

1. Meeting Items For June 16, 2012
Meeting items for June 16, 2012.

Documents: COUNCIL ACTION FOR TRANFER OF EL ENCANTO.PDF, DISPOSTION OF ASSETS PLAN.PDF, FINALSTAFF REPORT - OB ASSETS PER ROBERT REV 2.PDF, GRANT AGREEMENT AND MEMO.PDF, OVERSIGHT BOARD PROPERTY DISPOSITION RESOLUTION.PDF

9. TRANSFER OF TITLE OF JARDIN EL ENCANTO FROM THE MONTEREY PARK REDEVELOPMENT AGENCY TO THE CITY OF MONTEREY PARK (COUNCIL/AGENCY ACTION)

In 1987, the Redevelopment Agency purchased El Encanto for the purpose of restoration. On January 9, 1995 the City agreed to lease El Encanto to the Chamber of Commerce. To ensure the public use of the building and direct revenues from the Chamber and third party rentals to the General Fund, it is recommended that the Agency deed the property to the City.

Recommendation: Approve the transfer of title of Jardin El Encanto from the Agency to the City and authorize the Agency Executive Director and City Manager to execute the grant deed.

APPROVED ON THE CONSENT CALENDAR.

10. RESOLUTION AND WEED ABATEMENT DECLARATION LIST (COUNCIL ACTION)

The County of Los Angeles Department of Agriculture Commissioner and Weights and Measures, under contract to the City of Monterey Park to provide weed abatement services citywide, has submitted a copy of the Weed Abatement Declaration List, which includes 958 improved properties and 207 unimproved properties, and a resolution to be adopted and passed by the City Council.

Presentation: Director of Community Development

Recommendation: 1. Adopt Resolution

Resolution Title: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTY IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF"

2. Approve the Weed Abatement Declaration List.

ADOPTED ON THE CONSENT CALENDAR - RESOLUTION NO. 9936.

11. UNPAID LEAVE OF ABSENCE EXTENSION - CITY EMPLOYEE (COUNCIL ACTION)

Per the City of Monterey Park's Personnel Rules and Regulations, an employee may request the City Manager to grant a leave of absence without pay for up to ninety days. At the exhaustion of the ninety day leave without pay, the employee may request a further leave of absence up to one (1) year, with the permission of the City Council

Recommendation: Approve a third extension, for 150 days leave of absence without pay from January 14 through June 14, 1995.

APPROVED ON THE CONSENT CALENDAR.

12. CLAIM: DAVID ROFER - APPLICATION FOR LEAVE TO FILE LATE CLAIM (COUNCIL ACTION)

Recommendation: Reject application for leave to file late claim.

DENIED ON THE CONSENT CALENDAR - CLAIM NO. 1114-CL.

ATTACHMENT "1"

Plan for Disposition of Assets: Former Redevelopment Agency of Monterey Park Successor Agency Real Property Assets

OPTIONS LEGEND

Option 1: City may retain any propertis for future redevelopment activities. City pays other taxing entities.

Option 2: Dispose of assets expeditiously.

Option 3: SA transfers ownership of assets constructed and used for a governmental purpose.

Option 4: Special circumstances/SA may transfer certain assets to the City for on-going maintenance and operations.

