8630 ordinarily requires that the City Council review a local emergency at least once every 60 days. The Governor's March 4, 2020 Proclamation of Emergency (see paragraph 8), however, suspended the reporting and extension requirements of Government Code § 8630 for the duration of the COVID-19 Pandemic. Based upon readily available information, it appears that the Pandemic may end this Fall. The long-term impacts, however, are unknown.

FISCAL IMPACT:

The final fiscal impacts are unknown at this time. The City Manager will provide a final report when the City Council takes action to end the emergency.

Respectfully Submitted by:



Ron Bow
City Manager

Reviewed by:



Kelly Gordon
Police Chief

Reviewed by:



Matt Hallock
Fire Chief

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO.

A RESOLUTION RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER AND EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY.

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

SECTION 1: The City Council finds as follows:

- A. On March 18, 2020, the City Council adopted Resolution No. 12142 which confirmed the existence of a local emergency related to the COVID-19 Pandemic (the "COVID-19 Pandemic").
- B. Section 4 of Resolution No. 12142 authorizes the City Manager to undertake all actions needed to preserve public health and safety in accordance with applicable law.
- C. Government Code § 8630 ordinarily requires that the City Council review a local emergency at least once every 60 days. The Governor's March 4, 2020 Proclamation of Emergency (see paragraph 8), however, suspended the reporting and extension requirements of Government Code § 8630 for the duration of the COVID-19 Pandemic.
- D. Notwithstanding that suspension, however, the City Council is reviewing and ratifying actions taken by the City Manager when exercising his emergency powers. Based upon the verbal and written reports of the City Manager regarding the COVID-19 Pandemic, the City Council is satisfied that the local emergency will continue for the foreseeable future.
- E. Accordingly, the City Council adopted the following resolutions ratifying certain actions completed by the City Manager and extending the existence of a local emergency: Resolution No. 12151 (April 15, 2020); Resolution No. 12164 (June 3, 2020); and Resolution No. 12192 (August 19, 2020) (collectively, the "Previous Resolutions").
- F. Responses to the COVID-19 Pandemic continue to occur on nearly a daily basis since the City Council last considered this local emergency. As a result, the City Manager undertook a number of actions that are listed in attached Exhibit "A," which is incorporated by reference ("Approved Actions").

SECTION 2: The City Council reviewed the state of the community and continues to extend the COVID-19 Pandemic emergency. The Approved Actions are ratified and approved.

SECTION 3: This Resolution supplements the Previous Resolutions and confirms the ongoing COVID-19 Pandemic emergency. This local emergency will continue to exist until otherwise determined by City Council Resolution.

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.

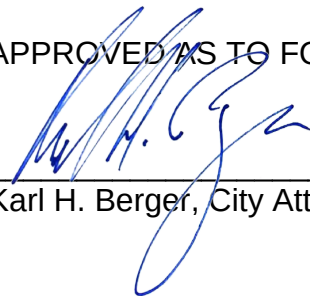
PASSED AND ADOPTED this 19th day of May, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Attachments:

Exhibit A: Approved Actions

APPROVED ACTIONS

SINCE AUGUST 2020

- City Manager authorized that fireworks may be sold in the City of Monterey Park during the 4th of July holiday season.
- City Manager cancelled all traditional in-person City sponsored events through June 2021 (modified programming such as drive through and virtual events allowed).
- City Manager authorized and encouraged virtual programming by all City Departments.
- City Manager authorized the limited reopening of the Police Department front counter.
- City Manager authorized the Bruggemeyer Library to have a home delivery program to deliver books to seniors or persons with disabilities that are housebound.
- City Manager authorized Bruggemeyer Library contactless checkout and printing services Tuesday through Saturday 10am-5pm.
- City Manager authorized an additional curbside book return on Ramona Avenue and reopened library book returns.
- City Manager authorized picnic shelter reservations for faith-based services.
- City Manager authorized all playgrounds and restrooms at all parks to reopen and field reservations to resume.
- City Manager authorized City Hall reopened by appointment only beginning May 3, 2021 with safety protocols.
- City Manager authorized Bruggemeyer Library reopened to the public by appointment Tuesday through Saturday from 1 to 5pm for computer use, Children's, Teen, Reference, Literacy and Citizenship and Passport services.
- City Manager authorized daycare to resume beginning in June 2021 following all safety protocols.
- City Manager authorized the partnership with Chinatown Service Center to vaccinate city employees (115 city employees vaccinated).
- City Manager authorized the partnership with Chinatown Service Center to vaccinate the community and members of the American Legion (537 individuals vaccinated).

- City Manager authorized the partnership with Herald Christian Center to provide vaccination to our senior community, Garvey Unified School District Staff, and Alhambra Unified School District Staff at Mark Keppel High School (1685 individuals vaccinated).
- City Manager authorized the partnership with Chinatown Service Center to provide vaccinations for 500 Alhambra Unified School District students over 16 years old on May 19th.
- City Manager authorized on-line plan checks and reviews for Fire Plans and Permits.
- City Manager authorized home occupation inspections via conference call.
- City Manager authorized two additional rounds of Monterey Park's Small Business Assistance Program (SBAP) (awarded 20 additional businesses).
- City Manager authorized additional funding for SBAP grantees (awarded 23 businesses).
- City Manager authorized purchase of cubicles from Westfall Commercial Furniture Inc. per Agreement No. 2210-AA.
- City Manager authorized purchase and installation of new carpet (final agreement pending).
- City Manager authorized online appointment scheduling in preparation for City Hall to open.
- City Manager executed various contracts implementing these Approved Actions including, without limitation, computer hardware and software improvements.
- City Manager confirmed Fiscal Year 20/21 COVID-19 expenses eligible for FEMA reimbursement to total \$60,409.37.
- City Manager continued to approve policies to ensure the health and safety of working conditions for all City employees including, without limitation, those dated January 22, 2021 (Temporary Personnel Rules); April 22, 2021 (Supplemental Sick Leave), and April 28, 2021 (City Hall Reopening).



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Public Hearing and approval of the 2021-2022 Annual Action Plan as required by the Community Development Block Grant, and HOME Investment Partnerships Programs.

RECOMMENDATION:

It is recommended that the City Council consider:

- 1) Opening the public hearing to receive testimonial and documentary evidence;
- 2) Closing the public hearing and approving the One-year Action Plan (Action Plan) for Fiscal Year 2021-2022 for the Community Development Block Grant ("CDBG"), and HOME Investment Partnerships ("HOME") Programs;
- 3) Directing staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development ("HUD");
- 4) Authorizing the City Manager, or his designee, to take all actions necessary or desirable to implement the Annual Action Plan, and Subrecipient Agreements; and
- 5) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The U.S. Department of Housing and Urban Development provides funding to states, counties and cities in the form of Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds. Since the City of Monterey Park is an Entitlement City, the City is eligible to receive both CDBG and HOME funds which it has for many years.

Before Monterey Park can receive these funds, federal regulations require that a Consolidated Plan (i.e., five-year plan) be adopted by the City that serves as the federal planning document for those jurisdictions receiving CDBG and HOME Investment Partnerships HOME Program funds. The Consolidated Plan was adopted by the City Council in 2020. In addition, federal regulations also require the adoption of an Annual Action Plan to the Consolidated Plan that operates on a single program year established by the City (i.e., July 1, 2021 through June 30, 2022). As required by federal requirements, the City will submit its One Year Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) by the statutory deadline of August 16, 2021.

The City of Monterey Park views the Annual Action Plan requirements as an opportunity to reassess its housing needs and priorities, as well as its programs and resources in a manner that will best meet the affordable housing and community development challenges of the Monterey Park community. The estimated City entitlement for FY 2021-22 is \$664,150 in CDBG funding and \$324,520 in HOME funding.

BACKGROUND:

The City of Monterey Park is a federal entitlement grant recipient of CDBG and HOME funds from the U.S. Department of Housing and Urban Development (HUD). As part of the process to receive funding, the City must undertake development of a Consolidated Plan and Annual Action Plan. It is called a Consolidated Plan because it consolidates the application process for HUD's four entitlement grants into one consolidated plan and application. The four grants are: CDBG, HOME, Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG). All four grants are driven by an entitlement formula process set by the federal government. The City is eligible to participate in two of these programs: CDBG and HOME.

In order to receive the FY 2021-22 allocations, the City must comply with the following requirements of the Consolidated Plan final rule regarding pre-submission requirements:

- ▶ Fulfill citizen participation requirements by conducting a public hearing to receive citizen input regarding annual funding needs;
- ▶ Publish a Draft Annual Action Plan for a 30-day comment period in order to receive citizen input regarding the final document; and
- ▶ Conduct a public hearing adopting the final Annual Action Plan.

HUD requires every state and local government that receives CDBG and HOME funding to prepare a five-year comprehensive plan which brings community needs and resources together to achieve statutory goals, and thereby address decent housing, create a suitable living environment and expand economic opportunities for the city's residents, particularly for low- and moderate- income persons. As an Entitlement Community, the City of Monterey Park is required to prepare and submit a five-year Consolidated Plan that serves as the federal planning document for receiving CDBG and HOME Program funds. The City completed its 2020-2024 Consolidated Plan in 2020.

Every year, the City is also required to prepare and submit an Annual Action Plan to HUD which serves to update and delineate efforts in the program year ahead toward meeting the priorities established by the City in its Consolidated Plan. The Annual Action Plan operates on a single program year established by the City (i.e., July 1, 2021 through June 30, 2022), whereas the Consolidated Plan covers a five-year planning period (July 1, 2020 through June 30, 2025).

CDBG Program

In reviewing the CDBG recommendations, the City Council should remember that only three broad funding categories are considered eligible under CDBG regulations. A project must either provide benefits to low- or moderate-income persons, eliminate slum or blighted conditions, or satisfy an urgent need. In addition, of the CDBG funds received, no more than 15% (\$99,622) of the annual grant amount can be used for social service activities; no more than 20% (\$132,830) of the grant amount can be used for Planning and Administrative services; and at least 70% of all funds must be used for low-to-moderate income activities.

It should be noted that there were no new public service funding requests submitted for the FY 2021-22. The Annual Action Plan continues to include funds for the Administration, Repayment of the Section 108, loan, and Fair Housing services.

HOME Program

In reviewing the HOME funds recommendations, the City Council should remember that no more than 10% (\$32,452) can be used for Planning and Administrative services. At least 15% (\$48,678) must be set aside for the Community Housing Development Organization (CHDO), as constituted under the regulations. The balance of funds can only be used for housing activities. Unexpended amounts were carried over from the FY 2020-21 budget for Owner-Occupied Rehabilitation Loans.

In accordance with CDBG and HOME Program regulations, the proposed PY 2021-2022 One Year Action Plan proposed activities and funding are as follows:

<i>CDBG ACTIVITIES</i>	
Administration	\$126,975
Fair Housing	\$10,000
Repayment of Section 108 loan	\$527,175
Total 2020-2021 Allocation	\$664,150

<i>HOME ACTIVITIES</i>	
Administration	\$32,452
Homeowner/Rental Rehabilitation	\$243,390
CHDO Project	\$48,678
Total 2021-2022 Allocation	\$324,520

The public notice was published on April 19, 2021 in the Monterey Park Progress newspaper to inform the public of the 30-day public review period and May 19, 2021 Public Hearing for

discussions on the 2021-2022 Annual Action Plan. The documents were available for public review on April 19, 2021. At the time of preparing this staff report, City staff has not received any written comments concerning the Annual Action Plan. HUD requires that cities prepare and adopt a One-year Action Plan, which provides for the expenditure of CDBG, and HOME.

FISCAL IMPACT:

There is no fiscal impact to the General Fund.

Respectfully submitted and prepared by:



Martha Garcia
Director of Management Services



Ron Bow
City Manager

Reviewed By:



Karl H. Berger, City Attorney

ATTACHMENT(S):

1. 2021-2022 Annual Action Plan

ATTACHMENT 1

2021-2022 Annual Action Plan

Annual Action Plan 2021-2022



**City of Monterey Park
320 West Newmark Avenue
Monterey Park, CA 91754**

Table of Contents

Executive Summary.....	1
AP-15 Expected Resources – 91.220(c)(1,2).....	4
AP-20 Annual Goals and Objectives.....	9
AP-35 Projects – 91.220(d)	13
AP-38 Project Summary	15
AP-50 Geographic Distribution – 91.220(f).....	19
AP-55 Affordable Housing – 91.220(g)	21
AP-60 Public Housing – 91.220(h)	22
AP-65 Homeless and Other Special Needs Activities – 91.220(i)	23
AP-75 Barriers to affordable housing – 91.220(j)	25
AP-85 Other Actions – 91.220(k).....	28
AP-90 Program Specific Requirements – 91.220(l)(1,2,4)	31
 Appendix:	
Appendix A – Citizen Participation	33
Appendix B – SF424 Forms and Certifications.....	34

Executive Summary

1. Introduction

As a condition for the City of Monterey Park (City) to receive Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds, the City must submit a five-year Consolidated Plan (Con Plan) outlining the jurisdiction's housing and community development needs and priorities, and an Annual Action Plan identifying how the jurisdiction plans to allocate its US Department of Housing and Urban Development (HUD) funding allocations to address those priority needs. This report utilizes HUD's current standard template for producing the 2021–2022 Annual Action Plan directly within HUD's Integrated Disbursement and Information System (IDIS).

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

The primary objective of the CDBG Program is the development of viable urban communities, which is achieved by providing the following General Objective Categories. The City of Monterey Park incorporated outcome measures for activities in accordance with the Federal Register Notice dated March 7, 2006, which require the following Performance Measure Objectives/Outcomes to be associated with each activity funded:

General Objective Categories - Activities will meet one of the following:

- Decent Housing (DH)
- A Suitable Living Environment (SL)
- Economic Opportunity (EO) General

Outcome Categories - Activities will meet one of the following:

- Availability/Accessibility (1)
- Affordability (2)
- Sustainability (3)

The City of Monterey Park has a range of housing and community development needs. CDBG funds alone are not adequate to address the myriad of needs identified during the public outreach process and summarized in the Needs Assessment of this Consolidated Plan. Recognizing the national objectives of the CDBG program and specific program regulations, the City intends to use CDBG funds to coordinate programs, services, and projects to create a decent and suitable living environment to benefit low- and moderate-income households and those with special needs. Needs which have been determined to be a High Priority level will receive funding during the Five-Year Consolidated Plan. The Low Priority Need may be funded based on the availability of funds. The priorities for the FY 2020-2024 Consolidated Plan

established in consultation with residents and community groups will be prioritized in the following order.

High Priority

- Improve, Maintain, and Expand Affordable Housing
- Promote Equal Housing Opportunity
- Support Economic Development Opportunities
- Planning and Administration

3. Evaluation of past performance

The City has made progress meeting Con Plan goals and priority needs. Many of the activities performed have contributed to stabilizing the City's low-income neighborhoods and improved the living conditions of low- to moderate-income families and individuals. Overall, the strategies and goals outlined in the Con Plan are evaluated and reported out annually through the Consolidated Annual Performance Evaluation Report (CAPER) process. The CAPER covers a program year (July 1st-June 30th) and is prepared by the City's Housing Department.

The City has made progress meeting Con Plan goals and priority needs. Many of the activities performed have contributed to stabilizing the City's low-income neighborhoods and improved the living conditions of low- to moderate-income families and individuals.

- Major activities focused on preservation of the City's affordable housing stock through renovations performed on owner-occupied housing. The scope of the renovations varied depending on the program and household needs with improvements ranging from basic health and safety improvements to full scale renovation projects eliminating blighted conditions.
- Housing Choice Vouchers (Section 8) administered by the Los Angeles County Development Authority (LACDA) on behalf of the City of Monterey Park, offered tenant assistance for those qualifying low- to moderate-income residents.
- Housing, supportive services, and case management were provided to homeless persons through several of the City's County partners such as Los Angeles Homeless Service Authority.
- The City's subrecipient, Housing Rights Center, continued to assist the City in meeting its obligations to affirmatively further fair housing choice within Monterey Park.

The most recent past performance evaluation and reporting can be found in the FY 2019–2020 Comprehensive Annual Performance Evaluation Report (CAPER). This report provides both summary and details of resources, distribution, and accomplishments for CDBG and HOME funded programs.

