

**CITY COUNCIL OF MONTEREY PARK
AND THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY
OF THE FORMER REDEVELOPMENT AGENCY
AGENDA**

REGULAR CITY COUNCIL MEETING

**Wednesday
October 21, 2020
6:30 p.m.**

EXECUTIVE ORDER NO. N-29-20

These meetings will be conducted pursuant to Section 3 of Executive Order No. N-29-20 issued by Governor Newsom on March 17, 2020.

Accordingly, Councilmembers will be provided with a meeting login number and conference call number; they will not be physically present at Council Chambers.

Pursuant to the Governor's order, the public may provide public comment utilizing the methods set forth below.

Note that City Hall is currently closed to the public. You will not be admitted to City Hall.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community.

GENERAL INFORMATION

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at <http://www.montereypark.ca.gov/AgendaCenter/City-Council-17>.

The public may watch the meeting live on the city's cable channel MPKTV (AT&T U-verse, channel 99 or Charter Communications, channel 182) or by visiting the city's website at <http://www.montereypark.ca.gov/133/City-Council-Meeting-Videos>.

This Agenda may include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

PUBLIC PARTICIPATION

In accordance with Executive Order No. N-29-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed in the following ways:

Via Email

Public comment will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and, when feasible, read into the record during public comment. Written communications are limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 929 1127 6786 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk’s office will be notified, and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer

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CALL TO ORDER Mayor

FLAG SALUTE Mayor

ROLL CALL Peter Chan, Hans Liang, Henry Lo, Fred Sornoso, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS:

While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

[1.] PRESENTATION – NONE.

[2.] OLD BUSINESS – NONE.

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

3-A. MONTHLY INVESTMENT REPORT – SEPTEMBER 2020

It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

3-B. MINUTES

It is recommended that the City Council, and the City Council acting on behalf of the Successor Agency:

- (1) Approve the minutes from the special and regular meetings of September 2, 2020; and
- (2) Take such additional, related, action that may be desirable.

3-C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) CHAPTER 9.57 IN ITS ENTIRETY AND REPEALING SECTION 9.51.030 TO REGULATE SPECIAL EVENTS WITHIN THE CITY

It is recommended that the City Council consider:

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

3-D. RESOLUTION DECLARING THE MONTH OF NOVEMBER AS “MOVEMBER” TO RAISE AWARENESS TO PROSTATE AND OTHER MALE CANCERS

It is recommended that the City Council consider:

- (1) Adopting Resolution declaring the month of November as “Movember”; and
- (2) Taking such additional, related, action that may be desirable.

3-E. CALIFORNIA LAW ENFORCEMENT RECORDS AND SUPPORT SERVICES DAY

It is recommended that the City Council:

- (1) Adopt a Resolution Declaring Tuesday November 10, 2020 to be Law Enforcement Records and Support Personnel Day; and
- (2) Take such additional, related action that may be desirable.

3-F. AWARD OF CONTRACT TO WATERLINE TECHNOLOGIES, TO PROVIDE CHEMICALS TO BARNES PARK POOL, GEORGE ELDER POOL AND CASCADES WATERFALL

It is recommended that the City Council:

- (1) Award three (3) year contract (with an option to extend for an additional two (2) years) to Waterline Technologies, in the amount of \$72,587 per year, to provide necessary chemicals for two City pools and the Cascades waterfall.
- (2) Authorize the City Manager to execute a standard contract, in a form approved by the City Attorney, with Waterline Technologies.
- (3) Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

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

[4.] PUBLIC HEARING – NONE.

[5.] NEW BUSINESS

5-A. FY 2020-2021 1ST QUARTER FINANCIAL REPORT

It is recommended that the City Council:

- (1) Receive and file the FY 2020-2021 1st Quarter Financial Report;
- (2) Lift the 5% General Fund expenditure hold (\$2,197,117) and authorize the City Manager to revise the budget in accordance with Section 4 of Resolution No. 12169, adopted June 17, 2020;
- (3) Authorize an additional budget appropriation of \$244,280 from the General Fund; and
- (4) Take such additional, related, action that may be desirable.

5-B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 16.01.040 AND ADDING §§ 16.12.020 AND 16.12.030 TO CHAPTER 16.12 (“EXISTING BUILDING CODE”) REGULATING SELF-CERTIFICATION, ALTERATIONS, AND CHANGE OF OCCUPANCY

It is recommended that the City Council consider:

- (1) Introducing and waive first reading of the draft Ordinance; or
- (2) Alternatively, taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹ Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance, by itself, may have a significant effect on the environment. Any project utilizing the 2020 Monterey Park Business Recovery Program will undergo separate CEQA review.

5-C. EXTENDING TIME FOR IMPLEMENTING THE 2020 MONTEREY PARK BUSINESS RECOVERY PROGRAM

It is recommended that the City Council consider:

- (1) Receiving and filing a progress report from the City Manager and Economic Development Manager regarding recovery of the local economy and progress with the 2020 Monterey Park Business Recovery Program;
- (2) Introducing and waiving first reading of an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021; and
- (3) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.² Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance, by itself, may have a significant effect on the environment. Any project utilizing the 2020 Monterey Park Business Recovery Program will undergo separate CEQA review.

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

² CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

[6.] COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

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

ADJOURN



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – September 2020

RECOMMENDATION: It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

As of September 30, 2020 invested funds for the City of Monterey Park is \$84,542,167.50.

BACKGROUND:

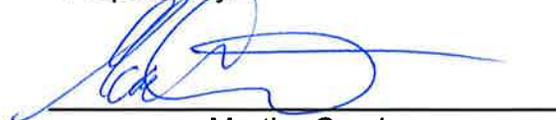
In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates of maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months. The attached monthly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

Respectfully submitted by:



Joseph Leon
City Treasurer

Prepared by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Attachment 1 Monthly Investment Report

**CITY OF MONTEREY PARK
INVESTMENT REPORT
AS OF SEPTEMBER 30, 2020**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 9/30/2020 **\$ 84,542,167.50**

INVESTMENT COMPOSITION

(1)	<u>LA COUNTY POOLED INVESTMENT FUND</u> <i>(See Schedule A for LA County Pool Composition)</i>	ON DEMAND	0.680%	<u>\$ 4,738,626.14</u>
(2)	<u>LOCAL AGENCY INVESTMENT FUND</u>	ON DEMAND	0.810%	<u>\$ 76,328,541.36</u>

		<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
(3)	<u>CERTIFICATES OF DEPOSIT</u>				
1	PREFERRED BANK	09/03/20	09/03/21	0.75%	140,000
2	PREFERRED BANK	09/08/20	09/08/21	0.76%	150,000
3	ALLY BANK MIDVALE	10/06/17	10/05/20	1.95%	245,000
4	AMERICAN FIRST CREDIT UNION	03/06/20	03/07/22	1.60%	245,000
5	CAPITAL ONE NATL BANK	10/25/17	10/26/20	2.00%	245,000
6	CITIBANK NATIONAL BANK	02/07/19	02/08/21	2.65%	245,000
7	DIRECT CFED CREDIT UNION	11/22/17	11/23/20	2.00%	245,000
8	ENVISION CREDIT UNION	06/07/19	06/07/21	2.50%	245,000
9	FIRST SOURCE FED CREDIT UNION	10/08/19	03/26/21	1.95%	245,000
10	GOLDMAN SACHS BANK	10/18/17	10/19/20	1.95%	245,000
11	IBERIABANK	05/30/18	11/30/20	2.70%	245,000
12	MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
13	THIRD FED SAVINGS & LOAN	12/21/17	12/21/20	2.10%	245,000
14	UNIVERSITY IOWA CMNTY	04/30/18	04/30/21	2.75%	245,000
15	WELLS FARGO BANK	02/13/19	02/16/21	2.65%	245,000
	<i>Total CDs (15)</i>			2.001%	<u>\$ 3,475,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ \$ 7,580,371.02

AVERAGE MATURITY DAYS 9

AVERAGE INTEREST RATE FOR THE MONTH 0.855%

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

INTEREST EARNINGS FOR 1ST QUARTER 2020-2021 (ESTIMATED) **\$ 312,164.00**

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

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

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS
AS OF AUGUST 31, 2020

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 08/31/20		
At Cost	\$ 31,023,825,109	\$ 120,142,499
At Market	\$ 31,103,597,467	\$ 122,617,602
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	6.45%	0.00%
United States Government and Agency Obligations	66.85%	61.10%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	26.28%	0.00%
Municipal Obligations	0.10%	2.92%
Corporate and Deposit Notes	0.32%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	35.98%
1-60 days	49.01%	0.00%
61 days-1 year	17.25%	35.98%
Over 1 year	33.74%	64.02%
Weighted Average Days to Maturity	628	



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-B

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

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

- (1) Approve the minutes from the special and regular meetings of September 2, 2020; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Prepared by:



Vincent D. Chang
City Clerk



Henry Lu
Minutes Clerk

Approved By:



Ron Bow
City Manager

Attachments: Minutes

ATTACHMENT 1

Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
SEPTEMBER 2, 2020**

The City Council of the City of Monterey Park held a Special Teleconference Meeting on Wednesday, September 2, 2020 at 5:45 p.m. The special meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

The minutes include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

PUBLIC PARTICIPATION

In accordance with Executive Order No. N-29-20 and guidance from the California Department of Public Health on gatherings, remote public participation was allowed in the following ways:

Via Email

Public comment was accepted up to an hour before the meeting via email to mpclerk@montereypark.ca.gov and read into the record during public comment, when feasible. We request that written communications be limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 932 8776 4478 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance
the quality of life for our entire community

CALL TO ORDER:

Mayor Chan called the meeting to order at 5:45 p.m.

ROLL CALL:

Deputy City Clerk Trang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Director of Management Services Martha Garcia, Deputy City Clerk Cindy Trang

ORAL AND WRITTEN COMMUNICATIONS

None.

CLOSED SESSION

The City Council adjourned to closed session at 5:52 p.m.

**1. CONFERENCE WITH CITY'S LABOR NEGOTIATOR (GOV'T CODE §54957.6):
-1- MATTER**

Employee Organizations: City Manager (unrepresented)

City Designated Representatives: City Attorney

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:23 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SEPTEMBER 2, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, September 2, 2020 at 6:30 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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MISSION STATEMENT

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CALL TO ORDER:

Mayor Liang called the meeting to order at 6:30 p.m.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, City Treasurer Joseph Leon, Fire Chief Matt Hallock, Police Chief Kelly Gordon, Director of Public Works Mark McAvoy, Director of Management Services Martha Garcia, Director of Recreation & Community Services Inez Alvarez, City Librarian Diana Garcia, Economic Development Manager Joseph Torres, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Manager Bow requested Agenda Items Nos. 2B and 5B be moved to the September 16, 2020 City Council meeting.

PUBLIC COMMUNICATIONS

Public Speakers Disclaimer: Meetings are held virtually and the information listed for the speakers may or may not reflect the correct spelling of their respective name.

- Diana Garcia, City Librarian, promoted the Bruggemeyer Library's new Home Delivery Program. For more information the public can contact the Library at 626-307-1368.

1. PRESENTATION

1A. MPK COUNTS CENSUS 2020 – INFORMATIONAL UPDATE

City Librarian Garcia presented an informational update for the MPK Counts Census 2020.

2. PUBLIC HEARING

2A. APPEAL OF PLANNING COMMISSION RESOLUTION NO. 20-01, ADOPTED ON MAY 12, 2020, APPROVING A CONDITIONAL USE PERMIT (CUP-19-13) TO ALLOW A RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH IN THE S-C (SHOPPING CENTER) ZONE – 1970 SOUTH ATLANTIC BOULEVARD

At the July 1, 2020 meeting, the City Council continued this public hearing to September 2, 2020. The original staff report, accompanying documents, and staff report addendum, are attached to the staff report. Written documentation received by the appellants on the afternoon of the July 1, 2020 meeting, are available for download at the following url:

<https://www.montereypark.ca.gov/1328/1970-South-Atlantic>

Public Speakers:

- Virel Petrescu voiced his concerns of reusing the alleys of the proposed location. He stated that the Hillside has been there for many years undisturbed and that if the hillside gets disturbed by repaving and curbing the alley with no retaining walls they are jeopardizing the homes above. He said that the City should not give the alleyway to Raising Canes.
- Sabrina stated that she does not want a drive-through fast food restaurant at the proposed location. She assured that the studies done on the Raising Canes are untrue and that Raising Canes will create more traffic and noise. She expressed her concerns about the soil being contaminated and stated that the testing are incomplete and that there are still toxins in the soil.
- Jeremy Casillas voiced his opposition to the Raising Canes project due to potential increase of traffic, noise, and air pollution. He mentioned that he is an essential worker and needs to be up early and does not want to hear cars or people late into the night. He expressed the need to have a regular sleeping schedule for his daughter, but would be difficult if the restaurant is open late at night. He urged the City Council to take his voice and the residents' concerns into consideration.
- Roger Tanaka expressed his opinion that the project would negatively affect his welfare and general quality of life. He said that businesses in the area already cause excessive noise and adding a high traffic drive-through would be detrimental to the Hillside. He asserted that Raising Canes would be a severe fire hazard and add to the gridlock and congestion on Atlantic Boulevard and Brightwood Street. He communicated that the project should not be placed near residential properties and would create undue pollution, noise, traffic, and countless hazards. He urged the City Council to consider the right to quality of life for himself and all the residents who live next to the propose project.
- Amy Choi conveyed her strong opposition to the Raising Canes project. She communicated that she visited two Raising Canes locations and alleged that there were 40-80 cars in the drive-through at once. She stated that the proposed location is not adequate for the volume of Raising Canes and that it is within 300 feet of direct distance to residents. She said that approving Raising Canes at the proposed location would negatively impact residents for many years to come.

- Catherine O'dell voiced her opposition to the Raising Canes project. She said that the increased traffic in the alley would make it unsafe as there are homes with stairs leading directly into the alley. She stated that she does not believe the traffic report study done for Atlantic Boulevard and Brightwood Street. She expressed that adding 800 more cars going up and down the street would increase the noise levels. She expressed her disbelief in the oil and gas reports provided for the proposed location and stated that there are still contaminations in the soil. She said that the location should not have any fast food restaurant and urged the City Council to bring in mom & pop shops. She voiced her discontent with the hours of operation being 9:00 a.m. – 1:00 a.m. and stated that her child would have difficulty sleeping due to the excess noise. She urged the City Council to enhance the quality of life for the entire community.
- Susan conveyed her opposition to the Raising Canes project. She stated in the past that the hill side washed away. She stated that the alley is not a 2 way street. She asserted that the operating hours until 1:00 a.m. on the weekdays and 3:30 a.m. on the weekends is unacceptable. She stated that there are better lots in Monterey Park that would be better for Raising Canes. She assumed that there is no bathroom facility on site due to being a drive-through and stated people who would need to use the bathroom will use the alley.
- City Clerk Chang received, filed, and read into the record twelve written communications. Three written communications were from the appellants Rafael and Gina Casillas; One written communication was from the applicant, Adam Bierman; Six written communications were in opposition of the Raising Canes Project from: Roger Tanaka, Bill Lam, Eileen and Christopher Romero, Amy Choi; and two written communications were in support of the Raising Canes project from: Andrew Ho and Nancy Arcuri.

Action Taken: The City Council (1) opened the public hearing at 6:54 p.m. to consider the appeal; (2) took testimonial and documentary evidence; (3) Closed the public hearing at 9:22 p.m.; (4) after considering the evidence, the City Council adopted Resolution No. 12194 to uphold Planning Commission Resolution No. 01-20 approving Conditional Use Permit (CUP-19-13) as amended to reduce the hours of operation from 9:00 a.m. – 10:00 p.m.

Motion: Moved by Council Member Sornoso and seconded by Mayor Pro Tem Yiu motion carried by the following vote:

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

Resolution No. 12194, entitled:

A RESOLUTION DENYING AN APPEAL (AP-20-01) AND UPHOLDING PLANNING COMMISSION RESOLUTION NO. 01-20 APPROVING CONDITIONAL USE PERMIT (CUP-19-13) ALLOWING CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH AT 1970 SOUTH ATLANTIC BOULEVARD

RECESSED AND RECONVENED

The City Council recessed at 9:22 p.m. and reconvened with all council members present at 9:30 p.m.

2B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED “ACCESSORY DWELLING UNITS” TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22

On July 1, 2020, the City Council opted to act as the City’s Planning Agency. Government Code §§ 65852.2 and 65852.22 requires the City to amend the Monterey Park Municipal Code (“MPMC”) regulations governing accessory dwelling units (ADUs) and regulations governing Junior Accessory Dwelling Units (“JADUs”). The draft Ordinance would implement those regulations.

CEQA (California Environmental Quality Act):

The Ordinance was revised for compliance with the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.; “CEQA Guidelines”). The Ordinance is exempt from additional environmental review pursuant to CEQA Guidelines § 15282(h) because it is an Ordinance implementing the provisions of Government Code §§ 65852.1 and 65852.2 (as set forth in Public Resources Code § 21080.17) regarding accessory dwelling units in a single-family or multifamily residential zone.

Recommendation: That the City Council (1) Open the public hearing, take testimonial and documentary evidence and, after considering the evidence, introduce and waive first reading of the Ordinance; and/or (2) Take such additional, related, action that may be desirable.

Action Taken: By consensus, the City Council continued the agenda item to the September 16, 2020 City Council meeting.

Draft Ordinance, entitled:

AN ORDINANCE ADDING A NEW CHAPTER 21.50 ENTITLED “ACCESSORY DWELLING UNITS” TO THE MONTEREY PARK MUNICIPAL CODE PURSUANT TO GOVERNMENT CODE §§ 65852.2 AND 65852.22

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

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

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

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

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

3A. MINUTES

Approve the minutes from the Joint regular and special Meetings of June 3, 2020 and June 17, 2020 and the special meetings of June 11, 2020 and June 17, 2020.

Action Taken: The City Council approved the minutes from the Joint Regular and Special Meetings of June 3, 2020 and June 17, 2020 and the Special meetings of June 11, 2020 and June 17, 2020 on Consent Calendar.

3B. AMENDING RESOLUTION NO. 12155 GOVERNING PROCEDURES FOR CITY COUNCIL REORGANIZATION AND ROTATING MAYORAL RESPONSIBILITES

On May 6, 2020, the City Council adopted Resolution No. 12155 establishing procedures for City Council reorganization and rotating mayoral responsibilities. As mentioned during the August 19, 2020 meeting, this resolution amends Resolution No. 12155 to memorialize the actions taken by the City Council regarding mayoral rotation. No other changes are proposed.

Public Speakers:

- City Clerk Chang received, filed, and read into the record one written communication from Bill Lam. Mr. Lam who requested clarification regarding the current Mayoral Rotation and voiced his suggestion for the 2024 Mayoral Rotation.

Action Taken: The City Council adopted Resolution No. 12195 amending Resolution No. 12155 governing procedures for City Council reorganization and rotating mayoral responsibilities.

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

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

Resolution No. 12195, entitled:

A RESOLUTION AMENDING RESOLUTION NO. 12155 GOVERNING PROCEDURES FOR CITY COUNCIL REORGANIZATION AND ROTATING MAYORAL RESPONSIBILITIES

3C. CONTINUE WAIVING THE SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING TITLE 20 (SUBDIVISIONS) OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY IN ACCORDANCE WITH THE SUBDIVISION MAP ACT (GOVERNMENT CODE §§ 66410, ET SEQ.)

The Ordinance was introduced at the August 19, 2020 City Council meeting. On August 19, 2020, the City Council conducted the first reading. The original staff report (from August 19, 2020) is attached to the staff report for reference.

In order for an ordinance approved by the City Council to be enacted, a copy of the ordinance must be published at least five days before the city council meeting at which the ordinance is to be adopted. This requirement may be satisfied by publishing in a newspaper of general circulation either an entire copy of the ordinance, or publishing a summary ordinance. Per City Council Ordinance No. 2043, a summary ordinance is recommended for any ordinance which is more than six pages in length – as a cost-saving mechanism for the City.

The proposed Ordinance is 43 pages long and would cost the City thousands of dollars to publish it in its entirety. The City Clerk's office inadvertently did not publish a summary for this ordinance and is recommending the continuance of the final adoption to September 16, 2020 to provide the City with adequate time to publish a summary ordinance.

Action Taken: The City Council continued waiving the second reading and adoption of the proposed ordinance to the September 16, 2020 City Council meeting on Consent Calendar.

Draft Ordinance, entitled:

AN ORDINANCE AMENDING TITLE 20 OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY REGULATING SUBDIVISIONS IN ACCORDANCE WITH THE SUBDIVISION MAP ACT (GOVERNMENT CODE §§ 66410, ET SEQ.)

3D. N ATLANTIC WATER & SEWER IMPROVEMENT PROJECT – REJECTION OF ALL BIDS AND AUTHORIZATION TO READVERTISE

Upon reviewing the three bids received for the North Atlantic Water & Sewer Improvement Project, staff recommends that all bids be rejected due to an insufficient number of bids received, the apparent non-competitiveness among the bids, and feedback received from prospective bidders. Staff recommends re-advertisement as two separate projects.

Action Taken: The City Council rejected all bids received for the North Atlantic Water & Sewer Improvement Project (Bid Spec 2020-02) and authorized staff to re-advertise the North Atlantic Water & Sewer Improvement Project as two separate projects, one for water improvement only and the other for sewer improvement only on Consent Calendar.

3E. BARNES PARK PLAYGROUND AND FITNESS COURT PROJECT – AUTHORIZATION TO ADVERTISE

Staff has prepared plans and bid specifications for the Barnes Park Playground and Fitness Court project and is requesting the City Council's authorization to advertise the project for construction bids. Additionally, staff is requesting Council to identify a cooperative purchasing agreement executed by and between the City of Bell and Playcore Wisconsin, Inc. dba Gametime, as a cooperative competitive bidding procedure utilized within the last twenty-four months prepared by and processed through another local, state, or federal governmental agency upon which the City can piggy-back to procure playground equipment.

CEQA (California Environmental Quality Act):

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, i.), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt pursuant to CEQA Guidelines § 15301 (Existing Facilities).

Action Taken: The City Council adopted Resolution No. 12196 approving the design and plans for the Barnes Park Playground and Fitness Court Project, authorizing solicitation of bids for construction, and identifying a cooperative purchasing agreement executed by and between the City of Bell and Playcore Wisconsin, Inc. dba Gametime, as a cooperative competitive bidding procedure utilized within the last twenty-four months prepared by and processed through another local, state, or federal governmental agency upon which the city can piggy-back to procure playground equipment; and approved a purchase order for Playcore Wisconsin, Inc. dba Gametime, to procure playground equipment for Barnes Park in the amount of \$248,016.58.

Motion: Moved by Mayor Chan and seconded by Council Member Sornoso motion carried by the following vote:

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

Resolution No. 12196, entitled:

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE BARNES PARK PLAYGROUND AND FITNESS COURT PROJECT PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT

3F. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 3.90.050 REGARDING SIGNATURE AUTHORITY FOR THE CITY MANAGER AND DEPARTMENT DIRECTORS WHEN EXECUTING CONTRACTS ON THE CITY'S BEHALF

The Ordinance was introduced at the August 19, 2020 City Council meeting. On August 19, 2020, the City Council conducted the first reading. The original staff report (from August 19, 2020) is attached to the staff report for reference. Second reading and adoption of this Ordinance amendment is recommended; it will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2187 amending Monterey Park Municipal Code § 3.90.050 on Consent Calendar.

Ordinance No. 2187, entitled:

AN ORDINANCE AMENDING SECTION 3.90.050 OF THE MONTEREY PARK MUNICIPAL CODE ("MPMC") REGARDING SIGNATURE AUTHORITY FOR THE CITY MANAGER AND DEPARTMENT DIRECTORS WHEN EXECUTING CONTRACTS ON THE CITY'S BEHALF

3G. HINDERLITER DE LLAMAS AND ASSOCIATES/HINDERLITER SOFTWARE, LLC MASTER SERVICES AGREEMENT AMENDMENT FOR SALES TAX AND TRANSIENT OCCUPANCY TAX CONSULTING SERVICES

The City has an existing contract with Hinderliter De Llamas and Associates/Hinderliter Software, LLC (HdL) for Sales Tax, Transient Occupancy Tax (TOT), and auditing services. The proposed amendment would extend the term of the Agreement for five years, to September 26, 2025; with the new term limits, the total amount for this agreement would not exceed \$94,994.

Action Taken: The City Council authorized the City Manager to execute an Amendment, in a form approved by the City Attorney, to a master service agreement with Hinderliter De Llamas and Associates/Hinderliter Software, LLC on Consent Calendar.

3H. HINDERLITER DE LLAMAS AND ASSOCIATES/HINDERLITER SOFTWARE, LLC MASTER SERVICES AGREEMENT AMENDMENT FOR REVENUE AUDIT AND CONSULTING SERVICES

The City has an existing contract with Hinderliter De Llamas and Associates/Hinderliter Software, LLC (HdL) for auditing services. The proposed amendment would add business license processing services to the existing scope of services HdL performs for the City.

Action Taken: The City Council authorized the City Manager to execute an Amendment, in a form approved by the City Attorney, to a master service agreement with Hinderliter De Llamas and Associates/Hinderliter Software, LLC on Consent Calendar.

4. OLD BUSINESS

None.

5. NEW BUSINESS

5A. REVIEW AND DISCUSS THE APPOINTMENT OF THE FINANCING TEAM AND PENSION OBLIGATION BOND BASICS

The City of Monterey Park's unfunded accrued liability (UAL) for its CalPERS Miscellaneous and Safety Plans is approximately \$110 million. Annual payments to CalPERS have grown rapidly: from \$5.7 million in FY 2019 to \$7.5 million in FY 2021 and are projected to be over \$10 million by FY 2024. Pension cost increases are the largest financial challenge facing most cities throughout the state and are primarily due to factors outside of the cities' control, namely assumption changes made by CalPERS and below average investment returns. The City is eager to address this issue and has reached out to a team of financial experts to assist with a solution.

Public Speakers:

- Michael Bush, Chief Executive and Strategy Officer of Urban Futures Inc., was present and available for questions.
- Wing-See Fox, Managing Director of Urban Futures Inc., was present and available for questions.

- Raul Amezcua, Managing Director of Stifel, was present and available for questions.
- Vanessa S. Legbandt, Attorney at Law for Stradling Yocca Carlson & Rauth, was present and available for questions.

Action Taken: The City Council considered a Financing Team for the proposed financing: (1a) Ramirez & Co., Inc. to serve as Senior Managing Underwriter; (1b) Stifel, to serve as Co-Managing Underwriter; (1c) Urban Futures, Inc. to serve as Municipal Advisor; (1d) Stradling Yocca Carlson & Rauth to serve as Bond and Disclosure Counsel; (1e) Bartel and Associates to serve as consulting actuary; and (1f) HdL Companies to serve as property tax consultant; and approved the proposed Financing Team for issuing Pension Obligation Bonds and authorized the City Manager to execute agreements, in a form approved by the City Attorney, with the consultants.

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

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

5B. CREATING THE MONTEREY PARK HOMEOWNERS' ASSOCIATION MONITORING PROGRAM AND CONSIDERING AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.10.080 AND 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULAR HOMEOWNERS' ASSOCIATIONS WITHIN THE CITY

During the past two years, the City Council undertook a number of actions to help beautify the City of Monterey Park. Among other things, the City Council established the Neighborhood Improvement and Community Enhancement ("NICE") Task Force to combine the services of several different City Departments when responding to scofflaw properties throughout the City's jurisdiction. These proposed actions would help bolster those efforts. Specifically, these actions would strengthen the City's ability to ensure homeowner and owner associations (collectively, "HOA") enforce conditions of approval issued for planned residential and commercial developments. Responsive HOAs will help maintain common areas within planned developments to reduce the burden on the City's code enforcement officers to enforce the Monterey Park Municipal Code ("MPMC").

CEQA (California Environmental Quality Act):

The proposed actions are exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations (“CCR”) §§ 15000, *et seq.*) because they establish rules and procedures to clarify existing policies and practices related to discretionary permitting; do not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitute an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, these actions do not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Recommendation: That the City Council (1) Introduce and waive first reading of the draft ordinance; (2) Adopt a Resolution creating the Monterey Park Homeowners’ Association Program; or (3) Alternatively, take such additional, related, action that may be desirable.

Action Taken: By consensus, the City Council continued the agenda item to September 16, 2020 City Council meeting.

Draft Ordinance, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.10.080 & 21.04.475, AND CHAPTERS 21.32 AND 4.30 TO REGULATE HOMEOWNERS ASSOCIATIONS WITHIN THE CITY

Draft Resolution, entitled:

A RESOLUTION CREATING THE MONTEREY PARK HOMEOWNERS ASSOCIATION MONITORING PROGRAM FOR THE PURPOSE OF PREVENTING NUISANCE CONDITIONS BY ENSURING THAT HOMEOWNERS ASSOCIATIONS ARE ADEQUATELY RESPONSIVE TO THEIR RESPECTIVE PROJECTS

6. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

6A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT OF FRIENDLY COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND DAVAO CITY, PHILIPPINES – REQUESTED BY COUNCIL MEMBER LIANG

Action Taken: The City Council adopted Resolution No. 12197 finalizing an agreement of friendly cooperation between the City of Monterey Park and Davao City, Philippines.

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

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

Resolution No. 12197, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK FINALIZING AN AGREEMENT OF FRIENDLY COOPERATION BETWEEN THE CITY OF MONTEREY PARK AND DAVAO CITY, PHILIPPINES

6B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (MPMC) §§ 6.20.020 AND 9.100.020 TO INCLUDE CANNABIS AND ITS DERIVATIVES AS PART OF THE PROHIBITION ON SMOKING IN OUTDOOR PUBLIC AREAS AND REGULATION OF TOBACCO RETAILER LICENSING – REQUESTED BY MAYOR CHAN

The proposed Ordinance amends MPMC § 6.20.020 to expand the definitions of the City's smoking prohibitions to include cannabis in order to place the same restrictions on all types of smoke – not just smoke produced by tobacco products; as well as MPMC § 9.100.020 to explain that the City's tobacco retailer license is also meant to regulate the sale and use of cannabis products.

Action Taken: The City Council introduced and waived first reading of an Ordinance amending Monterey Park Municipal Code (MPMC) §§ 6.20.020 and 9.100.020 to include cannabis and its derivatives as part of the prohibition on smoking in outdoor public areas and regulation of tobacco retailer licensing.

Motion: Moved by Mayor Chan and seconded by Council Member Lo motion carried by the following vote:

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

Ordinance, 1st Reading, entitled:

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 6.20.020 AND 9.100.020 TO INCLUDE CANNABIS AND ITS DERIVATIVES AS PART OF THE PROHIBITION ON SMOKING IN OUTDOOR PUBLIC AREAS AND REGULATION OF TOBACCO RETAILER LICENSING

COUNCIL COMMUNICATIONS

Council Member Liang had nothing to report.

Council Member Lo stated he is looking forward to the Back to School Census 2020, Popsicle Parade and encouraged the public to complete the 2020 Census by September 30, 2020.

Council Member Sornoso had nothing to report.

Mayor Pro Tem Yiu stated that she attended Tang Gong Seafood reopening and encouraged the public to try out their Dim Sum lunch.

Mayor Chan stated that he attended the San Gabriel Valley City of Governors and reported that the City of Alhambra had a presentation on a study of the Interstate-710 Freeway situation. He requested staff to contact the City of Alhambra to set up a presentation of the Interstate-710 Freeway to the City of Monterey Park. He reported that the Metro Service Council had lengthy discussion on proposals provided by the general public. He thanked the Recreation and Parks Department for their Back to School Census 2020 Popsicle Parade that encouraged the public to complete the 2020 Census.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:58 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-C

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Police Chief
SUBJECT: Waive further reading and adopt an Ordinance amending Monterey Park Municipal Code ("MPMC") Chapter 9.57 in its entirety and repealing section 9.51.030 to regulate Special Events within the City.

RECOMMENDATION:

It is recommended that the City Council consider:

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

EXECUTIVE SUMMARY:

The first reading and introduction of the Ordinance took place at the October 7, 2020 City Council meeting. The original staff report (from October 7, 2020) is attached for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Respectfully submitted by:



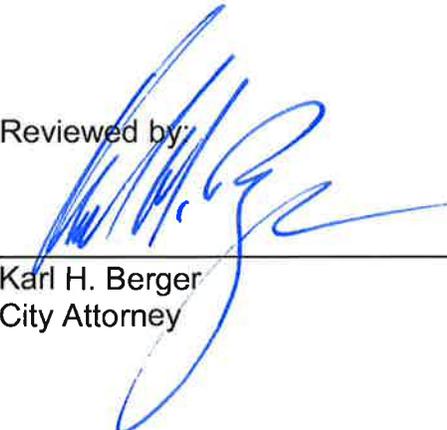
Kelly Gordon
Police Chief

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. October 7, 2020 Staff Report

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 9.57 IN ITS ENTIRETY AND REPEALING SECTION 9.51.030 TO REGULATE SPECIAL EVENTS WITHIN THE CITY.

The City Council does ordain as follows:

SECTION 1. Chapter 9.57 of the Monterey Park Municipal Code (“MPMC”) is amended in its entirety to read as follows:

“Chapter 9.57

SPECIAL EVENT PERMITS.

§ 9.57.010 Purpose.

This chapter is adopted pursuant to the city’s police powers and California Vehicle Code § 21101(e), and any succeeding statute, for the purpose of regulating parades, athletic events, block parties and public assemblies on or within a city street, parking facility, sidewalk or other public right-of-ways that obstruct, delay or otherwise interfere with the normal flow of vehicle or pedestrian traffic, or which do not comply with applicable traffic laws or controls.

§ 9.57.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter.

- A. “Athletic event” means any event where a group of persons collectively engage in a sport or form of physical exercise on or within a city street, parking facility, sidewalk, or other public right-of-way, including, without limitation, jogging, running, racing, bicycling, rollerblading, and roller skating.
- B. “Block party” means a noncommercial sociable gathering on a local, not arterial or collector, street or area requiring partial or complete street closure to vehicular traffic and use of the street for the festival.
- C. “City Manager” means the City Manager or designee.
- D. “Director” means the Public Works Director, or designee.

- E. "Event" means any parade, athletic event, block party, or public assembly that may require partial or complete street closure to vehicular traffic and use of the street for the event.
- F. "Free speech" means activity protected by the First Amendment of the United States Constitution and/or Article 1, Section 2 of the California Constitution provided that such activity is a significant part of the event.
- G. "Group" means two or more individuals.
- H. "In writing" means telegram, facsimile, electronic mail or any other written document.
- I. "Parade" means any organized march or organized procession of animals, vehicles or persons on or within a city street, parking facility, sidewalk or other public right-of-way.
- J. "Permittee" means a person or entity to which the city issues a permit pursuant to this chapter.
- K. "Public assembly" means any group of people participating in an organized activity on or within a city street, parking facility, sidewalk or other public right-of-way, other than a group of people participating in an athletic event, block party or parade.
- L. "Public right-of-way" includes, without limitation, real property owned or leased by the City of Monterey Park. Examples include, without limitation, public parks and open areas at City Hall.
- M. "Public safety officer" has the same definition as set forth in Government Code § 3301, and any successor statute.

§ 9.57.030 Administration by Director.

The Director will receive applications, issue and revoke permits, and otherwise implement this chapter according to the procedures herein.

§ 9.57.040 Notices.

- A. Where this chapter require that an applicant/permittee be provided notice, such notice will be served when personally delivered to such applicant/permittee; when electronically mailed to the last known email address; or when deposited in the first class U.S. Mail, addressed to such applicant/permittee at the applicant/permittee's last known address.

- B. Unless otherwise provided, written notification to a permittee/applicant of a permit decision will state with particularity the basis for such decision.

§ 9.57.050 Permit requirements.

- A. Without a valid permit issued pursuant to this chapter, it is unlawful for any person to conduct, sponsor, or knowingly participate in any event on or within any city street, sidewalk, parking facility, or other public right-of-way that obstructs or interferes with the normal flow of vehicular or pedestrian traffic or which does not comply with applicable traffic laws or controls.
- B. A permit is not valid until the Director receives the applicant's written acceptance in accordance with this chapter.

§ 9.57.060 Exceptions.

A special event permit is not required for a parade consisting of a vehicular funeral procession or wedding procession.

§ 9.57.070 Fees.

- A. Except as otherwise provided by federal, state, or local laws, or other City Council authorized restrictions, all fees applicable to this chapter including, without limitation, fees for using public property, will be established by City Council resolution.
- B. Charges will be imposed for city services provided to a permittee other than public safety and emergency services. Such charges will be determined by the applicable servicing city department(s) and will be based on the actual cost incurred by the city in providing such services. Such service charges will include, without limitation, charges for labor, supervision, overhead, administration and using city equipment or supplies. Additional charges may be imposed to cover the cost of extraordinary permit investigation and staff costs, if the Director determines this necessary.
- C. Traffic Control Fee. Permittee will pay the city a fee in an amount equal to the city's total estimated costs for providing all of the personnel and materials, including, without limitation, public safety personnel, necessary to control and monitor pedestrian and vehicular traffic for such event. Such fee will be paid by the permittee before the Director issues a permit. The traffic control fee may be waived by the Director for any permit authorizing an event involving an exercise of free speech rights. Such waiver may be granted only upon a showing of the applicant's inability to pay, which will be supported by a financial declaration.

- D. Fee Waivers. Upon an applicant's request, the Director may, but is not required to, seek a fee waiver from the City Council for an event. Fees may only be waived for the following applicants:
 - 1. Non-profit groups with current Internal Revenue Code 501(c)(3) or 501(c)(6) status, government agencies, and public schools; or
 - 2. Community service groups or organizations without current Internal Revenue Code 501(c)(3) status where the City Council, by resolution, determines that the proposed event provides services that meet community needs and it is in the public interest to waive such fees.

§ 9.57.080 Right of Administrative Review.

Except as otherwise provided, an applicant may request administrative review of the Director's decision pursuant to this chapter.

§ 9.57.090 Time for Administrative Review.

- A. Except as otherwise provided, a request for review must be commenced within five days from the date on which written notice of the Director's decision is served on the applicant/permittee.
- B. If request is untimely, the Director may, nevertheless, extend the time for commencing such review for good cause shown.

§ 9.57.100 Commencement of Administrative Review.

A request for administrative review will be on a form provided by the Director and contain the following information:

- A. The name, address and telephone number of the person making the request;
- B. A description of the decision, determination or order which is the subject of the review, and the date such decision, determination or order was made or issued;
- C. A brief description of all grounds for making the request; and
- D. Such other information as may be required by the Director.

§ 9.57.110 Administrative Review.

- A. Upon request for administrative review being filed, the Director will provide a copy of the notice to the City Manager within two business days.
- B. Upon receiving a request for review from the Director, the City Manager will review the request and, within 10 business days of receiving the request notice, provide the appellant with a written notification that:
 - 1. The Director's decision is affirmed;
 - 2. The Director's decision is modified;
 - 3. The Director's decision is reversed and a permit is issued or issued without special conditions.
- C. The City Manager may, but is not required to, conduct a hearing at a time and place determined at the City Manager's sole discretion.
- D. In addition to other provisions of this chapter, any notification to the requestor must set forth any modifications of the Director's decision.

§ 9.57.120 City Council Appeal.

Unless otherwise provided, an applicant may appeal the City Manager's decision to the City Council within 10 days of that decision as provided elsewhere in this code or by city policy and procedure.

§ 9.57.130 Permit Application – Form and Content – All Events.

- A. Permit applications will be filed by a natural person.
- B. Permit applications will be in a form prescribed by the Director and, for all events, will contain the following information:
 - 1. The name, mailing address, and daytime and evening telephone numbers of the person filing the application;
 - 2. If the event is to be conducted by an organization, the name, mailing address, and daytime telephone number of the organization; and if requested by the Director, written documentation of the authority under which the applicant is applying for the permit on behalf of the organization;
 - 3. The name, mailing address, and daytime telephone number of the person who will be present during, and responsible for, the event;

4. The name, mailing address, and daytime and evening telephone number of any workers to be employed during the event;
5. The name, mailing address, and daytime and evening telephone number of an alternate person to contact if an emergency arises and the applicant is unavailable;
6. The nature of the event;
7. The proposed date and estimated starting and ending time of the event;
8. The proposed location of the event, including its boundaries;
9. The estimated number of participants in the event;
10. The type and estimated number of vehicles, animals and structures that will be used in the event;
11. A description of any sound amplification equipment to be employed at the event;
12. The number, size, and material of construction of any signs or banners to be used in the event;
13. The parking requirements for the event;
14. The location of any water, first aid, or comfort stations to be provided at the event;
15. The type and number of any vendors who will sell food, beverages or other goods or services at the event for which a business license is required by this code;
16. The type of entertainment;
17. Any temporary structure(s) including, without limitation, stages for performances and entertainment; and
18. Location and number of portable restroom facilities.

§ 9.57.140 Additional Information Required for Parades.

In addition to the information required in this chapter, every application for

a parade will include the following information:

- A. The time when units of the parade will begin to assemble;
- B. The proposed assembly point for the parade;
- C. The proposed parade route;
- D. The interval space to be maintained between units of the parade; and
- E. The number, types and size of floats.

§ 9.57.150 Additional Information Required for Block Parties.

In addition to the information required by this chapter, every applicant for a block party will include the following information:

- A. The number of occupied houses within the proposed block party boundaries;
- B. A drawing of the street layout, block party boundaries and proposed barricades; and
- C. The written consent for the block party of at least 2/3 of the property owners/residents on the street within the affected area. The petition must clearly state the time, date, place and sponsor of the event. The name, address, telephone and signature of the persons giving consent must be included.

§ 9.57.160 Supplemental Information Required by the Director.

In addition to the information required by this chapter, applications for all permits authorizing an event will include such supplemental information which the Director may find reasonably necessary, given the nature of the event, in order to determine whether to approve or deny a permit authorizing such event in the manner hereinafter provided by this chapter.

§ 9.57.170 Action on Permit Application – Review by City Officers.

- A. After an event permit application is filed, the Director will immediately forward the application to Directors, or designees (collectively “reviewing officers”), whose departments are affected by the proposed event for their recommendations. The reviewing officers must include the Fire Chief, Police Chief, and Risk Manager.

- B. Upon receiving an application, the reviewing officers will consider the application, conduct any necessary investigation, and provide the Director with written recommendations regarding:
 - 1. Any special conditions for a permit;
 - 2. Whether, based on the scope of the proposed event, a pre-event operational meeting is required. Should such a meeting be necessary, the Director will notify the applicant of the time and place of the meeting within a reasonable time before the event; and
 - 3. Any additional recommendations.
- C. The reviewing officers must complete their review within the time that the Director must make a decision on the application.

§ 9.57.180 Time Requirements – Events.

- A. Except as provided in this chapter, completed applications for a permit authorizing an event must be filed in the Director's office at least:
 - 1. Seventy days before the date of such event to ensure administrative and City Council appeals;
 - 2. Thirty days before the date of such event, in which case the applicant will waive its ability for a City Council appeal; or
 - 3. A lesser time period approved by the Director provided that there is sufficient time to process the application pursuant to this chapter. Any applicant submitting an application pursuant to this section less than 30 days before an event waives the administrative review and City Council appeal.
- B. Except as provided in this chapter, completed applications for a permit authorizing an event will be denied, approved, or conditionally approved by the Director within 15 business days after receiving the completed application. Following his/her decision, the Director will promptly attempt to notify the applicant orally and will provide written notification to the applicant.
- C. Unless otherwise provided, the applicant's acceptance of the approval or conditional approval must be received by the Director within five business days after the applicant was served with notification of the decision. Failure of affected persons to receive actual notice of an event after permittee has provided reasonable notice will not invalidate a permit.

§ 9.57.190 Time Requirements – Block Parties.

- A. Completed applications for a permit authorizing a block party:
 - 1. Will be filed in the Director’s office at least 15 business days before the date of such event or 10 business days if the applicant wishes to waive his/her administrative review rights;
 - 2. Will be denied, approved, or conditionally approved by the Director within seven business days after receiving the application. The Director will promptly attempt to notify the applicant orally and provide written notification to the applicant and City Manager.
- B. Applicant’s acceptance of the approval or conditional approval must be received by the Director within three business days after the applicant is served with notice. Failure to accept the decision or to timely file a request for administrative review will be deemed a withdrawal of the application.
- C. If the applicant filed a completed application at least 15 business days before the event and the permit is denied or conditioned, the applicant may request an administrative review to the Director in writing within three business days of being served with notice of the decision.
- D. Applicant will be deemed to have waived his/her administrative review rights should the applicant fail to:
 - 1. Submit a completed application at least 15 days before the event;
 - 2. Fail to request review of the Director’s decision; or
 - 3. Fail to attend the administrative hearing personally or through an authorized representative.
- E. The Director’s decision is a final determination. There will be no right of City Council appeal.

§ 9.57.200 Time Requirements – Free Speech Event.

- A. Completed applications for a permit authorizing a free speech event:
 - 1. Will be filed in the Director’s office at least two business days before the date of such event to ensure an administrative review. The Director may, but is not required to, accept a completed application less than two business days before an event upon good cause

shown. Applications will not be accepted less than 24 hours before an event.

2. Will be denied, approved, or conditionally approved by the Director within one business day after receiving the application. The Director will promptly attempt to notify the applicant orally and provide written notification to the applicant and City Manager. Such notice will provide detailed facts and reasons for any denial or conditional approval.
 3. The Director will consult with the city attorney's office before denying, or specially conditioning, a permit for a free speech event.
- B. Applicant's acceptance of the approval or conditional approval must be received by the Director at least 24 hours before the event except for good cause shown. Failure to accept the Director's decision or to timely file an administrative review request will be deemed a withdrawal of the application.
- C. The applicant may appeal to the City Manager in writing within one business day of either oral or written notification, whichever is first.
- D. An administrative hearing will be held at a time and place mutually agreeable to the parties. If the parties cannot agree on the time or place, then it will be held the next business day after the Director's decision at 4:00 P.M. either electronically or in the City Manager's office. The City Manager will issue a decision orally at the conclusion of the hearing and will also notify the applicant and the Director in writing of the City Manager's decision. Any notification will describe, with particularity, the facts and reasons supporting the decision.
- E. The City Manager's decision is a final determination. There will be no right of City Council appeal.
- F. Applicant waives administrative review rights should the applicant fail to:
1. File a completed application at least two days before an event;
 2. Seek review of the Director's decision; or
 3. Attend the administrative hearing personally or through an authorized representative.

§ 9.57.210 Action on Permit Application – Permit Issuance.

- A. The Director must issue a permit if
 - 1. The application was complete in accordance with this chapter;
 - 2. There are no grounds for denying the permit; and
 - 3. Applicant accepts the permit approval or conditional approval in writing.

- B. Use of any permit issued pursuant to this chapter will conform to the general permit conditions of this chapter and, if applicable, special permit conditions reasonably deemed necessary by the Director to protect public, safety or welfare. Such special conditions may include, without limitation, conditions for controlling pedestrian or vehicle traffic and for protecting public or private property.

§ 9.57.220 Action on Permit Application – Permit Denial.

A permit may be denied for the following reasons:

- A. The application is incomplete;
- B. The applicant failed to provide reasonable supplemental application information requested by the Director;
- C. Information submitted by the applicant is materially false;
- D. Applicant seeks approval for an event that is so close in time and location to another event scheduled for the same date as to cause unreasonable traffic congestion or to overextend public safety or emergency services;
- E. The event's time, route, or method will unreasonably interrupt the safe and orderly movement of traffic contiguous to the site or route of the event;
- F. The concentration of persons, animals, or vehicles at the event, or at the site of an assembly or disbanding, prevents public safety or emergency services from reaching areas at or contiguous to the event;
- G. The size of the event will overextend public safety or emergency services to the extent that the safety of event participants, attendees, or the remainder of the city will be seriously jeopardized. This provision does not authorize denying a permit because of the need to protect participants from the conduct of others if reasonable permit conditions can be imposed;

- H. The event consists of a parade that will not move from its point of origin to its point of termination in three hours or less;
- I. The location of the event will substantially interfere with construction or maintenance work previously scheduled to take place on or along the city street, parking facility, sidewalk or other public right-of-way to be occupied by the event;
- J. The event will occur along a route or location adjacent to a hospital or extended care facility, and the noise created by the event would substantially disrupt the operation of the hospital or extended care facility or disturb the patients within;
- K. The event will occur at a time when a school is in session and along a route or at a location adjacent to the school or a class thereof, and the noise created by the activities of the event will substantially disrupt the educational activity of such school or class;
- L. The decorative material on parade floats is not fire resistive or flame retardant or motorized parade floats and towing apparatus are not provided with portable fire extinguisher readily accessible to the operator, as provided in the latest adopted edition of the California Fire Code, or any similar provision in subsequent revisions of such code;
- M. The application is not timely submitted and there is insufficient time to investigate and process the application pursuant to the timelines herein.

§ 9.57.230 Alternative time, place, or manner.

If the Director denies a permit for an event that would be acceptable by changing the event's time, place, or manner, then the Director will inform the applicant of such alternatives. Should the applicant accept the alternative time, place, or manner then the Director will issue a permit in accordance with this chapter.

§ 9.57.240 General Permit Conditions – Indemnification Agreement.

Permittees must execute a hold harmless agreement in a form approved by the city attorney which will, in part, indemnify city, its officers, employees, and agents, from any liability arising from permittee's event in a form approved by the city attorney's office. Such agreement must be filed with the Director before a permit is issued.

§ 9.57.250 General Permit Conditions – Liability Insurance.

- A. Insurance Requirements. Permittee must obtain the insurance required by City Council resolution.
- B. Waiver of Insurance Requirements. The insurance required by this section must be waived by the Director for any permit authorizing an event involving an exercise of free speech rights.

§ 9.57.260 General Permit Conditions – Notice To Adjoining Property Owners.

Permittees must attempt to notify all affected persons, by any reasonable means, regarding the event's nature, date, and time as specified by the Director. Failure of the permittee to give such notice will not invalidate a permit.

§ 9.57.270 Special Permit Conditions.

- A. Grounds for Special Permit Conditions. The Director may condition a permit with reasonable requirements concerning the time, place, or manner of holding such event as necessary to protect the safety of persons and property or to control vehicular and pedestrian traffic in and around the site of the event, provided that these requirements will not be imposed in a manner that will unreasonably restrict the exercise of free speech rights.
- B. Conditions may include, without limitation, the following:
 - 1. Assembly or disbanding area for a parade;
 - 2. Accommodating an event's pedestrian and vehicular traffic, including restricting events to city sidewalks, portions of a city street, parking facility, or other public right-of-way;
 - 3. Avoiding substantial interference with public safety and/or emergency service access;
 - 4. The number and type of vehicles, animals, or structures to be displayed or used in the event;
 - 5. Inspection and approval by city personnel of stages, booths, floats and other structures or vehicles to be used or operated in the event, to ensure that such structures or vehicles are safely constructed and can be safely operated;
 - 6. A cleaning deposit if the event includes using structures; displaying or using horses or other large animals; operation of water stations;

- food sales; beverage sales; and/or or sale of other goods or services;
7. Use of traffic cones and barricades;
 8. Operation of first aid stations or sanitary facilities, including handicap-accessible sanitary facilities;
 9. Use of garbage containers, and the cleanup and restoration of the site of the event at the termination of the event;
 10. Use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used during the event;
 11. The manner for providing notice of permit conditions to event participants;
 12. Use of emergency services;
 13. Alternate sites, times, dates or modes for exercising free speech rights;
 14. Obtaining of all business licenses required by this code for the sale of food, beverage or other goods or services at the event; and
 15. The manner of which alcohol sales and service, if any, will be conducted.

§ 9.57.280 Subsequent Conditions.

- A. Grounds for Special Permit Subsequent Conditions. The Director may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.
- B. Notice of Special Permit Subsequent Conditions. Should subsequent conditions be required, the Director will serve written notice on the permittee of this decision. When acting upon information obtained 24 hours before an event, the Director may orally inform the permittee, and city personnel overseeing the event, of the new conditions.
- C. Except where otherwise provided, a permittee may seek review of imposition of subsequent conditions to the Director as provided in this chapter. The Director's decision is a final determination. There will be no right of administrative or City Council appeal.

- D. Except where otherwise provided, an applicant conducting a free speech event may appeal the decision to impose subsequent conditions through a hearing before the City Manager. The City Manager's decision is a final determination. There will be no right of City Council appeal.
 - 1. An applicant is entitled to an appeals hearing provided the applicant appeals the Director's decision within 24 hours of receiving notice of such conditions and the event's purpose is for free speech.
 - 2. The hearing will be electronic or at the City Manager's office at 4:00 P.M. the next business day after the hearing is requested, unless otherwise agreed upon. The City Manager will issue a decision orally at the conclusion of the hearing and will also notify the applicant and the Director in writing of the City Manager's decision. Any notification will describe, with particularity, the facts and reasons supporting the decision.

§ 9.57.290 Permit Revocation.

- A. The Director will revoke an event permit upon learning or discovering facts requiring permit denial not previously disclosed or reasonably discoverable.
- B. The Director may revoke an event permit when the permittee or event violates the permit's terms and conditions, or when event participants violate applicable laws or regulations; provided, however, that this subsection will not authorize revoking a permit because of the need to protect participants from the conduct of others; and, provided further, that the Director will not revoke a permit without warning the permittee and allowing him/her to correct the violation(s) within a reasonable time.
- C. If the Director revokes a permit before the date of the event, the Director will immediately serve written notice of revocation on the permittee and will provide copies of the notice to all city personnel charged with carrying out any responsibility under this chapter. If the Director revokes a permit on the day of the event after learning of facts justifying revocation less than 24 hours before the event commenced, the Director will announce such action to the event participants, to those city officers and employees monitoring or controlling traffic during the event, and to the person in charge of the event, if such person can be located at the site of the event. Written notice will be delivered after such action to the permittee and City Manager.
- D. An applicant is entitled to an appeals hearing before the City Manager provided

1. The applicant appeals the Director's decision within 24 hours of receiving notice of such conditions; and
 2. The event is scheduled at least 48 hours after the hearing time.
 3. The hearing will be at the City Manager's office at 4:00 P.M. the day after the hearing is requested, unless otherwise agreed upon. The City Manager will issue a decision orally at the conclusion of the hearing and will also notify the applicant, the Director in writing of the City Manager's decision.
 4. Content of Notices of Revocation. Any notification of action, whether oral or written, will describe with particularity the facts and the reasons for the decision.
- E. The City Manager's decision is a final determination. There will be no right of City Council appeal.
- F. The Director or City Manager can only revoke a permit for a free speech event after consulting with the City Attorney.

§ 9.57.300 Emergency Suspension of Authorized Event.

The Director and any sworn public safety officer may temporarily suspend an event whenever there is an emergency that requires such action to protect public safety. Should this occur, the permittee and event participants will immediately comply with the suspending officer's instructions. The Director will immediately attempt to notify the applicant orally and will notify the applicant and the City Manager in writing, within 24 hours after the suspension, citing with particularity the facts and the reasons for the suspension.

§ 9.57.310 Expedited Judicial Review.

Pursuant to Code of Civil Procedure § 1094.8(c), and any successor statute or regulation, actions related to the conditioning or denial of free speech event permits in this chapter are designated for expedited judicial review pursuant to the procedure set forth in Code of Civil Procedure § 1094.8.

§ 9.57.320 Cordoning Off the Route or Site of an Event.

The Director is authorized and directed to establish traffic and crowd control devices on or within the city's streets, parking facilities, sidewalks, or other public rights-of-way, and to undertake other actions necessary to cordon off

the route or site of an event. In addition, the Director will, when appropriate, cause the route or site of such event to be posted as a no-parking zone for the duration of the event and sufficiently in advance thereof as may be necessary to prevent vehicles from parking along the route or at the site of the event.

§ 9.57.330 Public Conduct during an Authorized Event.

- A. Interference with Event. It is unlawful to physically obstruct, impede, hamper or otherwise interfere with any event authorized by a permit or with any person, animal or vehicle participating or used in such event.
- B. Driving Through the Site of Parade or Athletic Event. It is unlawful to drive a vehicle between vehicles or persons traversing the route of a parade or athletic event authorized by a permit when such vehicles or persons are in motion.
- C. Prohibited Parking. It is unlawful to park along or within any portion of the route or site of an event authorized by a permit, when the route or site had been posted as a no-parking zone by the Director in the manner authorized by this chapter.
- D. Prohibited Items. It is unlawful for any person participating in an event to possess any of the following:
 - 1. Any length of lumber wood, wood, or wood lath that is longer than 12 inches unless that object meets all of the following criteria: (a) is made of wood; (b) is one-quarter inch or less in thickness; and (c) is blunted at all ends;
 - 2. Any length of metal or plastic pipe, whether hollow or solid that is longer than 12 inches except that hollow plastic piping that meets all of the following criteria may be used solely to support a sign, banner, placard, puppet or other similar expressive display: (a) is one-quarter inch or less in its thickest dimension; (b) is blunted at all ends; and (c) is not filled with any material, liquid, gas or solid;
 - 3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under subsections (1) and (2) of this section, unless such sign, poster, banner, plaque or notice is constructed solely of soft material, such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than one-quarter inch in thickness;
 - 4. Baseball or softball bats, regardless of composition or size, except

that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;

5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
 6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
 7. Weapons such as firearms, knives, swords, sabers or other bladed devices, axes, hatchets, hammers, ice picks, razor blades, nunchucks or martial arts weapons of any kind, box cutters, pellet guns, BB guns, conducted electrical weapons (CEWs), including, without limitation, tasers or stun guns, metal/composite/wooden knuckles, or any chain greater than 20 inches in length or greater than one-quarter inch in diameter;
 8. Balloons, bottles or any other container, such as water cannons or super soakers, filled with any flammable, biohazard or other noxious matter which is injurious, or nauseous, sickening or irritating to any of the senses, with intent to throw, drop, pour, disperse, deposit, release, discharge or expose the same in, upon or about any demonstration, rally, protest, picket line or public assembly;
 9. Glass bottles, whether empty or filled;
 10. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
 11. Shields made of metal, wood, hard plastic or any combination thereof; or
 12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.
 13. Nothing in this section prohibits an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in an event. Further, nothing in this section prohibits imposing specific conditions for activities expressly authorized under a permit issued this chapter.
- E. Warnings. When feasible, excluding exigent circumstances, a warning

must be issued before enforcement of the provisions of this section. Such warning is sufficient if provided orally by posted signs or by amplified announcement.”

SECTION 2. MPMC § 9.51.030 is repealed:

~~9.51.030 Demonstration equipment.~~

~~No person shall carry or possess while participating in any demonstration, rally, picket line or public assembly any length of lumber, wood or wood lath unless that object is one-eighth inch or less in thickness and one inch or less in width and three feet or less in length, except as otherwise permitted pursuant to Chapter 9.57.~~

SECTION 3. *Environmental Review.* This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures to permit operation of existing facilities; minor temporary use of land; ensure maintenance, restoration and protection of the environment; and regulate normal operations of facilities for public gatherings. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15061(b)(3), 15301, 15304(e), 15308, and 15323.

SECTION 4. *Effectiveness.* Repeal of any provision of the Monterey Park Municipal Code will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

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

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

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

City of Monterey Park
Ordinance No. xxxx
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SECTION 8. *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 9. *Effective Date.* This Ordinance will become effective 30 days after its adoption.

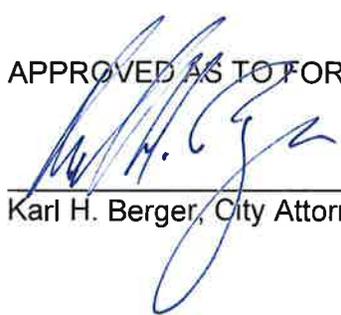
PASSED AND ADOPTED this _____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 2

October 7, 2020 Staff Report
(Without Attachments)



City Council Staff Report

DATE: October 7, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-C

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Police Chief
SUBJECT: Adoption of Ordinances amending the Monterey Park Municipal Code to regulate special event permits within the City.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting an urgency Ordinance regulating special event permits within the City;
2. Waive first reading and introducing an Ordinance regulating special event permits within the City; and
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

A review of the existing regulations in the Monterey Park Municipal Code ("MPMC") show that the process for approving special events is antiquated. It is crucial – particularly in the current circumstances – that the public and the City's officials are clearly informed regarding how to conduct special events; ensure that such events do not unduly interfere with the normal flow of vehicle and pedestrian traffic; protect public health, safety, and property; and promote the public's right to engage in constitutionally protected activities.

BACKGROUND:

The City has issued special event permits for a variety of events and activities over the years. However a formal process is needed to improve consistency and communicate with the public how to apply for and conduct special events. These Ordinances would govern the application process and special event permit requirements.

Recent experiences in major metropolises such as Seattle, Portland, and Washington, D.C., show that it is vital that cities be well-prepared to properly respond to public sentiment regarding the current affairs while also protecting private/public property, health, and safety.

The adoption of the urgency ordinance and regular ordinance will ensure that the City continue to immediately accept special event permit applications while protecting public

health, safety, and property and promote the public's right to engage in constitutionally protected activities.

FISCAL IMPACT:

There are no additional expenses anticipated with adoption of this ordinance. The City currently processes special event permits with existing staff. Any additional costs for City services related to special event permitting would be absorbed by the permittee.

Respectfully submitted by:



Kelly Gordon
Police Chief

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. Urgency Ordinance No. XX
2. Ordinance No. XX



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: Resolution Declaring the Month of November as “Movember” to Raise Awareness to Prostate and Other Male Cancers

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt Resolution declaring the month of November as “Movember”; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Movember Foundation is the leading global organization committed to changing the face of men’s health. The Movember community has raised \$911 million to date and funded over 1,250 programs in 20 countries (<https://us.movember.com/>). This work is saving and improving the lives of men affected by prostate cancer, testicular cancer and mental health programs.

The Foundation challenges men to grow mustaches during Movember (formerly known as November), to spark conversation and raise vital funds for its men’s health programs. To date, over 5 million mustaches have been grown worldwide.

The mustaches are a symbol to promote awareness regarding men’s health issues and to encourage yearly checkups regarding prostate and testicular cancer. The growth of a new mustache prompts a conversation, which in turn generates awareness and educates people on the health issues men face.

The Vision of the Movember Foundation is to have an everlasting impact of the face of men’s health.

BACKGROUND:

“Movember” started as an annual charity mustache growing event in Australia sixteen years ago. Travis Garone is the co-founder of the Movember Foundation. He and Luke Slattery from Melbourne were having a discussion in 2003 at the Gypsy Bar on Brunswick Street, Fitzroy when the conversation went to how fashion trends from the 1980’s were coming back, except mustaches. They remembered how popular they were and decided to grow their mos. (“mo” is Aussie slang for mustache.) This is when they realized that mustaches would be a great reminder that men should be able to talk openly about men’s health issues, especially prostate cancer as 1 in 6 men will get it in their lifetime. Inspired

will get it in their lifetime. Inspired by a friend's mother who was fundraising for breast cancer, they decided to make the campaign about men's health and prostate cancer.

FISCAL IMPACT:

None.

Respectfully submitted by:

Approved by:



Matthew Hallock
Fire Chief



Ron Bow
City Manager

ATTACHMENT:

1. Proposed Resolution

ATTACHMENT 1
Proposed Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE MONTH OF NOVEMBER AS “MOVEMBER,” AN ANNUAL EVENT INVOLVING MEN GROWING MUSTACHES DURING THE MONTH TO RAISE AWARENESS OF PROSTATE CANCER AND OTHER MALE CANCER AND ASSOCIATED CHARITIES.

The City Council does resolve as follows:

SECTION 1: The City Council finds as follows:

- A. Movember is the month formerly known as November, where men and women across the globe join together to raise awareness and funds for men’s health. Men grow and women support a mustache for 30 days to promote awareness regarding men’s health issues and to encourage yearly checkups regarding prostate and testicular cancer.
- B. “Movember” started as an annual charity mustache growing event in Australia in 2004. Travis Garone is the co-founder of the Movember Foundation. He and Luke Slattery from Melbourne were having a discussion in 2003 at the Gypsy Bar on Brunswick Street, Fitzroy when the conversation went to how fashion trends from the 1980’s were coming back, except mustaches. They remembered how popular they were and decided to grow their mos. (“mo” is Aussie slang for mustache.) This is when they realized that mustaches would be a great reminder that men should be able to talk openly about men’s health issues, especially prostate cancer as 1 in 6 men will get it in their lifetime. Inspired by a friend’s mother who was fundraising for breast cancer, they decided to make the campaign about men’s health and prostate cancer. Mr. Garone refers to the mo’s as “hairy ribbons” since October is Breast Cancer awareness month.
- C. Men who support Movember, called Mo Bros, start by registering at Movember.com. Mo Bros start Movember 1st clean-shaven, then grow and groom their Mo, for the rest of the month, raising money along the way. Women who support Movember, called Mo Sistas, also start by registering at Movember.com. Mo Sistas champion the Mo by registering and supporting the Mo Bros in their life, spreading the important message of men’s health, leading a team and organizing events.
- D. The Movember Foundation is the leading global organization

committed to changing the face of men's health. The Movember community has raised \$911 million since 2004 and funded over 1,250 programs and 20 countries. This work is saving and improving lives of men affected by prostate cancer, testicular cancer and mental health problems.

- E. One of their programs is MOVE, to encourage more activity in our daily lives. This is especially important if you sit more than six hours a day. New research shows that sitting and inactivity are linked to increased risks of heart disease, diabetes, cancer, and depression. Our bodies are designed to move; when we sit for extended periods, it causes our bodies to shut down at the metabolic level. When our muscles (especially certain leg muscles) are not moving, our circulation slows, using less of our blood sugar and burning less fat. Moving on a regular basis can help reduce the risk of heart disease, diabetes, and cancer.
- F. The Movember Foundation was ranked 45th out of the top Non-Governmental Organizations worldwide.
- G. The vision of Movember.com is to have an everlasting impact on men's health while having fun in the process. They believe in one team working together and sharing knowledge to reach their shared goals.

SECTION 2: The City Council further declares:

- A. Awareness and education promote life saving changes.
- B. The Community is encouraged to participate in the Movember campaign.

SECTION 3: This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2020.

ATTEST:

Peter Chan, Mayor
Monterey Park, California

Vincent D. Chang, City Clerk

Resolution No. _____

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. _____ was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the ____ day of _____, 2020, by the following vote:

Ayes: Council Members:

Nays: Council Members:

Absent: Council Members:

Abstain: Council Members:

Dated this ____ day of _____, 2020.

Vincent D. Chang, City Clerk
Monterey Park, California



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-E

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: California Law Enforcement Records and Support Services Day

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a Resolution Declaring Tuesday November 10, 2020 to be Law Enforcement Records and Support Personnel Day; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Monterey Park Police Department is celebrating California Law Enforcement Records and Support Personnel Day on Tuesday November 10th, 2020. This day, sponsored by the California Law Enforcement Association of Records Supervisors (CLEARS) is celebrated annually. It honors the thousands of men and women who are depended upon by law enforcement and the public for their vital role that they play to the law enforcement system. We are enlisting your support in the form of a resolution to honor these men and women for the work they do every day to protect the residents of Monterey Park.

BACKGROUND:

Historically, the Police Department recognizes and celebrates the hard work of these dedicated professionals. We are confident you will stand behind the commitment and devotion these men and women provide to ensure the safety and security of Monterey Park residents.

FISCAL IMPACT:

None

Respectfully submitted by:



Kelly Gordon
Chief of Police

Approved by:



Ron Bow
City Manager

ATTACHMENT(S):

1. Resolution

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK,
CALIFORNIA DECLARING TUESDAY NOVEMBER 10TH, 2020 LAW ENFORCEMENT
RECORDS AND SUPPORT PERSONNEL DAY IN MONTEREY PARK

The City Council does resolve as follows:

SECTION 1. The City Council finds and declares that:

- A. The Monterey Park Police Department is celebrating Law Enforcement Records and Support Personnel Day on Tuesday November 10th, 2020, sponsored by the California Law Enforcement Association of Records Supervisors (CLEARs). This day is celebrated annually, and honors the thousands of men and women who are depended upon by law enforcement and the public for their vital role that they play to the law enforcement system.
- B. Law enforcement agencies throughout the State depend upon law enforcement records and support personnel to provide them with vital services.
- C. Law enforcement records and support personnel are crucial to helping law enforcement agencies identify, pursue, capture and process suspected law breakers.
- D. These professionals continually use their expertise and experience to assist in tracking felons, maintaining criminal statistics and improving apprehension strategies.
- E. It is important to recognize California's law enforcement records and support personnel for their valuable contributions to our law enforcement system.
- F. Historically, the Police Department recognizes and celebrates the hard work of these dedicated professionals. We are confident you will stand behind the commitment and devotion these men and women provide to ensure the safety and security of Monterey Park residents.

SECTION 2. The City Council further declares:

- A. Tuesday November 10th, 2020 to be Law Enforcement Records and Support Personnel Day in Monterey Park, in honor of the men and women whose diligence and professionalism keeps our city and residents safe.

SECTION 3. This resolution takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED this 21st day of October, 2020.

Peter Chan
Mayor
Monterey Park, California

ATTEST:

Vincent D. Chang, City Clerk
Monterey Park, California

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

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. _____ was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 20th day of October, 2020, by the following vote:

Ayes:

Naes:

Absent:

Abstain:

Dated this 21st day of October, 2020.

Vincent D. Chang, City Clerk
Monterey Park, California



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-F

TO: The Honorable Mayor and City Council

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

SUBJECT: Award of Contract to Waterline Technologies, to provide chemicals to Barnes Park Pool, George Elder Pool and Cascades Waterfall

RECOMMENDATION:

It is recommended that the City Council:

1. Award three (3) year contract (with an option to extend for an additional two (2) years) to Waterline Technologies, in the amount of \$72,587 per year, to provide necessary chemicals for two City pools and the Cascades waterfall.
2. Authorize the City Manager to execute a standard contract, in a form approved by the City Attorney, with Waterline Technologies.
3. Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

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

EXECUTIVE SUMMARY:

In September 2020, staff requested bids from pool chemical supply companies to provide and deliver pool chemicals to Barnes Park pool, George Elder Park pool and the Cascades Park waterfall.

Waterline Technologies submitted the lowest bid. Staff contacted references and all were satisfied with Waterline Technologies' level of service.

Waterline Technologies	\$72,587/yr
HASA, Inc.	\$79,538/yr
Lincoln Aquatics	\$84,934/yr
Fuller Engineering Inc.	\$89,586/yr

The annual cost is an estimate based on average use of chemicals when facilities are open at full programming capacity. The timely delivery of pool chemicals is essential to keeping the pool clean and operating safely.

BACKGROUND:

Even though Barnes Park Pool closed at this time due to COVID-19, this bid was completed in preparation for reopening. Barnes Park Pool is traditionally used heavily throughout the year; from morning to evening - the pool is the site for lap swimming, water aerobics, high school swimming and water polo, swim lessons, swim development, swim team and seasonal recreation swimming.

The George Elder Park pool is utilized mainly in the summer for seasonal recreation swimming, swim lessons and classes. Currently, George Elder Park pool is being utilized by the Manta Rays Swim Team through a license agreement for sole use.

The Cascades Park waterfall is a well known landmark in the City and throughout the San Gabriel Valley.

FISCAL IMPACT:

The yearly expense is included in the FY 20-21 adopted budget in the Aquatics Division Fund, account number 1016503-5326.

Respectfully submitted by:



Inez Alvarez
Assistant City Manager

Prepared by:



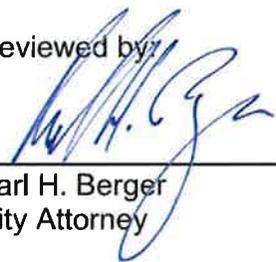
Robert Aguirre
Recreation Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT 1
Waterline Technologies Bid

**CITY OF MONTEREY PARK
 BID SUBMISSION FORM
 Bid# 1020**

POOL CHEMICALS FOR BARNES AND ELDER PARKS

The undersigned declares that he/she has carefully examined the Invitation to Bid, General Terms and Conditions, and Specifications, is thoroughly familiar with the contents, and proposes to deliver f.o.b. Monterey Park and complete all labor and installation as bid below:

<u>QUANTITY</u>	<u>ITEM</u>	<u>UNIT COST</u>	<u>BID TOTAL</u>
40,000 gallons	Liquid Chlorine	\$ <u>1.06</u>	\$ <u>42,400.⁰⁰</u>
12,000	Muriatic Acid	\$ <u>1.88</u>	\$ <u>22,560.⁰⁰</u>
200 gallons	Liquid Chlorine	\$ <u>2.93</u>	\$ <u>586.⁰⁰</u>
	(Gallon containers)		
200 gallons	Muriatic Acid	\$ <u>3.72</u>	\$ <u>744.⁰⁰</u>
	(Gallon containers)		
	Sub Total		\$ <u>66,290</u>
	9.5% TAX		\$ <u>6,297.⁵⁵</u>
	TOTAL		\$ <u>72,587.⁵⁵</u>

Please respond to the following questions:

What method is used to verify and measure delivery of chemicals? OUR TRUCKS ARE EQUIPPED WITH ELECTRIC SCALES TO INSURE ACCURATE AMOUNTS ARE DELIVERED.

Is there a minimum amount, if so what is the amount, required for delivery? OUR BULK TRUCKS HAVE A MINIMUM DELIVERY AMOUNT OF 100 GALLONS.

Is there a separate charge for deliveries not meeting minimum amount? If so what is the cost? IF ANY DELIVERY IS UNDER 100 GALLONS IT WILL BE ROUNDED OFF TO 100 GALLONS ON PICK TICKET AND BILLED AS SUCH.

Are there special requirements for special deliveries for emergency situations? If so, what are they? JUST LET US KNOW AS SOON AS POSSIBLE AND WE WILL DO EVERYTHING POSSIBLE TO BE THERE RIGHT AWAY

Does your company provide cleanup services in case of emergencies?

RETURN QUOTES TO:

City of Monterey Park
 Attn: City Clerk
POOL CHEMICALS FOR BARNES AND ELDER PARKS
 320 West Newmark Avenue

Closing Date: Thursday, October 1, 2020 @ 10a.m. Due to COVID-19, only mail-in bids will be accepted. Please note that there will be a 5-day hold on all mail.

Firm Name WATERLINE TECHNOLOGIES Date 9/21/20

REFERENCES -- TECHNICAL ABILITY AND EXPERIENCE:

1. \$480,000 ALL LA COUNTY PARKS WITH SWIMMING POOLS
 Contract amount Delivery Location
LOS ANGELES PARKS & RECREATION 1000 S. FREEMONT ^{AVE} ALHAMBRA
 Name and address of owner 91803
STEPHANIE LOPEZ (310) 965-8647
 Name and telephone number of person familiar with services

2. \$260,000 14 HIGH SCHOOL POOLS AT LAUSD
 Contract amount Delivery Location
LOS ANGELES UNIFIED SCHOOL DISTRICT 333 S. BEADRY LA CA 90017
 Name and address of owner
DANNY SAPIA (626) 353-1532
 Name and telephone number of person familiar with services

3. \$70,000 SANTA ANA MAINTENANCE YARD / CITY POOLS
 Contract amount Delivery Location
CITY OF SANTANA 215 S CENTER ST SANTA ANA CA 92703
 Name and address of owner
JOHN LOPEZ (714) 647-3358
 Name and telephone number of person familiar with project

4. \$450,000 VARIOUS SITES THROUGHOUT DISNEY RESORT
 Contract amount Delivery Location
DISNEY RESORT AND DISNEYLAND THEME PK ANAHEIM
 Name and address of owner
MIKE HUBBARD (714) 936-4760
 Name and telephone number of person familiar with services

5. \$50,000 LOS ALAMITOS HIGH SCHOOL 10293 BLOOMFIELD
 Contract amount Delivery Location 90700
LOS ALAMITOS VASD. 6951 W. CERRITOS AVE, LOS ALAMITOS
 Name and address of owner

DAVID BODELL (562) 370-5981

Name and telephone number of person familiar with services
Firm Name WATERLINE TECHNOLOGIES Date 9/21/20

Indicate whether the company ownership is Individual Partnership Corporation.

Provide the Federal I.D. number (Social Security No.) 95-192497

and the Contractors No. 263 844 type C53
and expiration date DEC 31, 2020.

Authorized:

Official (Print) SARAH ORTIZ Firm Name WATERLINE TECHNOLOGIES

Signature [Signature] Title DIRECTOR OF SALES

Address 620 N SANTIAGO City/State SANTA ANA CA

Zip 92701 Telephone 714 263 6808 Date _____

BIDS MUST BE RECEIVED BY 10a.m., THURSDAY, October 1, 2020
Due to COVID-19, only mail-in bids will be accepted. Please note that there will be a 5-day hold on all mail.

INSURANCE REQUIREMENTS

To be awarded this contract, the successful bidder shall procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability	\$2,000,000
Business automobile liability	\$2,000,000
Workers compensation	Statutory requirement

Commercial general liability insurance shall meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above shall be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies shall be endorsed to name the City, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by the City will be excess thereto. Such endorsement shall be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance shall be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

Automobile coverage shall be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

The Contractor shall furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance shall be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) shall reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. The Contractor shall require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

By signing this form, the bidder certifies that it has read, understands, and will comply with these insurance requirements if it is selected as the City's Contractor. Failure to provide this insurance will render the bidder's proposal "nonresponsive."

Bidder's Name:

WATERLINE TECHNOLOGIES

Authorized Signature:



Date: 2/21/20

Name and Title:

Sarah Ortiz

DIRECTOR OF SALES



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: FY 2020-2021 1st Quarter Financial Report

RECOMMENDATION:

It is recommended that the City Council:

1. Receive and file the FY 2020-2021 1st Quarter Financial Report;
2. Lift the 5% General Fund expenditure hold (\$2,197,117) and authorize the City Manager to revise the budget in accordance with Section 4 of Resolution No. 12169, adopted June 17, 2020;
3. Authorize an additional budget appropriation of \$244,280 from the General Fund; and
4. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

As a result of economic instability due to COVID-19, the City Council implemented a quarterly financial review process. The purpose of this FY 2020-2021 1st Quarter Financial Report is to provide City Council and the residents of Monterey Park transparency in areas of revenue projection updates, expenditures projection updates, revenues received to date, proposed budget adjustments, and a contingency plan if revenues received are below budget projections.

BACKGROUND:

General Fund Revenues

The City receives revenues from taxation, State or federal intergovernmental transfers, and user charges. The following table depicts the General Fund revenue projections.

	Actual FY18-19	Unaudited Actual FY19-20	1st QTR FY19-20 09-30-2019	Adopted Budget FY20-21	1st QTR FY20-21 09-30-2020	Estimate Budget Update FY20-21
Property Tax	\$18,537,836	\$19,674,189	\$ -	\$18,934,200	\$ -	\$19,864,153
Sales Tax	\$7,156,102	\$6,923,739	\$740,505	\$6,705,823	\$1,001,661	\$7,794,537
Transient Occupancy Tax	\$1,064,049	\$847,272	\$240,089	\$1,616,166	\$186,900	\$1,010,786
Utility User Tax	\$3,107,983	\$2,802,116	\$879,811	\$3,100,000	\$515,356	\$2,800,000
Other Tax	\$1,161,787	\$1,203,184	\$29,673	\$1,227,500	\$36,471	\$1,227,500
Licenses & Permits Service Charges & Fees	\$3,038,842	\$1,837,427	\$331,193	\$2,411,559	\$318,409	\$2,004,229
Other Revenue	\$4,712,689	\$5,908,060	\$1,159,557	\$4,416,300	\$939,696	\$4,416,300
TOTAL	\$6,291,176	\$4,143,209	\$848,784	\$5,859,950	\$726,381	\$5,109,950
	\$45,070,464	\$43,339,197	\$4,229,612	\$44,271,498	\$3,724,874	\$44,227,455

Property Tax:

Property tax is calculated based on the assessed value of real property. The assessed values on tax rolls for any given fiscal year are based on the assessed values established each January 1. Therefore, the values for FY 2020-21 were established as of the January 1, 2020. This date was three months before the onset of the Pandemic and property tax revenue should not be affected for this fiscal year.

Property sales that occurred during 2019 will be reflected in the growth in value for FY 2020-2021. Sales occurring in 2019 were substantially greater than in 2018 and values for FY 2020-2021 will reflect this. Despite the Pandemic, the property value growth in the City for FY 2020-2021 is projected to increase 4.87% (FY 2019-20 had a 5.73% growth rate).

The City receives its property tax revenue from L.A. County during the months of December/January and April/May. These months coincide with the first and second installments paid to L.A. County by the property owners.

Sales Tax:

First quarter sales tax estimates are projected to be more favorable than the original forecast. This is due to the opening of several businesses with controlled capacity, the City permitting restaurants to offer outdoor dining and the steady sales tax generated from the Marketplace Shopping Center.

The California Department of Tax and Fee Administration (CDTFA) issues monthly disbursements to the City after the quarter's end. The 2020 Distribution Calendar CDTFA is shown below:

EFT/ WARRANT PAYMENTS					
CALENDAR QUARTER	RETURN PERIOD	RETURN DUE DATE	DISBURSEMENT PERIOD	STATEMENT RELEASE DATE	WARRANT / EFT DATE
4Q 2019	OCTOBER 2019	11/30/2019	DECEMBER 2019 (1ST ADVANCE)	12/19/2019	12/24/2019
	NOVEMBER 2019	12/31/2019	JANUARY 2020 (2ND ADVANCE)	01/21/2020	01/24/2020
	DECEMBER 2019	01/31/2020	FEBRUARY 2020 (CLEAN-UP)	02/20/2020	02/25/2020
1Q 2020	JANUARY 2020	02/29/2020	MARCH 2020 (1ST ADVANCE)	03/20/2020	03/25/2020
	FEBRUARY 2020	03/31/2020	APRIL 2020 (2ND ADVANCE)	04/21/2020	04/24/2020
	MARCH 2020	04/30/2020	MAY 2020 (CLEAN-UP)	05/20/2020	05/26/2020
2Q 2020	APRIL 2020	05/31/2020	JUNE 2020 (1ST ADVANCE)	06/19/2020	06/24/2020
	MAY 2020	06/30/2020	JULY 2020 (2ND ADVANCE)	07/21/2020	07/24/2020
	JUNE 2020	07/31/2020	AUGUST 2020 (CLEAN-UP)	08/20/2020	08/25/2020
3Q 2020	JULY 2020	08/31/2020	SEPTEMBER 2020 (1ST ADVANCE)	09/21/2020	09/24/2020
	AUGUST 2020	09/30/2020	OCTOBER 2020 (2ND ADVANCE)	10/21/2020	10/26/2020
	SEPTEMBER 2020	10/31/2020	NOVEMBER 2020 (CLEAN-UP)	11/20/2020	11/25/2020
4Q 2020	OCTOBER 2020	11/30/2020	DECEMBER 2020 (1ST ADVANCE)	12/21/2020	12/24/2020
	NOVEMBER 2020	12/31/2020	JANUARY 2021 (2ND ADVANCE)	TBD	TBD
	DECEMBER 2020	01/31/2021	FEBRUARY 2021 (CLEAN-UP)	TBD	TBD

Transient Occupancy Tax:

Transient Occupancy Tax (TOT) is projected to be less than City adopted budget assumptions. In August 2020, the City received revenues totaling \$186,900.22 for the 2nd quarter in 2020 (April to June 2020). Revenue received from the Project Room Key program represents approximately 50% of the 2nd quarter revenues received.

Budget forecasts are updated to reflect a decrease in quarterly receipts to mirror the 2nd quarter 2020 revenues and the updated opening date for the Marriott Hotel was adjusted from December 1, 2020 to April 1, 2021.

Utility User Tax:

The utility user tax FY19-20 revenues came in less than budget projections by approximately 10%. This decline likely results from the Pandemic as customers are struggling to pay utility bills.

While the Pandemic will continue through FY 2020-2021, the City is projecting the utility user tax revenue to continue to be less than projected in comparison to previous years.

Other Tax:

This category consists of property transfer tax and franchise tax. The property transfer tax is the real estate transfer tax at a rate of \$1.10 per \$1,000 of value transferred. Cities and county share the tax equally. Franchise tax is collected by the City on gas, electric, and cable television utilities for the privilege of using City streets public property. Revenues in Other Taxes are projected to be \$1.2 million. No change is projected after the 1st quarter FY 2020-2021 review.

Licenses and Permits:

The City's CDBG and Housing Consultants estimate a 30% reduction in revenue from Business Licenses. The adopted budget includes a 20% reduction in revenue from business licenses and the 1st quarter FY 2020-2021 includes an additional 10% revenue reduction for a total of 30% reduction in revenue from business licenses in FY 2020-2021.

Services Charges:

This category includes charges for fee-supported City services. Total combined revenue for fees and charges is expected to be approximately \$4.4 million. No change is projected after the 1st quarter FY 2020-2021 review.

Other Revenue:

Local Agency Interest Fund (LAIF) interest rates have dropped drastically from 1.967% in January of 2020 to 0.784% in August of 2020 necessitating the review of interest earned. Interest revenues were reduced by 50% to reflect the decline in interest rates.

General Fund Projected Results and Proposed Changes for FY 2020-2021:

The adopted budget for the General Fund is \$44.3 million in revenues and \$43.9 million in expenditures with a 5% hold on expenses (per City Council direction in June). The updated revenue forecast estimates revenues at \$44.2 million and expenditures at \$44.2. Table below presents the projected General Fund operating results:

	<u>Adopted Budget</u>	<u>Budget Update</u>
General Fund Revenues	\$44,271,498	\$44,227,455
Expenditures:		
Salaries & Benefits	\$31,278,285	\$31,278,285
Maintenance & Operation	\$4,476,431	\$4,720,711
Contracted Services	\$1,673,814	\$1,673,814
Utilities	\$759,929	\$759,929
Vehicle Operating	\$1,229,500	\$1,229,500
Insurance	\$154,100	\$154,100
GF Supplements to Pension	\$3,075,800	\$3,075,800
OPEB & UAL Prepay	\$1,173,800	\$1,173,800
Debt Service - Siemens	\$120,686	\$120,686
5% Expenditure Hold	\$(2,197,117)	\$ -
General Fund Expenditures	<u>\$41,745,228</u>	<u>\$44,186,625</u>
Surplus/(Deficit)	<u>\$2,526,270</u>	<u>\$40,830</u>

Staff requests City Council to authorize the release of the 5% General Fund hold to pay the Other Post-Employment Benefits (OPEB) annual prepay, allocate funds to the City's Internal Service funds that currently hold a deficit and pay for ongoing salary and essential service costs.

Staff also requests a budget appropriation of \$244,280 from the General Fund for the City Clerk's Office to cover the cost of the March and November elections, social archive, codification, legal notices and redistricting.

Contingency Plan General Fund Expenditure Reductions:

During the FY 2020-2021 Budget Workshop, City Council instructed staff to return to Council with a 5%, 10%, and a 20% revenue shortfall contingency plan. Below are the reductions by percentage and amount:

- 5% Reduction = \$2,197,117
- 10% Reduction = \$4,394,235
- 20% Reduction = \$8,788,469

A 5% contingency plan:

The current 5% General Fund hold includes various strategically identified reductions. These reductions include maintaining vacancies that are funded in full or in part with General Fund monies, the reduction of internal service charge allocations, and reduce or pause on pre-paying the unfunded accrued liability (UAL) and the other post-employment benefits (OPEB).

Identified Reduction	<u>5% Reduction</u>
Maintain Vacancies	\$597,552.00
Reduce ISC Allocations	\$425,765.00
Prepays UAL & OPEB	<u>\$1,173,800.00</u>
	<u><u>\$2,197,117.00</u></u>

A 10% contingency plan:

A reduction of 10% general fund expenditures includes various strategically identified reductions. These reductions include the identified reductions found in the 5% contingency plan, the reduction of contracted City services, the un-allocating and repurposing of General Fund capital improvement projects (CIP), and the use of the General Fund balance.

Identified Reduction	10% Reduction
Maintain Vacancies	\$597,552.00
Reduce ISC Allocations	\$425,765.00
Prepays UAL & OPEB	\$1,173,800.00
Contracted City Services	\$755,000.00
Un-allocate & Repurpose GF CIP Funds	\$863,000.00
General Fund balance	\$579,118.00
	<u>\$4,394,235.00</u>

A 20% contingency plan:

With the real-estate market holding strong and the steady sales tax generated from the Marketplace Shopping Center, a 20% reduction in General Fund revenue is highly unlikely to be needed at this time. Nonetheless, per City Council direction, a 20% contingency plan was assessed by City Staff.

If General Fund revenues declined at 20%, upon the direction of City Council, the City would request opening up bargaining unit discussions related to possible furloughs. Further, as a last strategic solution, upon the direction of City Council, the City would seek a reduction of staff.

The table below includes the identified reductions found in the 10% contingency plan, an additional use of \$1.6 million from the General Fund balance, 80-hours of furlough for all full-time City staff, and a reduction of staff equal to \$2.1 million.

Identified Reduction	20% Reduction
Maintain Vacancies	\$597,552.00
Reduce ISC Allocations	\$425,765.00
Prepays UAL & OPEB	\$1,173,800.00
Contracted City Services	\$755,000.00
Un-allocate & Repurpose GF CIP Funds	\$863,000.00
General Fund balance	\$2,157,538.00
80 Hour Furlough	\$697,091.00
Staff Savings:	\$2,118,723.00
	<u>\$8,788,469.00</u>

SUMMARY:

The FY 2020-2021 General Fund revenue projections are anticipated to be \$44.2 million and expenditures are anticipated to be \$44.2 million. While the current Pandemic related economic crisis caused a decline in revenues to the City, General Fund revenues are expected to increase from FY 2019-2020 unaudited General Fund revenues of \$43.3 million to FY 2020-2021 forecasted General Fund revenues of \$44.2 million; a 2% increase. The City does not anticipate a 5%, 10% or a 20% reduction in revenue for FY 2020-2021.

FISCAL IMPACT:

Staff requests City Council to authorize the release of the 5% General Fund hold to pay the OPEB annual prepay, allocate funds to the City's Internal Service funds that currently hold a deficit and cover ongoing salary and essential service costs. Staff also requests a budget augmentation in the amount of \$244,280 from the General Fund for the City Clerk's Office to cover the cost of the March and November elections, social archive, codification, legal notices and redistricting.

Respectfully submitted by:

Approved By:

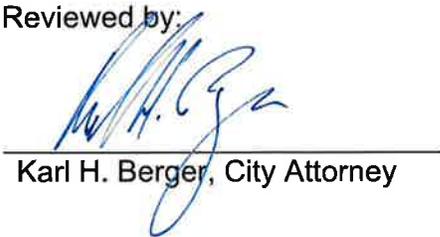


Martha Garcia
Director of Management Services



Ron Bow
City Manager

Reviewed by:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-B

TO: The Honorable Mayor and City Council

FROM: Frank A. Lopez, Interim Director of Public Works / City Engineer

SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance Amending Monterey Park Municipal Code § 16.01.040 and adding §§ 16.12.020 And 16.12.030 to Chapter 16.12 ("Existing Building Code") Regulating Self-Certification, Alterations, And Change Of Occupancy

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introduce and waive first reading of the draft Ordinance; or
2. Alternatively, taking such additional, related, action that may be desirable.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The proposed Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹ Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance, by itself, may have a significant effect on the environment. Any project utilizing the 2020 Monterey Park Business Recovery Program will undergo separate CEQA review.

EXECUTIVE SUMMARY:

In response to the COVID-19 Pandemic, the City Council adopted Ordinance Nos. 2178, 2182, 2184, and 2185 which, collectively, constitute the Monterey Park Business Recovery Program. Among other things, the program establishes temporary regulations affecting Title 16 of the Monterey Park Municipal Code ("MPMC") which governs the construction of buildings in accordance with California law. Accordingly, this Ordinance will amend MPMC Chapter 16.12 to help facilitate not just temporary recovery efforts, but also to improve economic growth even after the immediate emergency concludes by

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

implementing a self-certification process by which applicants could self-certify their building plans.

DISCUSSION:

A frequent complaint among applicants is the delay in having building plans reviewed and approved by the City. The Business Recovery Program proposes a self-certification process by which applicants could self-certify their building plans. In sum, this program would allow design professionals (e.g., architects and engineers) to certify plans for building applications as being correct; complying with the law; and prepared by that licensed professional. Currently, design professionals often rely upon the City's independent review of plans to correct any deficiencies in submitted plans. Practically, that both delays the time for processing plans (since it results in multiple corrections) and allows the design professional to further charge their clients for corrections. Self-certification places the burden on the design professionals to submit correct plans from the outset. And any problems found in the plans during the City's inspection of a project would be the fault of the design professional; any corrections required by such errors would be paid for by the design professional. This program – in other jurisdictions – has led to increased accountability and efficiency for private development projects.

As the City seeks to provide some immediate relief, but also improve economic growth even after the current emergency concludes it proposing the self-certification process as part of the Business Recovery Program. If adopted, the Ordinance will offer another option to applicants to facilitate and expedite processing of their plans.

FISCAL IMPACT:

None.

Respectfully submitted and prepared by:



Frank A. Lopez
Interim Director of Public Works
/City Engineer

Approved by:



Ron Bow
City Manager

Reviewed by:



Timothy E. Campen
Assistant City Attorney

Staff Report
October 21, 2020
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Attachments:

1. Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 16.01.040 AND ADDING §§ 16.12.020 AND 16.12.030 TO CHAPTER 16.12 (“EXISTING BUILDING CODE”) REGULATING SELF-CERTIFICATION, ALTERATIONS, AND CHANGE OF OCCUPANCY.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. In response to the COVID-19 Pandemic, the City Council adopted Ordinance Nos. 2178, 2182, 2184, and 2185 which, collectively, constitute the Monterey Park Business Recovery Program (the “Program”);
- B. Among other things, the Program establishes temporary regulations affecting Title 16 of the Monterey Park Municipal Code (“MPMC”) which governs the construction of buildings in accordance with California law;
- C. The Program will expire on December 31, 2020. Based upon ongoing reports from the City Manager including, without limitation, updates from the Economic Development Manager, the City Council believes it is in the public interest to codify certain aspects of the Program within the MPMC;
- D. Accordingly, this Ordinance will amend MPMC Chapter 16.12 to help facilitate not just temporary recovery efforts, but also to improve economic growth even after the immediate emergency concludes.

SECTION 2. Section 105.3 of MPMC § 16.01.040 is amended to read as follows:

“105.3 Application for permit. To obtain a permit, the applicant must first file an application therefore in writing on a form furnished by the Building Official for that purpose. Such application must:

- 1. Identify and describe the work to be covered by the permit for which application is made.
- 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- 3. Indicate the use and occupancy for which the proposed work is intended.
- 4. Be accompanied by construction documents and other information as required in Section 106.

5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.
8. For self-certification see Section 16.12.030."

SECTION 3. Section 16.12.020 is added to MPMC Chapter 16.12 ("Existing Building Code") to read as follows:

"16.12.020 Sections 503.1 and 506.1 added. Sections 503.1 and 506.1 are added to read as follows:

503.1 (Alterations) General. Except as provided by Section 302.4, 302.5 or this section, alterations to any building or structure must comply with the requirements of the California Building Code or California Residential Code, as applicable, for new construction. Alterations created within a building or structure cannot cause the building or structure to be more out of compliance with the provisions of the California Building Code or California Residential Code, as applicable, than it was before the alteration was made.

Exceptions:

1. An existing stairway is not required to comply with the requirements of Section 1011 of the California Building Code where the existing space and construction does not allow a reduction in pitch or slope.
2. Handrails otherwise required to comply with Section 1011.11 of the California Building Code are not required to comply with the requirements of Section 1014.6 of the California Building Code regarding full extension of the handrails where such extensions would be hazardous because of plan configuration.
3. Where provided in below-grade transportation stations, existing and new escalators must have a clear width of less than 32 inches (815 mm).
4. A site assessment demonstrating, evaluating and certifying conformity with accessibility standards for public buildings, public accommodations, commercial buildings and/or public housing may be submitted by the design professional of record, or a CAsP, in a form acceptable to the building official.

506.1 (Change of Occupancy) Compliance. A change of occupancy cannot be made in any building unless that building is made to comply with the requirements of the California Building Code for the use or occupancy. Any new

occupancy created within a building or structure cannot cause the building or structure to be more out of compliance with this code than it was before the change was made. Subject to the approval of the code official, changes of occupancy will be permitted without complying with all of the requirements of this code for the new occupancy, provided that the new occupancy is less hazardous, based on the life and fire risk, than the existing occupancy.

Exceptions:

1. The building is not required to comply with Chapter 16 of the California Building Code, unless required by Section 506.4.
2. An assessment by the design professional of record in a form acceptable to the building official may serve to certify compliance to this code.”

SECTION 4. Section 16.12.030 is added to MPMC Chapter 16.12 (“Existing Building Code”) to read as follows:

“16.12.030 Self-Certification Program.

- A. Purpose: To expedite building permit approvals by allowing Licensed Design Professionals to voluntarily self-certify building plans.
- B. Definitions: Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this Section:
 1. “Licensed Design Professional” means the California Licensed Architect or Engineer, as applicable, identified as such on the building permit application and accompanying plans.
 2. “Self-Certification,” “Self-Certify” or “Self-Certified” means a submittal to the Building Official that is (1) made by a Licensed Design Professional identified in the building permit application; (2) accompanies plans filed with the Building Official by that Licensed Design Professional; and (3) for which the Licensed Design Professional attests such plans (a) do not contain any false information; (b) comply with all applicable law including, without limitation, the MPMC; and (c) were prepared by or under the direct supervision of, and signed and stamped by, that Licensed Design Professional.
- C. Eligible Participants: To participate in the Program, applicants must be registered and be in good standing as a Licensed Design Professional with the State of California.
- D. Insurance Requirements: For a project to be accepted for Self-Certification, the Licensed Design Professional is required to furnish the Building Official insurance in

accordance with the City's requirements and not less than the valuation of the permitted project.

E. Optional Prescreening Process: The Licensed Design Professional who intends on filing an application with a Self-Certification may meet with the Building Official, or designee, for a courtesy prescreening of the proposed project to ensure the submittal is complete.

F. Submittal Requirements: The Licensed Design Professional who intends on filing an application with a Self-Certification must submit that application to participate in the program to the Building Official. Self-Certified plans must contain all the information listed in the corresponding City of Monterey Park handout regarding building design criteria. A Self-Certification form and a "hold harmless" letter, in a form approved by the City Attorney, must be completed in its entirety and submitted for each project by the design team and the property owner. The Self-Certification program will be all inclusive, i.e., all construction trade work that requires permits for the project must be Self-Certified. Each page of the plans submitted, must be wet stamped and signed by a Licensed Design Professional for each applicable trade.

G. Non-Building Division Approvals: The Licensed Design Professional who intends on filing an application with a Self-Certification must provide documentation to the Building Official demonstrating final approvals from any affected City department before the Building Official issues a permit. That Licensed Design Professional must also provide documentation to the Building Official appropriate approvals of any applicable "outside" agency. Those outside agencies include, without limitation, the following: Los Angeles County Health Department and affected school districts.

H. Fees: All fees required by the Program will be established by City Council resolution.

I. Permits: Applications that have met all the criteria of this voluntary Self-Certification program will be issued a building permit the same day of completed and approved application submittal.

J. Inspection Protocol: All code-required State of California or City of Monterey Park inspections are required.

K. Audits: All Self-Certified plans are subject to auditing by the Building Official to determine whether plans comply with the applicable California and City of Monterey Park laws, codes, rules, and regulations. If plans are found not to comply, then the Licensed Design Professional who intends on filing an application with a Self-Certification will ensure compliance. If compliance is not obtained within a reasonable amount of time, then the Building Official may report the non-compliance items to the appropriate licensing board with the State of California."

SECTION 5. Conflicts. In the event of a conflict between the provisions of this Ordinance and the provisions the MPMC, any other ordinance, or any resolution, the provisions of this Ordinance and the Program govern. The Building Official is authorized to resolve any ambiguities in the manner set forth in the MPMC. Any such determination must be forwarded to the City Council as an informational item when practicable.

SECTION 6. Environmental Review. This Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this Ordinance is exempt from further environmental review pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 7. Construction. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Recordation. The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 10. Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 11. Effective Date. This Ordinance will become effective 30 days after its adoption.

THIS ORDINANCE WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Timothy E. Campen, Assistant City Attorney



City Council Staff Report

DATE: October 21, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-C

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
SUBJECT: Extending time for implementing the 2020 Monterey Park Business Recovery Program

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing a progress report from the City Manager and Economic Development Manager regarding recovery of the local economy and progress with the 2020 Monterey Park Business Recovery Program;
2. Introduce and waive first reading of an ordinance extending the effective date for the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021; and
3. Take such additional, related, action that may be desirable.

CEQA:

The proposed Ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this Ordinance is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹ Additionally, this Ordinance is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance, by itself, may have a significant effect on the environment. Any project utilizing the 2020 Monterey Park Business Recovery Program will undergo separate CEQA review.

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

EXECUTIVE SUMMARY:

On July 1st and 15th, the City Council adopted ordinances implementing the 2020 Monterey Park Business Recovery Program (the "Program"). At that time, the City Council determined it would be in the public interest for the Program to automatically expire on December 31, 2020 unless extended by additional City Council action.

Since July, the City processed 43 different permits for Restaurants and Personal Service establishments. And, the City Council adopted a series of additional ordinances that codified certain portions of the Program. To ensure that the ongoing efforts for restarting the local economy continue smoothly (and are monitored closely), it seems that the Program should be extended until at least 2021. This will give the City additional data to determine which parts of the Program are most effective and allow the City Council to conscientiously consider whether regulations from the Program should be codified into the Monterey Park Municipal Code ("MPMC").

DISCUSSION

Since taking office in April, the City Council undertook unprecedented efforts to cope with the COVID-19 Pandemic. One of the keystones of the City Council's response was adopting the 2020 Monterey Park Business Recovery Program in July. Since its adoption, the Program assisted 132 businesses in dealing with the economic fallout resulting from the Pandemic. The City Council's outstanding efforts is reflected in the relative stability of sales tax revenue (discussed in a separate Agenda item) and the flood of positive feedback from the business community.

The Program was adopted on an urgency basis, i.e., there was little opportunity to carefully consider what impacts the regulations would have upon the City and the potential unintended consequences. Accordingly, the City Council decided to automatically discontinue the Program on December 31, 2020. This time gave the City's administration time to report back to the City Council regarding the Program's effectiveness and make recommendations on what is working.

Since July, the City Manager recommended that several parts of the Program be codified into the MPMC. One of those pieces is a separate item on this Agenda (the self-certification program). How to implement other regulations from the Program, however, should still be reviewed so that the City Council can make an informed decision regarding whether to make those sections of the Program permanent. For example, the Program relaxed off-street parking requirements during the Pandemic so that outdoor dining and retail events could occur. Additional data are needed to determine whether this policy should continue on a long-term basis and the types of impacts that may have on the City's streets.

Additionally, the Program's success should not be interrupted by potential disruption in the process, i.e., if the City Council acts now to codify certain parts of the Program, businesses may be discouraged in participating.

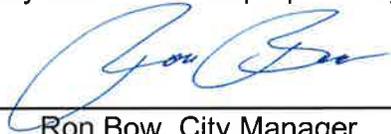
Finally, there is a cost associated with codifying the Program. As may be seen in the separate Agenda item regarding the Budget, an adjustment is needed to pay for changes to the MPMC. A quick review of the legislative agenda since July shows that the City Council adopted 27 ordinances since April. This could not have been anticipated at the time the Budget was adopted. Postponing a decision regarding codifying the remainder of the Program will help reduce costs for the City Clerk's office.

Based upon the above, it seems prudent to extend the Sunset Clause of the Program from December 31, 2020 to June 30, 2021. This will give the City Council ample time to decide whether the Program (or certain parts of it) should be codified into the MPMC.

FISCAL IMPACT:

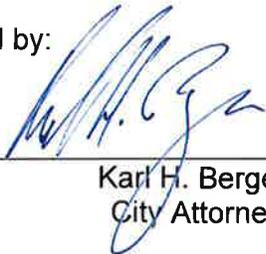
There are no direct foreseeable direct costs with extending the Program. It is anticipated that the Program will assist local businesses. This will also help stabilize the City's revenue projections for budgeting purposes.

Respectfully submitted and prepared by:



Ron Bow, City Manager

Reviewed by:



Karl H. Berger,
City Attorney

Attachment(s):

1. Ordinance extending the time of the 2020 Monterey Park Business Recovery Program from December 31, 2020 to June 30, 2021.

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

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

The City Council does ordain as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

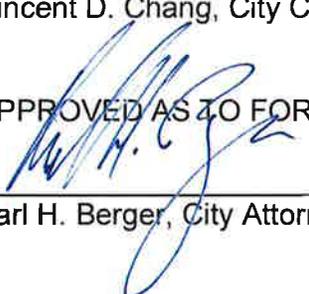
PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney