

**CITY COUNCIL OF MONTEREY PARK
THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE
FORMER REDEVELOPMENT AGENCY, THE HOUSING AUTHORITY (HA), 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
April 16, 2025
5:30 p.m.**

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 ACKNOWLEDGEMENT

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 the City's website at www.montereypark.ca.gov/AgendaCenter/City-Council-17.

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 4 hours before a meeting. Council Chambers are wheelchair accessible.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on 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 2 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.

CALL TO ORDER Mayor

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

PUBLIC COMMUNICATIONS

[1.] OPEN SESSION

1-A. RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT WITHOUT THE NEED FOR BIDDING PURSUANT TO PUBLIC CONTRACTS CODE § 22050 TO ABATE PUBLIC NUISANCES AT 795 WEST GARVEY

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring an emergency and authorizing contracting without formal bidding pursuant to Public Contracts Code § 22050;
- (2) Authorizing the City Manager to execute a standard public works contract, in a form approved with the City Attorney, in accordance with the draft Resolution and select a contractor to abate public nuisance conditions at real property located at 795 West Garvey Avenue (the "Property");
- (3) Authorizing the City Attorney to take all legal actions required to ensure payment of all costs associated with the City's abatement by the Property owner pursuant to MPMC Chapter 4.30 or as may otherwise be ordered by the Court; and
- (4) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City Council's actions are exempt from additional CEQA review as they are being made to protect public and private property and necessary to maintain services essential to the public, health and welfare (see *Ca/Beach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529: CEQA findings regarding an anticipated imminent emergency are valid).

1-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. 2-B.
- (2) Taking such additional, related, action that may be desirable.

[2.] CLOSED SESSION

2-A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - GOVERNMENT CODE § 54956.9(d)(1)

City of Monterey Park v. Edward Chan, et al., (filed March 7, 2024) LASC Case No. 24NNCV00087

2-B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - GOVERNMENT CODE § 54956.8: 1 item (HA)

Property: 580 Monterey Pass Rd, APN 5261-001-052
582 Monterey Pass Rd, APN 5261-001-053

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

Negotiating Parties: 3M Property Investment Co.

Under Negotiation: Lease terms, purchase price, and terms of payment

2-C. CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO CALIFORNIA GOVERNMENT CODE § 54957.6

City Negotiators: City Attorney, City Manager, Deputy City Attorney Zachary A. Lopes and Director Christine Tomikawa .

Employee Organizations: 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

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

ADJOURNED

City Council Staff Report

DATE: April 16, 2025

AGENDA ITEM NO: 1-A

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, City Manager
Karl H. Berger, City Attorney
SUBJECT: Resolution authorizing the City Manager to contract without the need for bidding pursuant to Public Contracts Code § 22050 to abate public nuisances at 795 West Garvey

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution declaring an emergency and authorizing contracting without formal bidding pursuant to Public Contracts Code § 22050;
2. Authorizing the City Manager to execute a standard public works contract, in a form approved with the City Attorney, in accordance with the draft Resolution and select a contractor to abate public nuisance conditions at real property located at 795 West Garvey Avenue (the "Property");
3. Authorizing the City Attorney to take all legal actions required to ensure payment of all costs associated with the City's abatement by the Property owner pursuant to MPMC Chapter 4.30 or as may otherwise be ordered by the Court; and
4. Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The City Council's actions are exempt from additional CEQA review as they are being made to protect public and private property and necessary to maintain services essential to the public, health and welfare (see *Ca/Beach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529: CEQA findings regarding an anticipated imminent emergency are valid).

EXECUTIVE SUMMARY:

In 2017, the City issued a construction permit to build a commercial retail structure and related improvements for the Property. Construction is estimated to be approximately 80% complete, but has stagnated since at least 2021 with no discernable progress since. This left the property in a state of unfinished construction and blight; the City issued more than \$20,000 in unpaid administrative fines primarily for illicit stormwater runoff from the Property resulting from the Property's state of unfinished construction. Despite the City's efforts to obtain voluntary compliance, construction activity still has not commenced. Adopting the draft Resolution will facilitate the City's ability to abate the property.

BACKGROUND:

This is a public nuisance matter involving unfinished construction on the northeast corner of the intersection of the W. Garvey Ave. and S. Atlantic Blvd. The longtime gas station at this location was demolished in 2018, at which time the Property Owners began building a stand-alone retail structure suitable for a coffee shop or similar use. The exterior of the structure and basic framing of the interior were completed three years ago, 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 that pools water during heavy rains that as caused water to enter the structure.

The City engaged in active code enforcement at the Property since February 2022 to correct various violations of the Monterey Park Municipal Code ("MPMC") including flooding, unlawful water runoff into storm drains, graffiti, broken windows, accumulation of trash and debris, and other issues. There are over \$20,000 in unpaid administrative citation fines, mostly due to illicit stormwater runoff with sediment from the Property directly related to the unfinished construction. Federal and State laws identify illicit wastewater discharges entering public storm drain systems as an imminent threat to public health and safety. Public entities are required to take all reasonable actions to prevent such illegal discharges. The Federal Clean Water Act and California Water Code, in particular, exposes public entities to potential fines of more than \$60,000 per day for allowing such discharge.

Building permits expired due to inactivity three times over the last five years, the most recent of which expired in July 2024. The City approved extending that expired permit in January of this year at the Property Owners' request, but construction activity still has not commenced. The Property Owners are now claiming their general contractor is non-responsive and they are having difficulty and delays retaining another general contractor and cannot provide an expected completion date.

Meanwhile, the Property remains in a state of unfinished construction and blight in violation of, without limitation, MPMC § 4.30.040(c), amounting a continuing public nuisance subject to abatement. While sandbags have been placed along the perimeter of the Property to mitigate against stormwater runoff, rainy season has been uncharacteristically dry this year and there has not been sufficient rain to fully evaluate its efficacy. Completion of construction, which includes an on-site storm water capture system, will help ensure there is no further illicit water discharge from the Property.

On March 7, 2024, the City Attorney filed a civil nuisance abatement action against the Property Owners on behalf of the People of the State of California and the City of Monterey Park as plaintiffs)Los Angeles County Superior Court case no. 24NNCV00087) seeking injunctive relief and/or receivership to complete construction. The City filed a motion for preliminary injunction to prohibit the Property Owners from acting as their own general contractor and to mandate finishing construction as expeditiously as possible and ensuring all resources or provided to do so. A hearing on that motion is currently scheduled for May 23, 2024. With adoption of this Resolution, the City Attorney's Office will seek a hearing before the trial Court to be heard alongside the preliminary injunction

motion on May 23, 2024, for an abatement warrant to either (1) demolish the existing structure and bring the Property into compliance with the City's vacant lot ordinances, or (2) complete the minimum construction on the Property to render it ready for tenant improvements, as determined by the Building Official.

FISCAL IMPACT:

A preliminary engineering estimate puts the cost of completing construction as high as \$1 million, depending on various factors such as the cost of materials and supplies. The demolition cost of the structure and bringing the Property into compliance with the vacant lot requirements of MPMC § 4.30.060 is estimated to be not more than \$400,000. All abatement-related costs are recoverable from the Property Owners, and if not paid, through a nuisance abatement lien placed on the Property to be collected by special tax assessment and foreclosure, if necessary. Accordingly, there will be a net zero cost to the City for this abatement.

Respectfully submitted by:



Timothy E. Campen, Assistant City Attorney

ATTACHMENT(S):

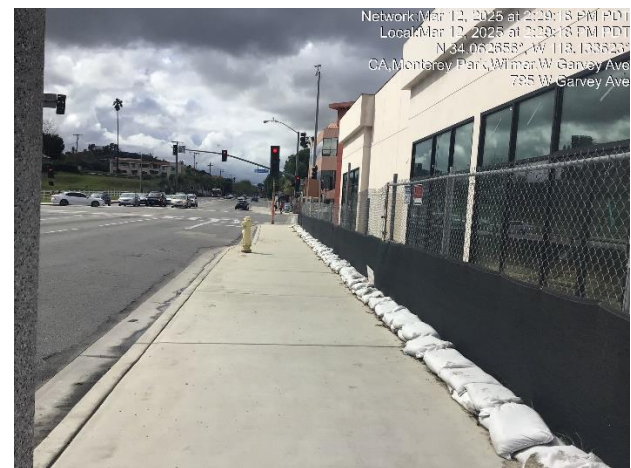
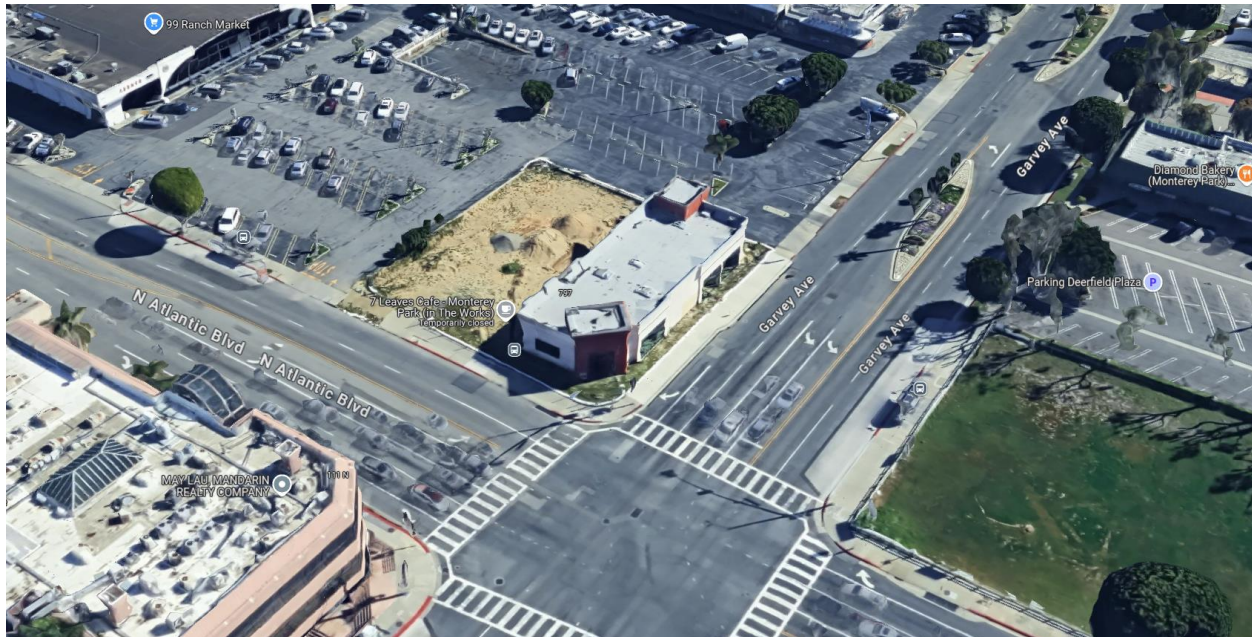
1. Photos of Property
2. Draft Resolution

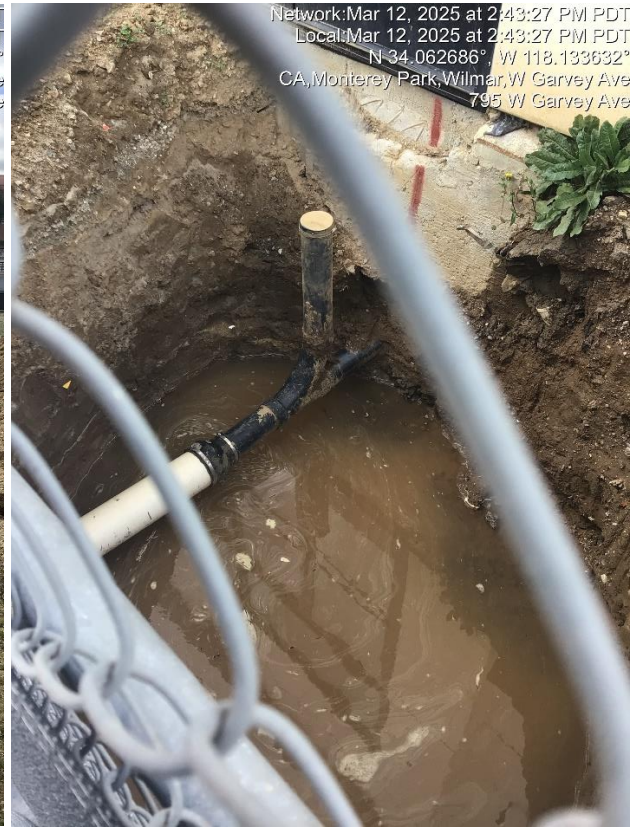
ATTACHMENT – 1

Photos of Property

Attachment 1

Photos of 795 W. Garvey







Staff Report
April 16, 2025

ATTACHMENT – 2

Draft Resolution

RESOLUTION NO. _____

A RESOLUTION ADOPTED PURSUANT TO PUBLIC CONTRACTS CODE § 20168 FINDING THAT AN EMERGENCY EXISTS WITHIN THE CITY AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO § 22050 AND MONTEREY PARK MUNICIPAL CODE (“MPMC”) CHAPTER 2.52.

The City Council does resolve as follows:

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

- A. Pursuant to Public Contracts Code (“PCC”) § 20168, the City Council may, upon a four-fifths vote, declare that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property because of an emergency.
- B. In accordance with PCC §§ 20168 and 22050, the City Council may take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
- C. Real property located at 795 Garvey Avenue (the “Property”) constitutes a public nuisance as its improvements are only partially constructed and have remained so for years in violation of Monterey Park Municipal Code (“MPMC”) § 4.30.040(c). Such public nuisance is directly resulting in illicit storm water discharge from the Property onto the public right-of-way in violation of MPMC § 6.30.030(a).
- D. It is in the public interest for the City Council to direct the City Attorney to seek an abatement warrant from a court of competent jurisdiction to either (1) demolish the existing improvement; or (2) complete the minimum construction required under the approved plans to render the improvements upon the Property ready for occupancy as determined by the Building Official. In either event, abatement of this public nuisance constitutes an emergency as contemplated by Public Contracts Code § 20168.
- E. Under such conditions, the City Council finds that the delay resulting from public bidding would imperil essential public services needed to protect public health and safety and it is in the public's interest to complete procurement of a new contractor in the most expedient fashion.

SECTION 2: *Environmental Assessment.* The City Council's actions are exempt from additional CEQA review as they are being made to protect public and private property and necessary to maintain services essential to the public, health and welfare (see

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

SECTION 3: Declaration of Emergency; Authorization. In adopting this Resolution, the City Council takes the following actions:

- A. Based upon the entirety of the administrative record including, without limitation, the staff report and presentation accompanying this Resolution, the City Council finds that an emergency exists as to abating the Property which constitutes an imminent threat to public health and safety that requires immediate action.
- B. If, based upon the sole discretion of the City Manager, the Property's owners fail to commence substantive progress toward completing the Project within a reasonable time, then the City Council authorizes the City Manager to directly negotiate with a qualified contractor; execute an agreement with such contractor in a form approved by the City Attorney; and expeditiously abate the public nuisance.
- C. The City Council finds that abating the public nuisance in accordance with a court order (i.e., the abatement warrant) is not subject to Labor Code § 1720 since work is (1) accomplished pursuant to a court order; (2) on private property; (3) without any public improvement; and (4) without any public monies being expended. As to the latter, all public monies utilized to abate the nuisance will be recovered from the private property owner by lien on the Property (or otherwise) in accordance with California law.
- D. The City Manager and City Attorney are authorized to undertake all actions required to recover the City's costs related to the Project as authorized by applicable law.

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

SECTION 6: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

PASSED AND ADOPTED this 16th day of April, 2025.

Vinh Ngo, Mayor

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

CERTIFICATION

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

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, DO HEREBY CERTIFY that the whole number of members of the City Council of the said City is five; that the foregoing resolution, being RESOLUTION NO. _____ was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the _____ day of April, 2025, and the same was so passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTENTION:
- NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this _____ day of _____, 2025.

Maychelle Yee, City Clerk
Of the City of Monterey Park,
California
(SEAL)