4. Summary of public comments

The Annual Action Plan was made available for public review from April 19, 2021 through May 19, 2021. The City prepared a notice announcing the Draft Action Plan was available for public review on the City's website and at the Monterey Park City Hall. The notice was published in the local newspaper. The notice also indicated the date, time, and location of the City Council public hearing for adoption of the Annual Action Plan and included:

- The amount of CDBG/HOME assistance expected to be received during the plan duration;
- The range of activities that are proposed under the Action Plan using CDBG and HOME funds.

No written or oral comments were received.

5. Summary of comments or views not accepted and the reasons for not accepting them

No written comments or views were not accepted.

6. Summary

Examination of 2011-2015 American Community Survey (ACS) 5-Year Estimates and the 2011-2015 Comprehensive Housing Affordability Strategy (CHAS) data, in addition to local data, as well as consultation with citizens and stakeholders revealed high priority needs to be addressed through the investment of an anticipated CDBG and HOME funds over the five-year period of the Consolidated Plan. The investment of CDBG and HOME funds in eligible activities shall be guided principally by the goals of the Strategic Plan. Activities submitted for consideration in response to any solicitation or Notice of Funds Availability (NOFA) process must conform with one of the Strategic Plan strategies and the associated action-oriented, measurable goals to receive consideration for CDBG and HOME funds.

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Monterey Park's 2021-2022 Annual Action Plan is based on priorities established by the City's Five-Year Consolidated Plan. The 2021-2022 Annual Action Plan is the second year of the five-year strategy for 2020 through 2024. The Five-Year Consolidated Plan combines two Federal Department of Housing and Urban Development (HUD) Programs: Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME).

The City's Management Services Department, coordinates, manages plans, submits, and implements the process. The Department continues to be involved in activities which enhance the coordination between public and non-profit, private housing providers, and health and service agencies.

The 2021-2022 Annual Action Plan serves as the City's blueprint for providing decent affordable housing to lower-income households, providing suitable living environments, expanding economic opportunities, and expanding the capacity of nonprofit housing providers to the citizens of Monterey Park. This strategic plan sets forth goals, objectives, and performance benchmarks for measuring and establishing a framework for progress. This program year the City anticipates receiving a CDBG allocation of approximately \$664,150 and approximately \$324,520 in HOME funds.

The proposed plan includes the following initiatives under CDBG funding: General Administration, Section 108 Repayment, and Fair Housing. The funds serve extremely low to moderate-income residents.

HOME funded activities include: General Administration, and Homeowner/Renter occupied Rehabilitation Program. The populations served are low to moderate-income residents.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	664,150	0	0	664,150	1,992,450	The Year 2 amount used is the 2021 amount. The expected amount for the remainder of the Con Plan is simply the Year 2 amount multiplied by 3. Also, the Program Income figure is zero, but changes in programming could potentially create Program Income. Prior Year resources listed are an estimate only based on existing resources and an approximation of expenditures to be made between the writing of the Action Plan and the end of the 2020 Program Year.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	324,520	0	0	324,520	973,560	The Year 2 amount used is the 2021 amount. The expected amount for the remainder of the Con Plan is simply the Year 2 amount multiplied by 3. Also, the Program Income figure is zero, but changes in programming could potentially create Program Income. Prior Year resources listed are an estimate only based on existing resources and an approximation of expenditures to be made between the writing of the Action Plan and the end of the 2020 Program Year.

Table 60 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Monterey Park and HUD share a mutual interest in leveraging HUD resources to the maximum extent possible to deliver high-quality affordable housing, neighborhood improvement programs, supportive services, and economic development.

Entitlement Funds

Leverage, in the context of CDBG funding, means bringing other local, state, and federal financial resources to maximize the reach and impact of the City's U.S. Department of Housing and Urban Development (HUD) funded programs. HUD, like many other federal agencies, encourages the recipients of federal monies to demonstrate that efforts are being made to strategically leverage additional funds to achieve greater results. Leverage is also a way to increase project efficiencies and benefit from economies of scale that often come with combining sources of funding for similar or expanded scopes. Funds will be leveraged if financial commitments toward the costs of a project from a source other than the originating HUD program are documented.

Other Federal Grant Programs

In addition to the entitlement dollars listed above, the federal government has several other funding programs for community development and affordable housing activities. These include: The Section 8 Housing Choice Voucher Program, Section 202, the Affordable Housing Program (AHP) through the Federal Home Loan Bank, and others.

It should be noted that in most cases the City would not be the applicant for these funding sources as many of these programs offer assistance to affordable housing developers rather than local jurisdictions.

State Housing and Community Development Sources

In California, the Department of Housing and Community Development (HCD) and the California Housing Finance Agency (CalHFA) administer a variety of statewide public affordable housing programs that help nonprofit affordable housing developers. Examples of HCD's programs include the Multifamily Housing Program (MHP), Affordable Housing Innovation Fund (AHIF), Building Equity and Growth in Neighborhoods Program (BEGIN), and CalHOME. Many HCD programs have historically been funded by one-time State bond issuances and, as such, are subject to limited availability of funding. CalHFA offers multiple mortgage loan programs, down payment assistance programs, and funding for the construction, acquisition, and rehabilitation of affordable ownership units. The State also administers the federal Low-Income Housing Tax Credit (LIHTC) program, a widely used financing source for affordable housing projects. As with the other federal and state grant programs discussed above, the City would either

competitively apply or affordable housing developers could apply for funding through these programs for particular developments in the City.

County and Local Housing and Community Development Sources

There are a variety of countywide and local resources that support housing and community development programs. Some of these programs help local affordable housing developers and community organizations while others help directly to individuals. The Mortgage Credit Certificates (MCC) Program helps first-time homebuyers by allowing an eligible purchaser to take 20 percent of their annual mortgage interest payment as a tax credit against federal income taxes. The County administers the MCC Program on behalf of the jurisdictions, including Monterey Park.

The City will use its excess match carried over from prior years to fulfill its HOME match obligation. HOME regulations allow the excess match to be carried over and applied to future HOME project match liability.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City does not own land or property located within the jurisdiction that may be used to address the needs identified in the plan.

Discussion

Not Applicable.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Goals Summary Information

Goal	Category	Geographic Area	Needs Addressed		Funding	
Housing Strategy Goal #1	Affordable Housing	N/A	Affordable Housing – Rental Assistance		CDBG	\$ 0
					HOME	\$ 0
	Start Year: 2021		Outcome:	Objective:		
	End Year: 2022		Affordability	Provide decent affordable housing		
	Description:					
	Expand affordable rental housing opportunities, particularly for low-income persons.					
Goal Outcome Indicator				Quantity Unit		
Tenant-based rental assistance/Rapid Rehousing				0 Households assisted		
Housing Strategy Goal #2	Affordable Housing	N/A	Affordable Housing - Rehabilitation of Existing Units		CDBG	\$
					HOME	\$ 243,390
	Start Year: 2021		Outcome:	Objective:		
	End Year: 2022		Affordability	Provide decent affordable housing		
	Description:					
	Preserve existing rental and owner-occupied housing resources.					
Goal Outcome Indicator				Quantity Unit		
Residential Rehabilitation				3 Household housing units		

Goal	Category	Geographic Area	Needs Addressed		Funding	
Housing Strategy Goal #3	Affordable Housing	N/A	Affordable Housing – Production of new units		CDBG	\$ 0
					HOME	\$ 48,678
	Start Year: 2021		Outcome:	Objective:		
	End Year: 2022		Affordability		Provide decent affordable housing	
	Description:					
	Increase affordable homeownership opportunities, particularly for low- and moderate-income persons.					
Goal Outcome Indicator			Quantity Unit			
			1 Household Housing Units			
Homeless Strategy	Homeless	N/A	Homelessness - Outreach		CDBG	\$ 0
			Homelessness - Emergency/Transitional Shelter		HOME	\$ 0
			Homelessness - Rapid Re-Housing			
			Homelessness - Prevention			
	Start Year: 2021		Outcome:	Objective:		
	End Year: 2022		Availability/Accessibility		Create suitable living environments	
	Description:					
	Preserve and improve the supply of supportive housing and public services for the homeless and homelessness prevention services.					
	Goal Outcome Indicator			Quantity Unit		
Public service activities other than Low/Moderate Income Housing Benefit			0 Persons assisted			
Homeless Person Overnight Shelter			0 Persons assisted			
Homelessness Prevention			0 Persons assisted			
Special Needs Strategy	Non-Homeless Special Needs	N/A	Community Development - Public Services		CDBG	\$ 0
					HOME	\$ 0
	Start Year: 2021		Outcome:	Objective:		
	End Year: 2022		Availability/Accessibility		Create suitable living environments	
	Description:					
	Provide supportive services for special needs populations.					
Goal Outcome Indicator			Quantity Unit			
Public service activities other than low/moderate income housing benefit			0 Persons assisted			
Fair Housing Strategy	Non-Housing Community Development	N/A	Community Development - Public Services		CDBG	\$ 10,000
					HOME	\$ 0

Goal	Category	Geographic Area	Needs Addressed	Funding
	Start Year: 2021		Outcome:	Objective:
	End Year: 2022		Availability/Accessibility	Create suitable living environments
	Description:			
	Continue to implement the Fair Housing laws by providing funding for further fair housing.			
	Goal Outcome Indicator		Quantity Unit	
	Public service activities other than low/moderate income housing benefit		250 Persons assisted	
Community Development Strategy Goal #1	Non-Housing Community Development	N/A	Community Development - Public Infrastructure	CDBG \$ 0
				HOME \$ 0
	Start Year: 2021		Outcome:	Objective:
	End Year: 2022		Availability/accessibility	Create suitable living environments
	Description:			
	Provide needed public infrastructure improvements in target lower- and moderate-income neighborhoods.			
	Goal Outcome Indicator	Quantity Unit		
	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit		0 Persons assisted	
	Other		0 Public facilities	
Community Development Strategy Goal #2	Non-Housing Community Development	N/A	Community Development - Public Facilities	CDBG \$ 0
				HOME \$ 0
	Start Year: 2021		Outcome:	Objective:
	End Year: 2022		Availability/accessibility	Create suitable living environments
	Description:			
	Provide for new community facilities and improve the quality of existing community facilities to serve lower- and moderate-income neighborhoods.			
	Goal Outcome Indicator	Quantity Unit		
	Other		0 Public facilities	
Community Development Strategy Goal #3	Non-Housing Community Development	N/A	Community Development - Public Services	CDBG \$ 0
				HOME \$ 0
	Start Year: 2021		Outcome:	Objective:
	End Year: 2022		Availability/accessibility	Create suitable living environments
	Description:			

Goal	Category	Geographic Area	Needs Addressed	Funding
Community Development Strategy Goal #4	Provide needed community services to serve lower and moderate-income residents.			
	Goal Outcome Indicator		Quantity Unit	
	Public service activities other than low/moderate income housing benefit		0 Persons assisted	
	Non-Housing Community Development	N/A	Community Development - Economic Development	CDBG \$ 527,175
				HOME \$ 0
	Start Year: 2021 End Year: 2022		Outcome: Availability/accessibility	Objective: Create suitable living environments
	Description: Expand the City's economic base and promote greater employment opportunities.			
	Goal Outcome Indicator		Quantity Unit	
	Businesses Assisted		Businesses Assisted	
	Repayment of Section 108 loan		1 Businesses Assisted	

Table 61 – Annual Goals

Projects

AP-35 Projects – 91.220(d)

Introduction

The Action Plan focuses on activities to be funded with the two federal entitlement grants CDBG and administered by the Department of Housing and Urban Development (HUD). Housing and community development needs in the City are extensive and require the effective and efficient use of limited funds. HUD allocates CDBG and HOME funding to eligible jurisdictions on a formula basis, using factors such as population, income distribution, and poverty rate.

CDBG Program - CDBG is an annual grant to cities to assist in the development of viable communities by providing decent housing, a suitable living environment, and expanded economic opportunities, principally to persons of low-and moderate-income. There is a wide range of activities that are eligible under CDBG Programs. CDBG grantees are responsible for ensuring that each eligible activity meets one of three national objectives:

1. Benefiting low and moderate income persons;
2. Aid in the prevention or elimination of slums or blight; and
3. Meet an urgent need that the grantee is unable to finance on its own.

The City is anticipating receiving approximately \$664,150 in PY 2021-2022 CDBG funds. The City will be using \$0 program income, and \$0 carryover from prior years.

HOME Program - HOME funds are awarded annually as formula grants to participating jurisdictions (PJs) The program's flexibility allows local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancement, rental assistance or security deposits. HOME is designed to create affordable housing to low-income households. The program was designed to reinforce several important values and principles of community development.

The City is anticipating receiving approximately \$324,520 in PY 2021-2022 HOME funds. The City will be using approximately \$0 in carryover funds from prior years.

Projects

#	Project Name
1	Repayment of Section 108 Loan
2	Fair Housing
3	CDBG Administration
4	HOME Administration
5	Residential Rehabilitation
6	CHDO Project

Table 1 – Goals Description

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Based on the Strategic Plan, the City is allocating a majority of its non-administrative CDBG and HOME funds for program year 2021-2022 to projects and activities that benefit low- and moderate-income people throughout the City.

The primary obstacles to meeting the underserved needs of low- and moderate-income people include lack of funding from federal, state, and other local sources and the high cost of housing that is not affordable to low-income residents. The projects selected for funding represent programs designed to meet needs identified as high within the consolidated plan. Funding is limited, so not all projects requesting funding were able to be funded. The City strives to have a broad spectrum of programs to meet the needs of as many populations throughout Monterey Park as possible.

Project Summary Information

1	Project Name	Homeowner/Renter Rehabilitation Program
	Target Area	Citywide
	Goals Supported	Housing Strategy Goal #2
	Needs Addressed	Affordable Housing - Rehab of Existing Units
	Funding	HOME: \$243,390
	Description	Homeowner/Renter Rehabilitation Program.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	3
	Location Description	Citywide
	Planned Activities	This program provides deferred loans/grants to qualified homeowners/renters for rehab on their properties. The loan is due and payable when title is transferred, or property is refinanced or sold. The property must be brought up to certain housing standards as part of the rehab assistance. Qualified households must have an annual income at or less than 80% of the area median income.
2	Project Name	Fair Housing
	Target Area	Citywide
	Goals Supported	Fair Housing Strategy

	Needs Addressed	Community Development – Public Services
	Funding	CDBG: \$10,000
	Description	HRC will assist the City in taking actions to affirmatively further fair housing. HRC will handle housing discrimination complaints or tenant/landlord counseling.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	250
	Location Description	Citywide
	Planned Activities	HRC will assist the City in taking actions to affirmatively further fair housing. HRC will handle housing discrimination complaints or tenant/landlord counseling.
3	Project Name	CDBG Administration
	Target Area	Citywide
	Goals Supported	Planning and Administration
	Needs Addressed	N/A
	Funding	CDBG: \$126,975
	Description	CDBG Administration.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Citywide
	Planned Activities	The project is a priority because it is necessary for the proper

		administration of the CDBG program including oversight of the subrecipients and implementation of the citizen participation process.
4	Project Name	HOME Administration
	Target Area	Citywide
	Goals Supported	Planning and Administration
	Needs Addressed	Planning and Administration
	Funding	HOME: \$32,452
	Description	HOME Administration.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Citywide
	Planned Activities	This project is a priority because it is necessary for the proper administration of the HOME program including oversight of the CHDO projects and implementation of the citizen participation process.
5	Project Name	Repayment of Section 108 Loan
	Target Area	Citywide
	Goals Supported	Economic Development
	Needs Addressed	Community Development – Economic Development
	Funding	CDBG: \$527,175
	Description	Repayment of Section 108 Loan. The project involves the repayment of a Section 108 Loan Guarantee for the Monterey Park Market

		Place Shopping Center and acquisition.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	
	Planned Activities	This project is a priority because there is a need to pay the debt obligation for the Section 108 loan in connection with the Monterey Park Market Place Shopping Center and Acquisition.
6	Project Name	CHDO Project
	Target Area	Citywide
	Goals Supported	Housing Strategy Goal #3
	Needs Addressed	Affordable Housing – Production of new units
	Funding	CDBG: \$48,678
	Description	If the City finds a CHDO it will fund an affordable housing project.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	Citywide
	Planned Activities	TBD

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Not applicable. The City has not established specific target areas to focus the investment of CDBG funds.

Geographic Distribution

Target Area	Percentage of Funds

Table 2 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City seeks to disburse federal entitlement dollars strategically within low-and moderate-income (LMI) census tracts; however, no specific neighborhoods are targeted for expenditure of funds. Investments in public facilities and services serving special needs populations and primarily low- and moderate-income persons will be made throughout the City. The City will evaluate each eligible project and program based on urgency of needs, availability of other funding sources and financial feasibility. Residential rehabilitation assistance will be available to income-qualified households citywide.

Discussion

Unless otherwise specified, all the City's HUD-funded housing and community development programs are generally available to eligible low- and moderate-income persons citywide. To prevent the concentration of low-income persons, City housing programs are marketed and available throughout the City. The programs are not directed to any one geographical area but rather the extremely low- to moderate-income (0 to 80 percent of the MFI) persons and families. The City wants to promote a balanced and integrated community and is committed to helping throughout the City.

An area benefit is an activity that meets the identified needs of low- and moderate-income persons residing in an area where at least 51 percent of the residents are low- and moderate-income persons. The benefits of this type of activity are available to all persons in the area regardless of income. The City seeks to disburse federal entitlement dollars strategically within low-and moderate-income (LMI) census tracts; however, no specific neighborhoods are targeted for expenditure of funds. Investments in public facilities and services serving special needs populations and primarily low- and moderate-income persons will be made throughout the City. The City will evaluate each eligible project and program based on urgency of needs, availability of other funding sources and financial feasibility. Residential rehabilitation assistance will be available to income-qualified households citywide.

HUD provides estimates of the number of persons that can be considered Low-, Low- to Moderate-, and Low-, Moderate-, and Medium-income persons based on special tabulations of data from the 2011–2015 ACS five-year estimates. LMI percentages are calculated at various principal geographies provided by the Census Bureau. Because timely use of this data is required by regulation, any changes to the City's existing service area boundaries would need to be approved by the City Council. Each year, through the adoption of the City's Annual Action Plan, the City Council approves the service area boundaries as the City's official low- and moderate-income "Target Areas" and "Deteriorating Areas".

The City has traditionally used 100 percent of its CDBG resources to benefit these special areas and/or to operate programs available exclusively to low- and moderate-income people (whereas HUD regulations only require a minimum 70 percent low/mod benefit level for CDBG activities). To continue to achieve this high ratio of low/mod benefit for its CDBG resources, and because of the compelling need to assist these special areas, the City will continue to direct CDBG resources to these special geographic areas.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The tables below delineate the affordable housing goals by population type and program type for FY 2021-22. The City will utilize several programs to achieve these goals.

One Year Goals for the Number of Households to be Supported	
Non-Homeless	250
Total	250

Table 3 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	3
Acquisition of Existing Units	0
Total	3

Table 4 - One Year Goals for Affordable Housing by Support Type

Discussion

Based on the Strategic Plan, the City is allocating 100 percent of its non-administrative CDBG funds for program year 2021-2022 to projects and activities that benefit low- and moderate-income people.

AP-60 Public Housing – 91.220(h)

Introduction

There are no public housing units in the City. The Los Angeles County Development Authority (LACDA) provides rental unit assistance to City residents through the Federal Section 8 Voucher program. The primary objective of this program is to assist low-income (0-50 percent of Median Income) individuals and households in making rents affordable. The following tables are based on the number of public housing and Section 8 Housing Choice Vouchers (HCV) offered by LACDA in their unincorporated areas and the cities in Los Angeles County that do not have their own Housing Authority. There is a total of 21,087 Vouchers provided to County residents of which 1,138 are assigned to the elderly, 184 to homeless individuals, and 534 to disabled individuals. Specifically, Monterey Park annually receives approximately 432 housing vouchers. The largest percentage of Voucher recipients, outside of Whites, is African American individuals.

Actions planned during the next year to address the needs to public housing

There are no public housing units in the City of Monterey Park; therefore, this section does not apply.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

LACDA manages a resident engagement process with their public housing. However, there is no public housing in the City.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

There is no public housing authority in the City of Monterey Park. The City relies on the County of Los Angeles Housing Authority, to address public housing needs and OCHA is not designated as troubled.

Discussion

See discussion above.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City is located within the Los Angeles Homeless Services Authority (LAHSA) Continuum. The continuum provides oversight of federal homeless assistance dollars and collaborates with local communities to provide the best service to our residents who are homeless. The Los Angeles Continuum conducts quarterly community meetings and the public is invited. However, for the 2021-22 program year, and for the foreseeable future, the City of Monterey Park will not receive enough funds from HUD to address the needs of the homeless. The City of Monterey Park will continue to participate in LAHSA's annual homeless count to identify the needs in the community. The Community Service Bureau of the Monterey Park Police Department has dedicated employees who reach out to the homeless individuals in the community guiding them to the regional services provided by LAHSA.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City will continue its efforts in the prevention and reduction of homelessness by supporting the LAHSA and its outreach programs and providing referrals to public assistance programs offered by the County. If additional CDBG funds become available, the City will reconsider funding public service agencies that assist in the prevention and reduction of homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City will continue its efforts in addressing the by collaborating with agencies that provide shelter for the homeless. If additional CDBG funds become available, the City will reconsider funding public service agencies that assist in the emergency shelter and transitional housing needs of homeless persons.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will continue its efforts in helping homeless persons make the transition to permanent housing and independent living by collaborating with agencies that provide shelter for the homeless. The City will also provide referrals to public assistance programs offered by other agencies to aid in preventing the

recently homeless from becoming homeless again.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The City will continue its efforts in helping low-income individuals and families avoid becoming homeless. The City will also provide referrals to public assistance programs offered by other agencies in the County.

Discussion

Please see above.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Constraints to the provision of adequate and affordable housing can be posed by market, governmental, infrastructure and environmental factors. These constraints may result in housing that is not affordable to low- and moderate- income households or may render residential construction economically infeasible for developers. Constraints to housing production significantly impact households with lower incomes and special needs.

Lack of Affordable Housing Funds: The availability of funding for affordable housing has been severely affected by the dissolution of redevelopment in California. Although there are other funding sources for affordable housing such as four percent and nine percent Low Income Housing Tax Credits, HOME, CalHOME, and the Multifamily Housing Program, it is unclear if additional affordable housing projects can be financed since affordable housing projects typically require multiple funding sources. The City is proactive in considering and seeking additional funding sources that will facilitate the construction of affordable housing, development of jobs, and improvement of the quality of life.

Environmental Protection: State law (California Environmental Quality Act, California Endangered Species Act) and federal law (National Environmental Protection Act, Federal Endangered Species Act) regulations require environmental review of proposed discretionary projects (e.g., subdivision maps, use permits, etc.). Costs resulting from the environmental review process may also add to the cost of housing.

Local Residential Development Policies and Regulations: Some portions of the City are subject to development constraints due to the presence of hillsides, seismic hazards, or other special circumstance. These constraints affect the development of all housing, not just affordable housing. The City has revised the General Plan and updated the zoning ordinance to facilitate the provision of affordable housing and sustainable development.

Planning and Development Fees: Development fees and taxes charged by local governments also contribute to the cost of housing. Application processing fees in the City of Monterey Park have not been increased since 2010 and are currently being updated.

Permit and Processing Procedures: The processing time required to obtain approval of development permits is often cited as a contributing factor to the high cost of housing. Unnecessary delays add to the cost of construction by increasing land holding costs and interest payments.

State Prevailing Wage Requirements: The State Department of Industrial Relations (DIR) expanded the kinds of projects that require the payment of prevailing wages. Prevailing wage adds to the overall cost of development.

Davis-Bacon Prevailing Wages: A prevailing wage must be paid to laborers when federal funds are used to pay labor costs for any project over \$2,000 or on any multi-family project over eight units. The prevailing wage is usually higher than competitive wages, raising the cost of housing production and rehabilitation activities. Davis-Bacon also adds to housing costs by requiring documentation of the prevailing wage compliance.