Item	Property Address	Purchase Date	Recorded Date	Purchase Price	Acquisition Funds	Disposition Options			
						1	2	3	4
VACANT LAND									
1	540 W. Garvey Avenue	11/1/99	07/01/11	\$1,413,936.67	Merged Area		X		
	APN 5257-005-904								
	APN 5257-005-905								
2	Corporate Center Drive-Pad B	3/1/90		\$4,233,000.00	Merged Area		X		
	Parcel 1: APN 5237-022-902								
	Parcel 2: (recorded as Exh. A)								
	Document No. 90-668736								
PARKING LOTS									
3	Garvey/Lincoln Lot - Parcel 1 & Parcel 2	3/1/96		\$1,026,300.00	Merged Area				X
	APN 5255-008-901 & APN 5255-008-902								
4	239 S. Ramona Ave		04/04/00		Merged Area			X	
	APN 5257-010-902								
5	236 S. Ramona Ave		04/11/86					X	
	APN 5257-013-900								
6	325 W. Newmark Avenue		05/22/00		Merged Area			X	
	APN 5257-010-901								
7	329 W. Newmark Avenue	4/12/10		\$119,505.00	Merged Area			X	
	APN 5257-010-903								
	2 Bedroom/1 bathroom								
EASEMENTS -(Edison)									
8	Various easements acquired pursuant to Orders of Condemnation in Monterey Park Redevelopment Agency v. Southern California Edison Company, Case Nos. BC263036, 268946, and 268947.	12/1/01		\$1,850,000.00	Section 108 Loan				X
9	El Encanto	6/0/1987		\$160,000.00	Historic Grant				X
	APN 5262-008-900								

Staff Report Monterey Park Oversight Board

Item No. 5

DATE: June 15, 2012

**TO: MEMBERS OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY
TO THE FORMER REDEVELOPMENT AGENCY**

**FROM: DONNA RAMIREZ, ACTING ECONOMIC DEVELOPMENT SPECIALIST ON BEHALF
OF THE SUCCESSOR AGENCY**

SUBJECT: PLAN FOR DISPOSITION OF AGENCY REAL PROPERTY ASSETS

SUMMARY

It is recommended that the Monterey Park Oversight Board to the Successor Agency to the former Monterey Park Redevelopment Agency, consider reviewing and approving the plan for disposition of real properties owned by the former Redevelopment Agency.

DISCUSSION/BACKGROUND

Health and Safety Code Sections 34180 - 34181 (created by ABX1 26 – the Dissolution Act) establishes Successor Agency responsibilities including the disposition of assets held by the former Redevelopment Agency. Several regulations are provided specifically for a Successor Agency and for an Oversight Board and determine how certain assets may be treated. While clean-up legislation is currently being debated by the California Legislature, staff recommends moving forward with a plan relative to the disposition of properties to avoid delay in implementing pending projects or delay any transfers required pursuant to enforceable obligations.

Relative to real property, there are several broad categories under which assets may be considered:

Option 1

The City may retain any properties for future redevelopment activities if the City pays other taxing entities for their proportional share of the property value.

Option 2

Dispose of assets expeditiously and in a manner aimed at maximizing value.

Option 3

Successor Agency may transfer ownership of assets constructed and used for a governmental purpose (such as roads, school buildings, parks, and fire stations) to the appropriate public jurisdiction pursuant to any existing agreement relating to the use and construction of the asset.

Option 4

Special circumstances with unique conditions exist where the Successor Agency may transfer certain assets to the City for on-going maintenance and operations and/or transfer them in compliance with preexisting agreements/obligations.

Staff compiled a matrix for the proposed disposition of assets held by the former Redevelopment Agency identified as Plan for Disposition of Assets: Former Redevelopment Agency of Monterey Park. **(Attachment No. 1).**

Two properties, including the site commonly referred to as the Garvey/Moore lot (item number 1 on the Successor Agency Properties) and the Corporate Center Drive – Pad B (item number 2 on the same matrix), were acquired by the former Redevelopment Agency for the purpose of economic development. While marketing of one of the sites was accomplished, the Redevelopment Agency never entered into a disposition and development agreement for either property. These two properties are proposed for sale by the Successor Agency in accordance with Option No. 2.

Five parcels were previously designated and are currently used as parking facilities. Item No. 3 comprises two parcels (Garvey /Lincoln) dedicated for parking in the downtown area. The Redevelopment Agency's short term goal for the properties included increasing the parking supply for the adjacent businesses with the long term goal of assembling the parcels within the block for redevelopment in accordance with the Economic Strategic Plan. Two parcels on Ramona Avenue. and one parcels on Newmark Avenue are designated as Civic Center overlay zones which are intended to provide ancillary uses within the Civic Center. Consequently, staff believes that these five parcels are included in Option 3 in which the Successor Agency may transfer the properties to the City for continued use for public purposes as parking facilities.

