



City Council of Monterey Park
The City Council Acting on Behalf of the Successor Agency of the Former Redevelopment Agency, the Housing Authority, the Monterey Park Financing Authority and the Monterey Park Geologic Hazard Abatement District Agenda

Special Meeting
Monterey Park City Hall, Room 266
320 W. Newmark Avenue, Monterey Park, CA 91754

Wednesday, August 20, 2025
5:30 PM

Mission Statement

The mission of the City of Monterey Park is to provide excellent service, foster growth and opportunity, and create a joyous and collaborative environment.

Land Acknowledgment

We would like to acknowledge that the land we inhabit today was once known as Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future, and honor their labor as original caretakers of this land. We commit to uplifting the Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring for this land.

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 at www.montereypark.ca.gov/agendas.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call City Hall at (626) 307-1359 for reasonable accommodation at least 8 hours before a meeting. Council Chambers are wheelchair accessible.

Public Participation

You may speak up to 5 minutes on an/each Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 3 hours before the meeting by completing an online form at www.montereypark.ca.gov/writtencomm.

Pursuant to Government Code Section 54954.3(a), the public may address the City Council only on matters listed on this Agenda. No other public comment will be accepted.

The City Council will recess to Closed Session following public comment and the Open Session items if any. Public participation is not allowed during Closed Session.

1. Call to Order

Mayor

2. Roll Call

Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Elizabeth Yang

3. Public Communications

4. Open Session

4.A. Resolution authorizing legislative subpoenas for factfinding regarding public nuisance violations at 795 West Garvey, Monterey Park

It is recommended that the City Council consider:

1. Adopting a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas for factfinding regarding public nuisance violations at 795 West Garvey, Monterey Park; and
2. Taking such additional, related action that may be desirable.

The adoption of the proposed Resolution is not a project under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. "CEQA"), pursuant to CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) §§ 15060(c)(3) and 15378(b)(5), as it constitutes an administrative governmental activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment.

4.B. Appointment of Real Property Negotiators

It is recommended that the City Council consider:

1. Appointing the City Manager, Assistant City Manager, Director of Finance, and City Attorney as the real property negotiators for Closed Session Item No. 5B.
2. Taking such additional, related action that may be desirable.

4.C. Appoint Labor Negotiators

It is recommended that the City Council consider:

1. Appointing the City Manager and City Attorney as the City's Negotiators for: Executive Group and Unrepresented classifications; and
2. Taking such additional, related action that may be desirable.

5. Closed Session

Upon conclusion of Closed Session, the Mayor and/or City Attorney will announce any reportable actions in accordance with the Brown Act.

5.A. Conference with Legal Counsel – Existing Litigation - Government Code § 54956.9(d)(1)

5.B. Conference with Real Property Negotiators - Government Code §54956.8: 1 item

Property: 810 Monterey Pass Road, APN/Parcel ID: 5252-003-043

City Negotiators: Inez Alvarez, City Manager; Karl H. Berger, City Attorney; Diana Garcia, Assistant City Manager; Martha Garcia, Director of Finance

Negotiating Parties: JRL, LLC./ Rui Zhen Zhao

Under Negotiation: Purchase price and terms of payment

5.C. Conference with Labor Negotiators (Government Code § 54957.6)

City Negotiators: City Attorney, City Manager, Daphne Anneet, and Director Christine Tomikawa

Employee Organization: Confidential Employees' Association, Firefighters' Association, Mid-Management Association, Police Captains' Association, Police Officers' Association, Police Officers' Mid-Management Association, Professional Chief Officers' Association, and Service Employees' International Union, Local 721.

5.D. Conference with Labor Negotiators (Government Code § 54957.6)

City Negotiators: City Manager and City Attorney
Executive Group and Unrepresented classifications

6. Adjournment



City Council Staff Report

Date: August 20, 2025

Agenda Item Number: 4.A.