In general, residential developers interviewed for the 2014-21 Housing Element update and the preparation of this Consolidated Plan reported that the City's public policies are not a constraint to new housing production.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Affordable Housing Development Incentives

The City addresses the regional need for more affordable housing through support for the development of new housing units, to increase the supply of affordable housing in the City. For-profit and non-profit housing developers play an important role in providing affordable housing. The City provides financial assistance through participation in the HOME and CDBG programs and offers a variety of development incentives to encourage affordable housing development, such as:

- Continue to implement land use policy that encourages new housing development and affordable housing through density bonuses.
- Assist in the development of new affordable housing units during the 2014-2021 Housing Element through the provision of technical assistance.
- Explore ways to expedite affordable housing developments through the Design Review Board process.
- Investigate and develop list of available incentives/concessions for affordable development within 3 years of adoption of the Housing Element.
- Explore funding available through County of Los Angeles CDC, HCD, and HUD at the request of interested developers. Potential funding programs may include single- and multi-family housing rehabilitation programs and homeownership programs administered by HCD.
- Evaluate and assess residual property taxes distribution under the Redevelopment Dissolution Laws and consider setting aside a portion into an Affordable Housing Fund to assist in development of new units affordable to lower-income households.
- Continue to encourage the development of adequate housing to meet the needs of extremely low-income households and persons with special needs (such as the elderly, victims of domestic

violence, and the disabled).

- Continue to facilitate housing opportunities for special needs persons by allowing emergency shelters as a permitted use in the Industrial Zone.

The responsible agency is the City's Community and Economic Development Department, and the funding source will be the departmental budget.

Section 8 Rental Assistance

Renter overpayment is a significant issue in Monterey Park, as in all Southern California. The City addresses this need through support for efforts to increase Section 8 Housing Choice Voucher funding.

There are no public housing units in the City. The Los Angeles County Development Authority (LACDA) provides rental unit assistance to City residents through the Federal Section 8 Voucher program. The primary objective of this program is to assist low-income (0-50 percent of Median Income) individuals and households in making rents affordable. The following tables are based on the number of public housing and Section 8 Housing Choice Vouchers (HCV) offered by LACDA in their unincorporated areas and the cities in Los Angeles County that do not have their own Housing Authority. There is a total of 21,087 Vouchers provided to County residents of which 1,138 are assigned to the elderly, 184 to homeless individuals, and 534 to disabled individuals. Specifically, Monterey Park annually receives approximately 432 housing vouchers. The largest percentage of Voucher recipients, outside of Whites, is African American individuals.

The Housing Choice Voucher Rental Assistance program extends rental subsidies to very low-income households, as well as elderly and disabled persons. The subsidy represents the difference between 30 percent of the monthly income and the allowable rent determined by the Housing Choice voucher program. The HACoLA coordinates Housing Choice Voucher rental assistance on behalf of the City.

AP-85 Other Actions – 91.220(k)

Introduction:

The City of Monterey Park will provide for a variety of actions that will take place during the next year to address obstacles to meeting underserved needs, foster and maintain affordable housing, evaluate and reduce the number of housing units containing lead-based paint hazards, reduce the number of poverty-level families develop institutional structure, enhance coordination between public and private agencies. This section discusses the City's underserved needs and institutional structure for delivering housing and community development activities.

Actions planned to address obstacles to meeting underserved needs

Efforts to address obstacles to meeting underserved needs will include:

- The City will obtain data from the Housing Authority of the County of Los Angeles on the number of Section 8 households assisted by race, ethnicity, age, and disability status. The City will compare who is being served to the demographic characteristics of the community. In this way, the City will be able to estimate more precisely underserved populations.
- The City will encourage and support the efforts of the Housing Authority of the County of Los Angeles to seek additional Section 8 Housing Choice Vouchers.
- The City will encourage and support the efforts of non-profit housing development corporations to seek funding from federal, state, and local sources for special needs housing.

Actions planned to foster and maintain affordable housing

Monterey Park's annual CDBG and HOME entitlement allocations are limited. The City's HOME rehabilitation program assists with fostering and maintaining affordable housing to low- and moderate-income individuals and families with their housing needs. Another important element in the City's approach to decent housing is the use of Section 8 Rental Vouchers administered through the County of Los Angeles Housing Authority.

Actions planned to reduce lead-based paint hazards

The City will increase lead-based paint (LBP) awareness and abatement in its assisted housing programs. LBP awareness and abatement are key initiatives within the City's Housing Element and CDBG/HOME programs. The City's goal is to make certain that each tenant, landlord, and property owner is fully aware of the dangers, symptoms, and methods of testing, treatment, and prevention of LBP poisoning. The City will address the problem of LBP hazard by implementing the residential rehabilitation program for evaluating and reducing lead hazards during repair and renovation of older housing stock. All applicants eligible for services through the residential rehabilitation program receive the most updated version of the Environmental Protection Agency's (EPA) Protect Your Family from Lead in Your Home. When a

property built before 1978 is approved for grant-funded repairs that may disturb lead-based paint, an inspection test is ordered. When containment and/or abatement are necessary, the homeowner is required to use a contractor certified in lead-safe work practices by the state of California. The City distributes information warning people about the need to maintain buildings, which may contain LBP, as well as other programs to encourage home maintenance, will further aid in mitigating LBP hazards in the City of Monterey Park. The City will adhere to Federal guidelines for reduction activities with LBP.

Actions planned to reduce the number of poverty-level families

While the City has no control over many of the factors affecting poverty, it may be able to assist those living below the poverty line. The City supports other governmental, private, and non-profit agencies involved in providing services to low- and moderate-income residents and coordinates efforts with these groups where possible to allow for more efficient delivery of services.

During the Consolidated Plan period, the City will continue to implement its strategy to help impoverished families achieve economic independence and self-sufficiency. The City's anti-poverty strategy utilizes existing County job training and social service programs to increase employment marketability, household income, and housing options. As funds become available, the City will consider allocating CDBG funds to public service agencies that offer supportive services in the fight against poverty.

Improved employment opportunities are important in reducing the number of people living in poverty. The City addresses this issue by increasing resident's employability through training and increasing the number of higher paying local jobs. The City will coordinate with Mexican American Opportunity Foundation, Management Career Solutions, West San Gabriel WorkSource, and Asian Youth Center, and Chinatown Service Center in conjunction with the Employment Development Department, East Los Angeles Community College, and the County of Los Angeles Community Development Commission. These agencies provide job search services such as workshops, computer classes, phones, fax, computers with internet access, job leads, newspapers, and a resource library for job seekers aged 18 and above. Similarly, employers use some of these agencies to recruit and advertise job openings as well as for job fairs, bringing together top local companies and job seekers.

During the Consolidated Plan period, the City's Economic and Community Development Department will foster economic growth by encouraging economic development opportunities that result in:

1. A jobs/housing balance established through quality employment opportunities for residents;
2. An invigorated economic base through increased sales tax generation; and
3. Economic wealth by attracting external monies to the local economy.

As funding availability permits, the City will consider assistance to public agencies and nonprofit organizations providing neighborhood housing services, supportive services to the homeless, older adults with physical or mental impairment, the mentally ill, victims of domestic violence, and households with

abused children, in addition to other services The City will also continue coordinating with public agencies providing job training, life skills training, lead poisoning prevention and remediation, and other community education programs.

Actions planned to develop institutional structure

The City's Management Services Department is the key department involved in the 5-year Consolidated Plan and Annual Action Plan process. The Management Services Department is responsible for administration of the CDBG and HOME programs, including the Annual Action Plan, CAPER, and program monitoring.

Additionally, the City will focus on:

- Strengthening the working relationship with the Housing Authority of the County of Los Angeles by providing input to and coordinating with that organization. Efforts to strengthen the institutional structure will involve review of the five-year and annual plans of the Housing Authority of the County of Los Angeles, encouraging the Authority to conduct outreach to local landlords, providing information to the Authority on the location of housing suitable for disabled persons, and other similar considerations.
- Developing a working alliance with private institutions such as local lenders and associations of Realtors. Local lenders may be a source of referrals for applicants to the Residential Rehabilitation Program. Local associations of Realtors may help the City to develop ways of increasing homeownership among all populations.

Actions planned to enhance coordination between public and private housing and social service agencies

The City has developed an inventory of public and private housing, health, and social services agencies. The City regularly updates the inventory and maintains a point of contact for each agency. Additionally, the City will obtain the agency-specific 5-Year Consolidated and 1-Annual Action Plans and maintain these plans in a resource binder to facilitate coordination in future program years.

Discussion:

See discussion above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

CDBG Program - CDBG is an annual grant to cities to assist in the development of viable communities by providing decent housing, a suitable living environment, and expanded economic opportunities, principally to persons of low-and moderate-income. There is a wide range of activities that are eligible under CDBG Programs. CDBG grantees are responsible for ensuring that each eligible activity meets one of three national objectives:

4. Benefiting low and moderate income persons;
5. Aid in the prevention or elimination of slums or blight; and
6. Meet an urgent need that the grantee is unable to finance on its own.

The City is anticipating receiving approximately \$664,150 in PY 2021-2022 CDBG funds. The City does not have program income.

HOME Program - HOME funds are awarded annually as formula grants to participating jurisdictions (PJs) The program's flexibility allows local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancement, rental assistance or security deposits. HOME is designed to create affordable housing to low-income households. The program was designed to reinforce several important values and principles of community development.

The City is anticipating receiving approximately \$324,520 in PY 2021-2022 HOME funds. The City does not have any program income available, has no repayments planned and does not have any recaptured funds in local account.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

- | | |
|--|---|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed | 0 |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0 |
| 3. The amount of surplus funds from urban renewal settlements | 0 |

4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City does not use HOME funds in any other manner than those described in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

In PY 2021-2022, the City does not plan to use HOME funds for homebuyer down payment assistance. However, some homebuyers that were assisted in prior years may decide to sell their homes during the upcoming program year. In that event, the City will enforce the resale and recapture guidelines.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Not applicable since the City will not implement any HOME assisted homebuyer activities.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City has no plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds.

APPENDIX A
2021-2022 ANNUAL ACTION PLAN
JULY 1, 2021 THROUGH JUNE 30, 2022

Citizen Participation

APPENDIX B
2021-2022 ANNUAL ACTION PLAN
JULY 1, 2021 THROUGH JUNE 30, 2022

SF 424 Forms and Certifications

To be Inserted in Final Draft



City Council Staff Report

DATE: May 19, 2021

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance amending various sections of the Monterey Park Municipal Code as specified governing Commissions, Boards, and Committees.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending sections of the Monterey Park Municipal Code Chapter 2.82 regulating the term of service and quorum requirements for Boards, Commissions and Committees; and
2. Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

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

EXECUTIVE SUMMARY:

As requested by City Council, staff prepared a few recommendations for City Council consideration regarding Commissions, Boards and Committees (collectively, Commissions).

There is concern about the ability of certain Commissions, Boards and Committees to establish a quorum and fill vacancies needed to hold regularly scheduled meetings. Although all Commissions are at or near full capacity in recent months, there is a historical challenge establishing or maintaining a quorum. While the circumstances resulting in cancellation vary (e.g., due to vacancies, lack of items for discussion and/or lack of a quorum), these cancellations nevertheless disrupt the orderly conduct of City business. Consequently, the Council may wish to review the following recommendations to address concerns regarding term limits and quorum.

Term Limits

Recently, there are several Commissioners that have reached their term limit and will not be able to continue to serve for at least twelve consecutive months. The current terms limits are as follows:

“2.82.050 Terms of office.

(a) Unless otherwise provided by law or resolution, each member may serve for a **one-year term. No person may serve more than eight consecutive terms** on the same commission. If an individual separates from serving on a board or commission because the individual has completed serving eight consecutive terms, such person cannot be reappointed to the same board or commission for at least twelve consecutive months. A person cannot serve on more than one board or commission at the same time.

(b) Unless otherwise provided, all committee members will serve until a successor is qualified and appointed.” (Emphasis added)

Currently, it is difficult to find candidates willing to serve on some commissions. It is therefore recommended that the City Council consider revising MPMC section 2.82.050 to align Commissioner terms with that of the Councilmember who appointed them, for a total of two, 4-year, terms. At the conclusion of their second 4-year term, Commissioners wishing to continue to serve will need authorization from City Council to extend their term for another four-year period.

Quorum

Currently, there are two 10-member Commissions: the Community Participation Commission and the Commission on Aging. Based upon the City’s historical practice, staff implemented a six person quorum requirement for these types of Commissions.

The MPMC currently states as follows for the quorum requirement:

“2.82.040 Membership.

A. **Unless otherwise provided**, committees established pursuant to this chapter consist of five members who are appointed individually, one per city council member, in the manner provided by this chapter. **Three members constitute a quorum.** The city manager may designate an ex-officio staff person to serve as secretary and custodian of records who will not have a vote.” (Emphasis added)

In combination with the MPMC, attached Resolution No. 11589 (adopted June 19, 2013), currently governs the 10-member Commissions. There is no separate, different, requirement for quorums within that Resolution. To clarify the City Council’s intent, however, it seems prudent to add language to the MPMC to emphasize that a three-person quorum is required for all Commissions, regardless of membership.

BACKGROUND:

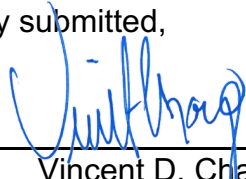
In 2013, the City Council added Chapter 2.82 to the Monterey Park Municipal Code ("MPMC") restructuring the establishment of the Commissions, Boards and Committees. It also redefines the procedures for appointing individuals. Commissioners may serve not more than eight consecutive one-year terms on the same Commission, Board or Committee. In addition, certain commissions/boards/committees are historically more difficult to fill, making it challenging for certain Commissions, Boards and Committees to establish and/or maintain a quorum.

Each Councilmember may appoint one seat to the Business Improvement District Advisory Committee, Design Review Board, Economic Development Advisory Commission, Environmental Commission, Planning Commission, Recreation and Parks Commission, and Traffic Commission; and two seats to the Commission on Aging and Community Participation Commission¹. Each commissioner serves at the pleasure of the appointing Council member.

FISCAL IMPACT:

None.

Respectfully submitted,



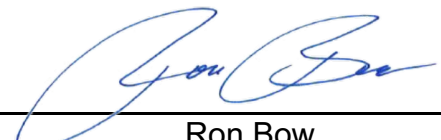
Vincent D. Chang
City Clerk

Prepared by:



Inez Alvarez
Assistant City Manager

Approved By:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. Resolution No. 11589

¹ Resolution No. 11589 (adopted on June 19, 2013) serves as the City's "master" resolution regarding the City's boards, commissions and committees.

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF THE MONTEREY PARK MUNICIPAL CODE CHAPTER 2.82 REGULATING THE TERM OF SERVICE AND QUORUM REQUIREMENTS FOR BOARDS, COMMISSIONS AND COMMITTEES.

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

SECTION 1: MPMC § 2.82.050 is amended to read as follows:

“2.82.050 Terms of office.

A. Unless otherwise provided by law or resolution, each member may serve for ~~two, a four~~^{one}-year terms. ~~No person may serve more than eight consecutive terms on the same commission.~~ If an individual separates from serving on a board or commission because the individual has completed serving ~~eight consecutive~~ terms, such person cannot be reappointed to the same board or commission for at least twelve consecutive months unless authorized by City Council to extend their term. A person cannot serve on more than one board or commission at the same time.

B. Unless otherwise provided, all committee members will serve until a successor is qualified and appointed.”

SECTION 2: MPMC § 2.82.040(A) is amended to read as follows:

“2.82.040 Membership.

A. Unless otherwise provided, committees established pursuant to this division consist of five (5) members who are appointed individually, one per city council member, in the manner provided by this chapter. Regardless of the number of committee members, in all instances three (3) members constitute a quorum. The city manager may designate an ex-officio staff person to serve as secretary and custodian of records who will not have a vote.”

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

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

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

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

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

SECTION 8: *Effective Date.* This Ordinance will become effective 30 days after second reading and adoption.

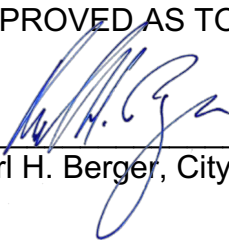
PASSED AND ADOPTED this ____ day of _____, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 2

Resolution 11589

RESOLUTION NO. 11589

A RESOLUTION ESTABLISHING VARIOUS BOARDS AND COMMISSION IN ACCORDANCE WITH CHAPTER 2.82 OF THE MONTEREY PARK MUNICIPAL CODE.

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

SECTION 1: Unless otherwise provide by this Resolution, all Boards and Commissions established by this Resolution will conform with Monterey Park Municipal Code ("MPMC") Chapter 2.82 as to membership, terms, and procedures.

SECTION 2: **Commission on Aging.** The City Council establishes a Commission on Aging as follows:

A. *Membership.* The Commission on Aging will consist of ten individuals. Each councilmember may appoint two individuals to the Commission on Aging in accordance with MPMC Chapter 2.82.

B. *Responsibilities.* The Commission on Aging may undertake the following activities:

1. Provide liaison and coordination among the senior citizen community, the city council, the recreation and parks commission, the community relations commission, community service organizations, and other governmental and private agencies in relation to aging;
2. Promote and encourage community interest and responsibility to correct and prevent problems of aging;
3. Obtain resources for available grants and funds for senior citizen projects;
4. Improve the physical and social environment with respect to senior citizens;
5. Obtain and distribute resource information for various services intended to benefit senior citizens such as legal aid, medical programs, housing and transportation;
6. Encourage established agencies to take responsibility for meeting needs as they are discovered and to take all appropriate action;

7. Develop and assist in planning appropriate services or projects if existing agencies are unable to meet the need;
8. Participate in the establishment of the policy and/or program development of such service or project during and after its formulation; and
9. Act in an advisory capacity to the city council in all matters pertaining to senior citizen problems.

SECTION 3: Business Improvement District Advisory Committee. The City Council establishes a Business Improvement District Advisory Committee as follows:

- A. *Membership.* Members serving on the Business Improvement District Advisory Committee must own or operate a business within the business improvement district.
- B. *Responsibilities.* The Business Improvement District Advisory Committee may undertake the following activities:
 1. Make recommendations to the City Council regarding operations and marketing for the downtown business area;
 2. Make recommendations to the City Council regarding the methods and ways in which the revenue is derived from the charges, assessments and contributions imposed or authorized by Chapter 5.82 of this Code and California Streets and Highways Code §§ 36500, *et seq.*

SECTION 4: Youth Advisory Board. The Youth Advisory Board established by Resolution No. 9939 and Resolution No. 9984 is dissolved and Resolution Nos. 9939 and 9984 are repealed.

SECTION 5: Community Participation Commission. The City Council establishes a Community Participation Commission as follows:

- A. *Membership.* The Community Participation Commission will consist of ten members plus seven non-voting youth members. Each councilmember may appoint two individuals to the Community Participation Commission in accordance with MPMC Chapter 2.82.
- B. Youth members will be selected by the Community Participation Commission as follows:
 1. Three members from the Alhambra Unified School District;

2. Two members from the Montebello Unified School District;
3. Two members at large from the community to accommodate students attending private schools
4. Members must be currently attending high school or attended within the last six months.

C. *Responsibilities.* The Community Participation Commission may undertake the following activities:

1. Coordinate activities and programs with the Youth Advisory Board;
2. Seek out and publicize artistic, cultural and historic exhibits, performances and opportunities that enhances the community;
3. Increase public awareness and appreciation of Monterey Park's history and heritage;
4. Preserve memorabilia and records of the history of Monterey Park and maintain a written history of the city;
5. Conduct and recommend programs which will increase good will among residents of the community and open new opportunities into all phases of community life for all residents;
6. To make residents aware of the services, programs and organizations available in the community;
7. Provide information and opportunities for newcomers to become involved in the community;
8. Foster mutual regard and understanding among all racial, religious and ethnic groups in the community;
9. Participate in community affairs;
10. Promote and encourage community interest and responsibility to correct and prevent conditions of neighborhood blight and deterioration by developing programs and resources in order to provide for a more suitable living environment for all residents;
11. Involve youths in community activities; and

12. Act in an advisory capacity to the city council on all matters pertaining to the city's community participation activities.
13. Review existing youth programs and make recommendations to improve these programs;
14. Inform the Community Participation Commission and City Council of the needs, concerns, achievements, goals and problems of the youth in the community;
15. Promote increased interest and participation among the youth in community affairs;
16. Foster increased understanding between youth groups within the community by providing conflict resolution; and
17. Provide an annual report to the City Council via the Community Participation Commission regarding the status of the community's youth.

SECTION 6: Economic Development Advisory Commission. The City Council establishes an Economic Development Advisory Commission as follows:

- A. *Membership.* Each member must be either a resident of the city or have business experience with a background in finance, economics or development.
- B. *Responsibilities.* The Economic Development Advisory Commission may undertake the following activities:
 1. Monitor implementation of the most current economic development strategic plan adopted by the city council;
 2. Recommend updates or amendments to the economic development strategic plan as deemed necessary;
 3. Provide the city council with annual reports on progress towards meeting economic and community development goals as identified in the economic development strategic plan; and
 4. Act in an advisory capacity to the city council on the needs of local businesses, and the availability of economic development opportunities and resources.

SECTION 7: Environmental Commission. The City Council establishes an Environmental Commission as follows:

A. *Membership.* The Environmental Commission will consist of five members plus two ex officio youth members appointed by the Environmental Commission. Each member may be a resident of the city of Monterey Park, an individual operating or working in the city of Monterey Park, or a professional or scholar in the environmental field.

B. *Responsibilities.* The Environmental Commission may undertake the following activities:

1. Develops and implement policies and procedures relevant to the environment and sustainability of the community;
2. Promote programs to increase the education and awareness of the environment, in addition to providing direct benefits to individual residents and businesses through dollar savings;
3. Investigate potential funding in order to implement programs directly in the community and to operate the activities of the commission;
4. Monitoring legislative activities that would affect the city and provide recommendations to the city council;
5. Undertake such activities as directed by the city council for other issues deemed necessary as the environmental integrity of the city that affects numerous areas of municipal government, planning, transportation, air quality, congestion management, and community improvement; and
6. Serve in advisory capacity to the city council on issues deemed relevant to the environment and sustainability of the city.

SECTION 8: Recreation and Parks Commission. The City Council establishes a Recreation and Parks Commission as follows:

A. *Membership.* The Recreation and Parks Commission will consist of five members plus ex officio member(s) as approved by the city manager or it's designees. Regular members cannot hold any paid office or employment in the city government.

B. *Responsibilities.* The Recreation and Parks Commission may undertake the following activities:

1. Act in advisory capacity to the city council and administrative personnel in all matters pertaining to parks, parkways and public recreation and to cooperate with other governmental agencies and civic groups in the acquisition, planning and programming thereof;
2. Formulate and propose policies on recreation services for approval by the city council;
3. Make periodic inventories of recreation services that may be needed and interpret the needs of the public to the city council and administration;
4. Aid in coordinating the recreation services with the programs of other governmental agencies and voluntary organizations;
5. Inform the public of the policies and functions of the recreation and parks program; and
6. Inform, advise and cooperate with boards of education and boards of school trustees of school districts comprising a part of the city or being immediately adjacent to the city to the extent that such information, advice and cooperation shall be proper and desirable in preparing, revising or carrying out the park or recreation program of the city.

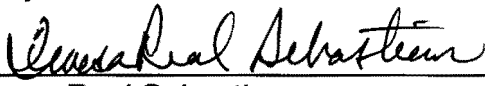
SECTION 9: All boards and commissions nametags, business cards and letterheads must be approved by the city manager or his designee.

SECTION 10. Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it consists only of revisions and clarifications to existing codes and procedures regarding appointing persons to City commissions, boards, and committees. Adopting this Resolution will not have the effect of deleting or substantially changing any regulatory standards or required findings.

SECTION 11: This Resolution will become effective on the same date as Ordinance No. 2098 and will remain effective unless repealed or superseded.

SECTION 12: The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

PASSED AND ADOPTED this 19th day of June, 2013.

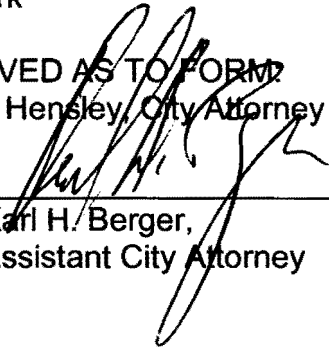


Teresa Real Sebastian,
Mayor

ATTEST: 

Vincent Chang,
City Clerk

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

By: 

Karl H. Berger,
Assistant City Attorney

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 11589 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 19th day of June, 2013, by the following vote:

Ayes: Council Members: Chan, Liang, Wong
Nayes: Council Members: Ing, Real Sebastian
Absent: Council Members: None
Abstain: Council Members: None

Dated this 19th day of June, 2013.



Vincent Chang, City Clerk
City of Monterey Park, California