Further, one parcel within the Civic Center Overlay Zone located at 329 West Newmark Avenue has been designated to be used as the site of the City Fire Department's new Emergency Operations Center ("EOC"). The property was designated in October 2010 for construction of the new EOC, as the seismic retrofit of the existing structure, located in City Hall, would be substantially more expensive. The City received a grant award of \$375,000 from CalEMA in October 2010 for the express purpose of constructing the new EOC. The project was reviewed pursuant to NEPA. A Finding of No Significant Impact was approved on July 6, 2010 and the Record of Environmental Consideration was approved for the proposed project on November 18, 2010. The Fire Department has completed design plans and plans to move forward with the project once it receives approval from the Oversight Board. On March 14, 2011, the Redevelopment Agency conveyed the property to the City; however this conveyance was invalidated pursuant to AB1x 26. A copy of the memorandum describing the project and associated grant are attached as Attachment 3.

El Encanto, item number 9, falls under Option 3. The property was acquired in part through the California Wildlife, Coastal, and Park Land Conservation Act – History and Archeology Grants Program issued in 1989. The property is designated as a historic resource. Moreover, the City Council and Redevelopment Agency authorized the transfer and retention of the property on February 13, 1995. Unfortunately, the deed memorializing the conveyance was never recorded. However, since the property was acquired and authorized for conveyance by the City Council back in 1995, it is not subject to Oversight Board approval and is listed for informational purposes only. A copy of the action by the former redevelopment agency authorizing the conveyance is attached as Attachment 4.

The Market Place Easements, item number 8, is comprised of 15 easements acquired by the Redevelopment Agency from Southern California Edison. Three of the easements were previously acquired by the City of Montebello and assigned to the City of Monterey Park. The easements were acquired pursuant to an agreement with the City of Montebello, which expressly contemplated that the easements would be transferred to a developer for specified uses as part of the proposed Monterey Park Market Place shopping center. Further, the acquisition of these easements was funded through a HUD 108 loan, which requires that the easements be used for specified purposes. Staff does not believe, therefore, that disposition of these easements is subject to Oversight Board authority since monies other than tax increment were used to acquire the property interests. The easements also must be transferred

to the appropriate entity by the City of Monterey Park in compliance with existing enforceable obligations established in the agreements with Montebello and HUD. Accordingly, these properties fall under Option 4 with special circumstances. Staff proposes that the easements be conveyed to the City for final disposition in the implementation of the Market Place Project.

FISCAL IMPACT

Six of the properties (the parking lot parcels) are proposed to be conveyed to the City. The Easements will eventually be transferred to the developer of the Market Place project in accordance with a development agreement to be agreed upon between the City of Monterey Park and the developer. Proceeds from selling the Corporate Center Drive property and the Garvey/Moore site would be distributed among the appropriate taxing entities in accordance with AB X1 26.

RECOMMENDATION

It is recommended that the Oversight Board approve the disposition plan for the Real Property assets of the former Redevelopment Agency and direct staff to begin the disposition process.

Donna Ramirez
Acting Economic Development Specialist

Approved: _____
Paul Talbot
City Manager

Attachments:

- Attachment No. 1 - Plan for Disposition of Assets: Former Redevelopment Agency of Monterey Park
- Attachment No. 2 - Draft Resolution (Property Disposition Plan)
- Attachment No. 3 – Emergency Operations Center Memorandum and Grant
- Attachment No. 4 – Redevelopment Agency Action Authorizing Transfer to the City.

**CITY OF MONTEREY PARK
INTEROFFICE MEMO****DATE: OCTOBER 28, 2010**

TO: JIM SMITH, INTERIM CITY MANAGER
FROM: JAMES BIRRELL, ACTING FIRE CHIEF
SUBJECT: WEEKLY STATUS – EMERGENCY OPERATIONS CENTER (EOC) PROJECT UPDATE

At the City Council meeting of August 4, 2010, staff presented the proposed Emergency Operations Center (EOC) Construction/Renovation Project as a result of learning Monterey Park was to receive funds through the FY 2010 Emergency Operations Grant Program. At that meeting, staff requested designation of the City's authorized agent to execute required grant documents. In addition, staff indicated the funds would be used for renovation of the City Hall Emergency Operations Center. The following information is provided as an update on this project and upcoming actions that will be required of the City Council and the Community Redevelopment Agency Board.

DISCUSSION

On August 4th, staff designated the position of City Manager as the authorized agent for the EOC grant documents and proposed use of the grants funds for the City Hall EOC. Subsequent to that approval, Don McIntyre, Interim City Manager, was provided a proposed EOC Project Packet to distribute to the City Council that identified 329 West Newmark Avenue as the site for the proposed EOC construction. The change of site location was due to the exorbitant costs needed for seismic retrofitting of the City Hall EOC, which is beyond grant and City funding capabilities. The grant award itself is \$375,000 with a City match requirement of \$127,500.

In addition, to the change in location, staff would like to notify Council the City received the formal notification of Grant Award on October 20, 2010 and would like to ask Council to accept the award at their meeting of November 17, 2010. In addition to the grant acceptance, staff will be seeking Council/CRA Agency approval to amend CRA Resolution RA-641 to change the use of the property from a parking lot to an Emergency Operations Center, and to appropriate Agency funds for the required CEQA review and soils study on the property. Per the Federal and State grant requirements, the CEQA is required before any other action can be taken on this project. Due to short staffing in Development Services, the Director has indicated the services of the consultant Council approved on October 20, 2010 to do the CEQA at an estimated cost of \$10,000. It will take a minimum of eight weeks to complete the CEQA analysis. In addition, soils testing will be required due to the high water table and compaction requirements for the proposed EOC structure.

In the meantime, the Assistant City Attorney and staff are working to identify appropriate funding sources for the City's match requirement and working with FEMA and CalEMA on the Environmental and Historic Preservation Review. A site visit by FEMA representatives may be forthcoming after their review of the project documents.

Any further actions and funding requirements will be brought to you for consideration upon final determination after the CEQA analysis has been completed and any issues identified with respect to this project.

Should you or members of the City Council have any questions, please feel free to call me at extension 263.

JB:lmb

LM14-66.DOC

ARNOLD SCHWARZENEGGER
GOVERNOR

MATTHEW R. BETTENHAUSEN
SECRETARY



Cal EMA
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

October 20, 2010

Donald F. McIntyre
Interim City Manager
Monterey Park, City of
320 West Newmark Avenue
Monterey Park, CA 91754

Subject: **Notification of Application Approval**
FY10 Emergency Operations Center Grant
Grant # 2010-0016, Cal EMA ID: #037-48914, Supplement #0

Dear Mr. McIntyre:

The California Emergency Management Agency (Cal EMA) has approved your grant application in the amount of \$375,000.00. A copy of your approved application is enclosed for your records. The award period for this grant can be found on the enclosed application.

Payments can be requested using a Reimbursement Request Form; a copy has been enclosed. Expenditures can only be made for items listed on your approved grant application.

This grant is subject to all policies and provisions of the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996. Any funds received in excess of current needs, approved amounts, or those found owed as a result of a final inspection or audit, must be refunded to the State within 30 days upon receipt of an invoice from Cal EMA.

Performance Reports must be prepared and submitted to Cal EMA for the duration of the grant period or until all activities are completed and the grant is formally closed. Failure to submit quarterly reports could result in grant reduction, termination or suspension.

If you have any questions regarding this letter, please contact the Grants Processing Section at (916) 845-8110.