To: The Honorable Mayor and City Council
From: Joaquin Vazquez, Assistant City Attorney
Subject: Resolution authorizing legislative subpoenas for factfinding regarding public nuisance violations at 795 West Garvey, Monterey Park

Recommendation:

It is recommended that the City Council consider:

1. Adopting a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas for factfinding regarding public nuisance violations at 795 West Garvey, Monterey Park; and
2. Taking such additional, related action that may be desirable.

The adoption of the proposed Resolution is not a project under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. "CEQA"), pursuant to CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) §§ 15060(c)(3) and 15378(b)(5), as it constitutes an administrative governmental activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Executive Summary:

For gathering evidence, the City may issue legislative subpoenas in accordance with Government Code §§ 37104-37109. Once authorized, such subpoenas are signed by the Mayor, issued by the City Clerk, and may be enforced by the Superior Court. The City Council adopted Resolution No. 2022-R28 on May 4, 2022 to implement procedures for issuing such subpoenas pursuant to California law. Here, the attached Resolution would authorize legislative subpoenas to collect facts public nuisance violations at the General Commercial-zoned property located at 795 West Garvey Avenue and is identified as APN 5256-003-034 (the "Property"), which is owned by a family trust ("Property Owners").

Background:

Building permits were first issued in 2017 with the long-standing gas station at this location being demolished in 2018. The Property Owners then began constructing a stand-alone retail structure with two units suitable for a coffee shop or similar use. The exterior of the structure and basic framing of the interior were completed in 2020, but construction has effectively stalled ever since. There is no landscaping, a chain link fence with an opaque tarp still surrounds the parcel, and the parking lot remains an unfinished dirt pad. The Property being in

a state of partial construction for such a prolonged period without meaningful progress amounts to, among other things, a blight and public nuisance in violation of Monterey Park Municipal Code (“MPMC”) § 4.30.050(c). Various other violations of the MPMC have persisted since 2017 to the present, including water pooling in the parking lot flooding the interior of the structure, illicit water discharge into the public storm drain system, graffiti, broken windows, accumulation of trash and debris, and other issues that resulted in amassing of \$21,930.00 in unpaid administrative citation fines to date.

The City, through the Monterey Park Fire Department’s Code Compliance Division (“MPFD”), has been actively attempting to encourage the owners to restart construction in earnest since February 2022. Meetings between the owners and City representatives, in 2022 and 2023 proved unsuccessful in restarting construction activity. The Property Owners have allowed three separate building permits to expire due to lack of construction activity since 2022. After all reasonable attempts to gain compliance by restarting construction failed, on or about March 8, 2024, the City Attorney’s office filed a civil public nuisance action against the registered owners on behalf of the City and the People of the State of California, in Los Angeles County Superior Court case no. 24NNCV00087, seeking court ordered compliance by way of injunction or, if necessary, receivership. This process has proven particularly challenging due to a variety of factors including the death of a principal for the Property Owners.

At the court’s encouragement, City and Property Owners met on May 21, 2025 to find a path for voluntary compliance. The Property Owners and their general contractor agreed construction should not take more than six months and committed to commencing work on or before June 3, 2025. The primary elements remaining were determined to include: construction of an on-site storm water capture system; connection of the building’s sewer system to the City’s sewer main; installation of all mechanical/HVAC equipment; finish electrical, plumbing and drywall on the interior; removal storage of junk and debris from the interior; grading, paving and striping the parking lot; installation of light standards and landscaping; and finishing the exterior façade elements such as window awnings.

The Property Owners failed to commence work on or before June 3, 2025. Intermittent work did not commence until approximately July 9, 2025. The only work that began is focused solely on installing portions of the on-site storm water capture system, which remains unfinished. There has been no other work at the site, despite universal agreement work on the building could proceed immediately and concurrently with work in the parking lot area. Repeated requests of the Property Owners (through counsel) for explanation for the lack of progress remain unanswered, as has been the case since 2022. MPFD has inspected the Property nearly every working day since August 1, 2025 to document progress in construction. No progress is identified in completing construction.

It is in the public interest for the City Council to confirm the true reasons for the continuing delays in construction at the Property in order determine the best course of action for eliminating once and for all the public nuisances related to the unfinished construction at the Property that have persisted now for nearly five years. The use of legislative subpoenas to gain access to information and sworn testimony would be less susceptible to the evasive tactics used by the Property Owners and their attorney in the civil public nuisance case where they have delayed depositions and meaningful responses to discovery.

If adopted, the proposed Resolution would authorize the Mayor to issue legislative subpoenas

to the entities and persons identified in connection with the Property, as identified in Section 3 of the Resolution. Once issued, the City Attorney's office would enforce the legislative subpoenas as needed to gather information to fully inform the City Council regarding potential enforcement options available for ensuring the Property is in full compliance with the MPMC and not a threat to the public health, safety, or welfare.

Pursuant to MPMC § 4.30.110, the City Attorney's Office will cause notice of a public nuisance hearing to be given for the next regular City Council meeting on September 3, 2025. The City Council, serving as "hearing officer," under MPMC § 4.30.110 will conduct the hearing to determine whether a public nuisance exists on the Property, based on all evidence presented. Should the City Council find that a nuisance is found to exist, it will issue an order requiring the abatement of the public nuisance.

Strategic Plan Goal:

N/A

Fiscal Impact:

Adopting the Resolution itself will have a fiscal impact insofar as it will require the Assistant City Attorney or a Deputy City Attorney to collect information from persons of interest.

Attachments:

1. Resolution - Legislative Subpoenas 795 W. Garvey

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE CITY CLERK TO ISSUE
LEGISLATIVE SUBPOENAS FOR FACTFINDING RELATED TO PUBLIC
NUISANCE VIOLATIONS AT 795 WEST GARVEY AVENUE.**

The City Council of the City of Monterey Park resolves as follows:

SECTION 1: The City Council finds as follows:

A. This Resolution is adopted in accordance with Resolution No. 2022-R28 (dated May 4, 2022; the “Subpoena Resolution”) which implements procedures for issuing legislative subpoenas in pursuant to Government Code §§ 37104-37109

B. The subject property located in a General Commercial zone at 795 West Garvey Avenue and is identified as APN 5256-003-034 (the “Property”). The Property is owned by a family trust (“Property Owners”).

C. Building permits were first issued in 2017 with the longtime gas station at this location being demolished in 2018. The Property Owners then began construction of a stand-alone retail structure with two units suitable for a coffee shop or similar use. The exterior of the structure and basic framing of the interior were completed in 2020, but construction has effectively stalled ever since. There is no landscaping, a chain link fence with an opaque tarp still surrounds the parcel, and the parking lot remains an unfinished dirt pad. The Property being in a state of partial construction for such a prolonged period without meaningful progress amounts to, among other things, a blight and public nuisance in violation of Monterey Park Municipal Code (“MPMC”) § 4.30.050(c).

D. Various other violations of the MPMC have persisted since 2017 to the present, including water pooling in the parking lot flooding the interior of the structure, illicit water discharge into the public storm drain system, graffiti, broken windows, accumulation of trash and debris, and other issues that have resulted in the accumulation of \$21,930.00 in unpaid administrative citation fines to date.

E. The City, through the Monterey Park Fire Department’s Code Compliance Division (“MPFD”), has been actively attempting to encourage the owners to restart construction in earnest since February 2022. Meetings between the owners and City representatives, in 2022 and 2023 proved unsuccessful in restarting construction activity. The Property Owners have allowed three separate building permits to expire due to lack of construction activity since 2022.

F. After all reasonable attempts to gain compliance by restarting construction failed, on or about March 8, 2024, the City Attorney’s office filed a civil public nuisance action against the registered owners on behalf of the City and the People of the State of California, in Los Angeles County Superior Court case no. 24NNCV00087, seeking court ordered compliance by way of injunction or, if necessary, receivership. This process has

proven particularly challenging due to a variety of factors including the death of a principal for the Property Owners.

G. At the court's encouragement, City and Property Owners met on May 21, 2025 to find a path for voluntary compliance. The Property Owners and their general contractor agreed construction should not take more than six months and committed to commencing work on or before June 3, 2025. The primary elements remaining were determined to include: construction of an on-site storm water capture system; connection of the building's sewer system to the City's sewer main; installation of all mechanical/HVAC equipment; finish electrical, plumbing and drywall on the interior; removal storage of junk and debris from the interior; grading, paving and striping the parking lot; installation of light standards and landscaping; and finishing the exterior façade elements such as window awnings.

H. The Property Owners failed to commence work on or before June 3, 2025. Intermittent work did not commence until approximately July 9, 2025. The only work that began is focused solely on installing portions of the on-site storm water capture system, which remains unfinished. There has been no other work at the site, despite universal agreement work on the building could proceed immediately and concurrently with work in the parking lot area. Repeated requests of the Property Owners (through counsel) for explanation for the lack of progress remain unanswered, as has been the case since 2022.

I. On June 20, 2025, the City Attorney's Office served deposition notices to Property Owner representatives for the purpose of obtaining responses under oath for the reasons of past and present delays in construction. After their counsel repeatedly demanded continuances of the depositions to accommodate their schedules, they filed a last-minute motion on the eve of their depositions set for August 11, 2025 (a date that they requested), to strategically stay their testimony pending the Court hearing their motion in October of this year. The Property Owners have been similarly evasive with their responses to written discovery.

J. Based upon the administrative record, it appears that delays in construction since 2020 are primarily attributable to a lack of funding by the Property Owners and also the interference by laypersons in the activities of licensed general contractors.

K. MPFD has inspected the Property nearly every working day since August 1, 2025 to document progress in construction. No progress is identified in completing construction.

L. It is in the public interest for the City Council to confirm the true reasons for the continuing delays in construction at the Property in order determine the best course of action for eliminating once and for all the public nuisances related to the unfinished construction at the Property that have persisted now for nearly five years. The use of legislative subpoenas to gain access to information and sworn testimony would be less susceptible to the questionable legal tactics used by the Property Owners and their attorney in the civil public nuisance case.

M. This Resolution is adopted in accordance with the requirements set forth in the Subpoena Resolution.

SECTION 2: Authorization. The City Clerk is authorized to issue subpoenas requiring the attendance of witnesses and production of documents, as required by the City Attorney, to inform the City Council regarding the status and causes of public nuisance conditions on the Property and the Property's maintenance by the Property Owners. Persons, documents, or other tangible items must be identified in a subpoena signed by the Mayor and approved as to form by the City Attorney. This authorization expires August 19, 2027, but may be renewed upon request by the City Attorney via City Council minute order, i.e., no subsequent resolution is required.

SECTION 3: Subpoena Scope. The City Attorney is authorized to inform the City Clerk regarding which witnesses and what evidence is required to fully inform the City Council. This authority may be expanded upon City Attorney request via City Council minute order, i.e., no subsequent resolution is required. As a preliminary matter, the City Council, however, authorizes subpoenas from the following persons and documents:

- A. Edward Chan;
- B. Howard Chan;
- C. Thomas Vong (current general contractor);
- D. Joven Lactaoen (previous general contractor);
- E. Project subcontractors and suppliers;
- F. Raymond Chan (sibling);
- G. Man Fei Chan Gold (sibling);
- H. Internal construction documents, records, and schedules;
- I. Relevant bank, financial, and loan records; and
- J. Other persons who would be informed on relevant Property conditions and maintenance, as determined by the City Attorney, or designee.

SECTION 4: Service. Subpoenas will be served in accordance with the provisions of Code of Civil Procedure §§ 1987 and 1988, and any successor statute or regulation.

SECTION 5: Witness Fees and Mileage. If requested by the witness, all witnesses appearing pursuant to subpoena will receive fees and mileage, in the same amount and under the same circumstances as prescribed by California law for the deposition of witnesses in civil actions in a superior court.

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

PASSED AND ADOPTED this 20th day of August, 2025.

Vinh T. Ngo, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

Joaquin Vazquez, Deputy City Attorney