GRANTS PROCESSING SECTION

Enclosures

cc: Cal EMA Region
John Thomas, Cal EMA

3650 SCHRIEVER AVENUE • MATHER, CA 95655
GRANTS PROCESSING SECTION
(916) 845-8110 • (916) 845-8382

**FY10 Emergency Operations Center Grant
Application for Assistance**

Applicant: City of Monterey Park

(Local Jurisdiction Name)

Donald F. McIntyre

Authorized Agent

320 W. Newmark Avenue

Mailing Address

Monterey Park, CA 91754

City, State, Zip/Code

Contact Information:

Battalion Chief Jim Birrell

Name

320 West Newmark Avenue

Address

(626) 307-1270; jbirrell@montereypar

Phone & E-Mail

.ca.gov

Grant Award

\$ 375,000

Application Checklist - The following items must be included with this subgrant application package:

☐ Application for Assistance

☐ Governing Body Resolution

☐ Grant Assurances

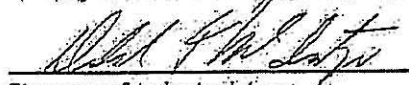
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OCT 07 2010

GRANTS PROCESSING SECTION

Certification and Signature of Authorized Agent

I hereby certify I am vested with the authority to enter into this subgrant award agreement, and all funds received pursuant to this agreement will be spent exclusively on the purposes specified. The grant recipient signifies acceptance of this grant award and agrees to administer the subgrant in accordance with the laws, regulations, guidance documents that apply to this grant program; the Cal EMA Recipient Subgrant Guide for Local Governments; and the Cal EMA audit requirements.



Signature of Authorized Agent

Interim City Manager

Title

Donald F. McIntyre

Printed Name

August 5, 2010

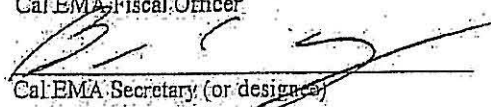
Date

For Cal EMA USE ONLY

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above, and that this Subgrant award is approved.

N/A

Cal EMA Fiscal Officer



Cal EMA Secretary (or designee)

N/A

Date

01/10

Date

Subgrant Performance Period: June 1, 2010 to May 31, 2013

Cal EMA ID # 037-48914

CFDA # 97.052

Award # 2010-EO-MX-0016

CITY OF MONTEREY PARK

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



City Council
Betty Tom Chu
Mitchell Ing
David T. Lau
Benjamin "Frank" Ventl
Anthony Wong

City Clerk
David Barron

City Treasurer
Joseph Leon

August 13, 2010

Ms. Yvonne Cantrell, Sr. Emergency Services Coordinator
California Emergency Management Agency
3650 Schriever Avenue
Mather, CA 95655

Re: City of Monterey Park FY 2010 EOC Grant Program

Dear Ms. Cantrell:

Please find enclosed the remaining application documents required for the Fiscal Year 2010 Emergency Operations Center Grant Program. This includes the Application for Assistance; Resolution designating the City's authorized agent; and the Assurances, Certifications, Terms and Conditions.

In addition, I am enclosing additional information required for FEMA's Environmental Historic Preservation Review.

Should you have any questions or require additional information, please feel free to contact me at (626) 307-2557 or Acting Fire Chief Jim Birrell at (626) 307-1270.

Sincerely,

A handwritten signature in cursive script that reads "Lillian M. Bow".

Lillian M. Bow
Principal Management Analyst
Monterey Park Fire Department

MONTEREY PARK EMERGENCY OPERATIONS CENTER

The City of Monterey Park, under the guidance and coordination of the Monterey Park Fire Department, operates and maintains an Emergency Operations Center (EOC) located in City Hall on the first floor. Designed under the 1976 California Building Code, subsequently updated numerous times, City Hall was constructed before these updates and prior to the City's adoption of its Seismic Code in 1992. Monterey Park has not been able to upgrade or seismically retrofit the EOC or City Hall to meet current codes and seismic resistance.

The current EOC is operational, but functions within limitations due to its size of 700 square feet and more importantly, the structural stability is questionable due to the outdated design and construction of the facility. The Fiscal Year 2010 EOC Grant Program will facilitate the construction of a new EOC that meets current codes.

SITE LOCATION

The site of the proposed Emergency Operations Center is located directly across the street from the Monterey Park Civic Center at 329 West Newmark Avenue; Monterey Park, California 91754. It will be situated on a property across from City Hall, thereby enlarging the Civic Center Complex area, which already features City Hall, Fire Station 61 Headquarters, and the municipal library. This site presents an ideal location for an emergency operations center as it provides immediate access to those required to be in the EOC (i.e. fire, police, public works, recreation and parks, support services, and city administration). In addition, being off-site ensures continuity of emergency response in the event city hall becomes debilitated, and will afford emergency operations to meet the NIMS requirements.

DESCRIPTION OF EXISTING STRUCTURE:

The proposed lot size is 49' x 132' providing 6,468 square feet of space. It is a residential, single-family dwelling built in 1926 as a 674 square foot home with two bedrooms and one bathroom. There is a detached single vehicle garage on the property. The residence is a one story, Type V, wood frame structure. Exterior building materials consisted of wood walls, wood doors, and wood and aluminum window components. Interior building materials consisted of plaster and wood walls and wood door components. Floors consisted of vinyl, tile, and carpet.

The City Council approved the purchase of this property on November 18, 2009 and escrow closed on April 16, 2010. A "Limited Asbestos" Survey was conducted and prepared June 7, 2010 in which the contractor sampled for Asbestos Containing Materials (ACM) in the suspect asbestos containing materials that will be disturbed during the rehabilitation program of the property until such time as the structure is removed. This applied to the kitchen vinyl flooring. Results were negative. In addition to this limited survey, a Lead-based Paint Survey was conducted, with report submitted to the City May 15, 2010. The Lead Survey reported some lead findings in the interior ceramic tile, numerous exterior components, and wood walls and a wood window well.

However, as the residence may be demolished via mechanical means, the reports states there are no Federal or State regulations that mandate removal of lead paint prior to demolition. The report advises the demolition company to confirm this assessment with California EPA, Cal OSHA, SCAQMD, and the California Department of Health. It further recommends the structure be misted prior to demolition and the driver of the bulldozer have training in lead based paint abatement and wear appropriate personal protective equipment such as HEPA ½ face aspirator, etc.

Project Description:

The proposed project is the new construction of an Emergency Operations Center (EOC) that will serve the City of Monterey Park and the surrounding areas. The project site is located at 329 W Newmark Ave., Monterey Park, CA 91754. It is currently occupied by a residential structure with a detached garage. The City of Monterey Park has acquired the property and will annex it into the current Civic Center Complex area. The site is situated between a civic center parking lot and a residence. The area is a combination of residential and municipal government buildings.

The project will require that the existing structure be completely removed. The structure will be demolished following all Federal and State guidelines and laws. The site was landscaped in the past for a residential home (i.e. lawn) and will require finished grading as well as utility trenching in order to prepare for the construction of the EOC building and adjacent parking. Additional trenching will be required for the installation of a perimeter block wall on the north and west sides at a length of approximately 181 linear feet. Ground disturbance will otherwise be minimal and should not exceed movement or removal of 20 cubic yards. Conventional trenching and grading equipment will be used. Equipment will be staged and stored on site or on the adjacent civic center parking area thus minimizing impact on traffic in the area.

The project building will have an approximate 1500 square foot floor plan. The building shall comply with all Federal and State regulations that may apply to the construction and occupation of the building. Compliance will be monitored by the fire department project manager as well as the City of Monterey Park building department. Dependant on the cost of construction, the building may be of conventional construction or of a modular design.

Exterior: The exterior of the building will be of materials and design that are consistent with the existing civic center buildings. The project building will have an independent power grid connection and a backup generator of a sufficient capacity to maintain operations 24 hours a day in the event of a power failure.

Interior: The interior of the EOC building will be partitioned in order to provide a minimum of 900 square foot Emergency Operations Center, as well as, at least two breakout/meeting rooms of no less than 200 square feet. There will also be sufficient sanitary facilities to provide for extended operations. All of the room sizes are subject to minor design changes in order to accommodate construction needs.

The building is to be provided with an adequate number of telecommunications lines (no less than 15), as well as, high speed data capabilities. Utility pulls should be adequate to provide enough space for the installation of radio equipment and satellite communications.

Applicant: City of Monterey Park
(Local Jurisdiction Name)

Battalion Chief Jim Birrell
Name
320 West Newmark Avenue
Address
(626) 307-1270; jbirrell@montereyparl
Phone & E-Mail . .ca.gov

Grant Award \$ 375,000

Application Checklist – The following items must be included with this subgrant application package:

_____ Application for Assistance
_____ Governing Body Resolution
_____ Grant Assurances

Certification and Signature of Authorized Agent

I hereby certify, I am vested with the authority to enter into this subgrant award agreement; and all funds received pursuant to this agreement will be spent exclusively on the purposes specified. The grant recipient signifies acceptance of this grant award and agrees to administer the subgrant in accordance with the laws, regulations, guidance documents that apply to this grant program; the Cal EMA Recipient Subgrant Guide for Local Governments; and the Cal EMA audit requirements.

Robert F. W. Lutz
Signature of Authorized Agent
Interim City Manager
Title

Donald F. McIntyre
Printed Name
August 5, 2010
Date

For Cal EMA USE ONLY

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purposes of this expenditure stated above and that this Subgrant award is approved.

Cal EMA Fiscal Officer

Date _____

Cal EMA Secretary (or designee) _____

Date _____

Subgrant Performance Period: June 1, 2010 to May 31, 2013

Cal EMA ID #

CFDA # 97.052

Award # 2010-EO-MX-0016

**FY 10 Emergency Operations Center Grant
Assurances, Certifications, Terms, and Conditions**

ASSURANCES

The applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-87, A-102, A-133; Executive Order 12372 (intergovernmental review of federal programs); and 44 C.F.R. pt.13 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-33.3), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will, in the event that a dispute under this agreement is to be resolved in a state court of competent jurisdiction, Native American tribes expressly consent to be sued therein and waive any immunity so that the State may exercise and enforce its rights under the terms of this Agreement in relation to any transactions reasonably contemplated by this Agreement and to enforce the State's rights in law and equity and to recover actual (not punitive) damages or obtain injunctive relief incident to the Native American Tribe's material breach of any term, condition, warranty, representation and covenant of the Native American Tribe arising under this Agreement.
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

CERTIFICATIONS

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States

to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT):

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 17:

A. The applicant certifies that it and its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (2) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (A)(2) of this certification; and
- (4) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. CERTIFICATIONS REGARDING DRUG-FREE WORKPLACE REQUIREMENTS: This certification commits the applicant to compliance with the certification requirements under 44 CFR Part 17 *Government-wide Requirements for Drug-Free Workplace (Grants)*.

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and

- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

4. SWEATFREE CODE OF CONDUCT:

- (a.) All applicants contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the subgrant have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The applicant further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.
- (b.) The applicant agrees to cooperate fully in providing reasonable access to the applicant's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

5. DOMESTIC PARTNERS: For subgrants executed or amended after July 1, 2004, the applicant may elect to offer domestic partner benefits to the applicant's employees in accordance with Public Contract Code section 10295.3. However, the applicant cannot require an employee to cover the costs of providing any benefits which have otherwise been provided to all employees regardless of marital or domestic partner status.

TERMS AND CONDITIONS

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Applicant needs to be aware of the following provisions regarding current or former state employees. If subgrantee has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Public Contract Code §10410):

- 1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Public Contract Code §10411):

- 1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If applicant violates any provisions of above paragraphs, such action by applicant shall render this Agreement void. (Pub. Contract Code §10420)

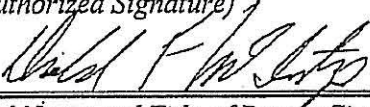
Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Applicant needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and applicant affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Applicant assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)
4. APPLICANT NAME CHANGE: An amendment is required to change the applicant's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.
5. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.
6. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the applicant shall not be:
- (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district;
 - (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or
 - (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and applicant may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the applicant has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective jurisdiction to the assurances and certifications listed above.

<i>Jurisdiction (Printed)</i> City of Monterey Park		
<i>By (Authorized Signature)</i> 		
<i>Printed Name and Title of Person Signing</i> Donald F. McIntyre, Interim City Manager		
<i>Date Executed</i>	August 5, 2010	

RESOLUTION NO. ____

**A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR
AGENCY TO THE MONTEREY PARK REDEVELOPMENT AGENCY
APPROVING A PROPERTY DISPOSITION PLAN FOR PROPERTIES
HELD BY THE FORMER REDEVELOPMENT AGENCY**

The Oversight Board for the Successor Agency to the Monterey Park Redevelopment Agency (“Oversight Board”) does resolve as follows:

Section 1. The Board finds and declares that:

- A. Pursuant to Health and Safety Code Sections 34177(e), 34180 and 34181, the Successor Agency for the former Monterey Park Redevelopment Agency (the “Successor Agency”) is required to dispose of assets and properties of the Redevelopment Agency as directed by the Oversight Board;
- B. While most assets are directed to be sold by the Successor Agency in a manner aimed at maximizing value for the benefit of the taxing entities, properties constructed and used for governmental purposes may be transferred to appropriate governmental entities and properties required to be transferred pursuant to an existing enforceable obligation may be transferred to the appropriate party;
- C. On June 6, 2012, the Successor Agency approved a Property Distribution Plan to govern disposition, sale and transfer of all properties held by the Successor Agency (the “Distribution Plan”); and
- D. The Oversight Board desires to adopt this Resolution approving the Distribution Plan and authorizing the Successor Agency to commence the sale and transfer of properties previously held by the Redevelopment Agency, consistent with this Resolution and AB 1x 26.

Section 2. *Distribution Plan.* The Oversight Board hereby adopts the Distribution Plan, attached as Exhibit A to this Resolution. The Distribution Plan generally provides as follows:

- A. *Properties to be Sold:* 540 West Garvey Avenue (APN 5257-005-904 and 905) and Corporate Center Drive – Pad B (APN 5237-022-902).
- B. *Properties to be Transferred to the City of Monterey Park for Continued Use as Public Parking Facilities:* Garvey/Lincoln Lot – Parcels 1 & 2 (APN 5255-008-901 and 902); 239 South Ramona Avenue (APN 5257-010-902); 236 South Ramona Avenue (APN 5257-013-900); 325 West Newmark Avenue (APN 5257-010-901); and 329 West Newmark Avenue (APN 5257-010-903).
- C. *Property to be Retained by the City of Monterey Park:* El Encanto (APN 5262-008-900).

- D. *Property to be Transferred to the City of Monterey Park to Transfer Pursuant to Existing Enforceable Obligations: Market Place Easements (Item 8).*

Section 3. *Authorization.* The officers and staff of the Successor Agency are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution, including commencing the sale, distribution and transfer of properties consistent with this Resolution and as authorized pursuant to AB 1x 26.

Section 4. *Environmental Determination.* This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it only authorizes the sale of existing facilities to continue their existing operations, involves the sale of surplus governmental property, 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 §§ 15301, 15312, 15378(b)(4-5)).

Section 5. *Reliance on Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Oversight Board and applicable law. The findings and determinations constitute the independent findings and determinations of the Board in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Section 6. *Summaries of Information.* All summaries of information in the findings, which precede this Section, are based on the substantial evidence in the record including, without limitation, verbal and documentary evidence submitted to the Board. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

Section 7. The Secretary is directed to certify the adoption of this Resolution; record this Resolution in the book of the Oversight Board’s original resolutions; and make a minute of the adoption of the Resolution in the Oversight Board’s records and the minutes of this meeting.

Section 8. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED, AND ADOPTED this 15th day of June, 2012.

Paul Talbot, Chairperson

ATTEST:

David Barron
Oversight Board Secretary

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Oversight Board of the Successor Agency to the Monterey Park Redevelopment Agency at its regular meeting held on the 15th day of June, 2012, by the following vote, to wit:

AYES;

NOES;

ABSENT: