

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

**SPECIAL MEETING  
Monterey Park City Hall, Room 266  
320 W. Newmark Avenue, Monterey Park, CA 91754**

**Wednesday  
June 19, 2019  
6:00 p.m.**

**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.**

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

**PUBLIC COMMENTS ON AGENDA ITEMS**

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

This Agenda includes 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.

**CALL TO ORDER** Mayor

**ROLL CALL** Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, Teresa Real Sebastian

**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.

**ORAL AND WRITTEN COMMUNICATIONS**

**1. EMERGENCY REPAIR/REPLACEMENT OF WASTEWATER MAIN AND WATER MAIN IN ALLEY EAST OF ATLANTIC BLVD BETWEEN EL MERCADO AVENUE AND EL PORTAL PLACE**

It is recommended that the City Council:

- (1) Adopt a resolution declaring an emergency and authorizing contracting without the need for bidding pursuant to Public Contracts Code §§ 20168 and 22050;
- (2) Authorize the City Manager to (a) execute a public works contract between the City of Monterey Park and a qualified contractor(s), for wastewater main, water main, and asphalt repairs in the alley east of Atlantic Blvd. between El Mercado and El Portal, in a form approved by the City Attorney; and (b) Appropriate funds from the Wastewater and Water Capital accounts from the current fiscal year budget to cover the cost of these repairs;
- (3) Authorize the Director of Public Works to approve change orders and contingency as appropriate up to 15% of the contract amount for this project; and
- (4) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The emergency and extended repairs are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15269 (emergency repair to this public facility is necessary to maintain service essential to the public, health and welfare) and § 15301 (Existing Facilities). The extended repairs would result in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

**CLOSED SESSION**

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

City Negotiators: Ron Bow, City Manager; Tom Cody, Human Resources Director

Employee Organizations: Monterey Park Professional Chief Officers' Association (PCOA), POA/Captains' Unit, Police Officer's Mid-Management Association (POMMA).

**ADJOURN**



# City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: 1

**TO:** The Honorable Mayor and City Council  
**FROM:** Mark A. McAvoy, Director of Public Works/City Engineer  
**SUBJECT:** Emergency Repair/Replacement of Wastewater Main and Water Main in Alley East of Atlantic Blvd between El Mercado Avenue and El Portal Place

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a resolution declaring an emergency and authorizing contracting without the need for bidding pursuant to Public Contracts Code §§ 20168 and 22050;
2. Authorize the City Manager to (a) execute a public works contract between the City of Monterey Park and a qualified contractor(s), for wastewater main, water main, and asphalt repairs in the alley east of Atlantic Blvd. between El Mercado and El Portal, in a form approved by the City Attorney; and (b) Appropriate funds from the Wastewater and Water Capital accounts from the current fiscal year budget to cover the cost of these repairs;
3. Authorize the Director of Public Works to approve change orders and contingency as appropriate up to 15% of the contract amount for this project; and
4. Take such additional, related action that may be desirable.

## **CEQA (California Environmental Quality Act):**

The emergency and extended repairs are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15269 (emergency repair to this public facility is necessary to maintain service essential to the public, health and welfare) and § 15301 (Existing Facilities). The extended repairs would result in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

## **EXECUTIVE SUMMARY:**

A wastewater main collapse occurring on or about June 12, 2019 blocked wastewater flows from being conveyed. Currently, temporary pumping operations have been set up to keep local businesses and residents in service. Staff is meeting with several contractors to obtain bids to perform emergency wastewater and water main repairs or

replacement to reestablish wastewater flows and eliminate water leaks, which compound the wastewater issues.

**BACKGROUND:**

On or about June 12, 2019 an 8-inch cement concrete wastewater main, built in 1933, collapsed in several areas within the alley east of South Atlantic Blvd between El Mercado Avenue and El Portal Place. In addition to the age of the wastewater main, multiple water leaks from the adjacent 4-inch cast iron water main may have caused the wastewater collapse or compounded the issues. Currently, wastewater flows are being blocked and therefore temporary bypass of the flows are occurring through the operation of two pumps, in order to keep over 20 businesses, such as several restaurants, and residents with wastewater service.

Additionally, the wastewater main collapse and water main leaks resulted in extensive infrastructure damage besides the mains themselves such as the underlying alley roadway bed, which could potentially lead to sink holes. The alley serves as the main access for deliveries to the businesses served by these wastewater and water mains and it is therefore important that it is structurally sound.

The City does not yet have a firm dollar figure or contractor for this project. While it is an emergency, and the City caused temporary measures to be installed to ensure continued wastewater service pending a permanent solution, the City is seeking the lowest dollar figure with the best contractor. The Engineer's estimate for this project is in the \$500,000 range; there are approximately 600-750 linear that must be excavated and constructed.

There are current discussions with four different qualified contractors for this work. The City will select the best contractor for the lowest price; work is anticipated to begin next week.

**FISCAL IMPACT:**

The Project will be paid for using funds from the Wastewater and Capital funds and staff will update City Council as soon as contract has been awarded.

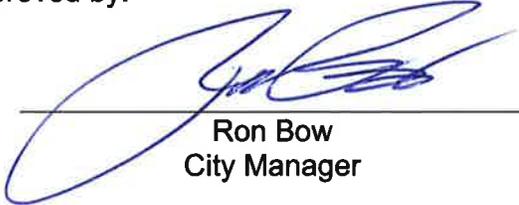
Respectfully submitted by:

  
for Mark A. McAvoy  
Director of Public Works/  
City Engineer

Prepared by:

  
Frank A. Lopez  
Assistant City Engineer

Approved by:



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Ron Bow  
City Manager

Reviewed by:



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Karl H. Berger  
Assistant City Attorney

**ATTACHMENT(S):**

1. Declaration of Emergency
2. Resolution No. \_\_\_\_\_

**ATTACHMENT - 1**  
**Declaration of Emergency**



**CITY OF MONTEREY PARK**

City Manager's Office

**DECLARATION OF EMERGENCY**

The City Manager finds:

That conditions of extreme peril to the safety of persons and property have arisen within the City of Monterey Park, as a result of a sewer main break and damage to the alley adjacent to S Atlantic Blvd between El Mercado Avenue and El Portal Place, commencing on or about June 12, 2019 at 6:00 a.m.

These conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

Accordingly, pursuant to Monterey Park Municipal Code § 2.52.060(a)(1), a local emergency is proclaimed to exist within the City of Monterey Park. This action will be taken to the City Council for confirmation within seven days.

A handwritten signature in black ink, appearing to be "SH", is written over a horizontal line.

Scott Haberle, Acting City Manager

JUNE 17, 2019 5:14 PM

Date/Time

**ATTACHMENT - 2**  
Resolution No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ADOPTED PURSUANT TO PUBLIC CONTRACTS CODE § 20168 FINDING THAT AN EMERGENCY EXISTS WITHIN THE CITY AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO § 22050 AND MONTEREY PARK MUNICIPAL CODE (“MPMC”) CHAPTER 2.52 AND FINDING THAT THE PROJECT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS AN EMERGENCY REPAIR.**

The City Council does resolve as follows:

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

- A. Pursuant to Public Contracts Code (“PCC”) § 20168, the City Council may, upon a four-fifths vote, declare that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property because of an emergency.
- B. In accordance with PCC §§ 20168 and 22050, the City Council may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
- C. Conditions of extreme peril to the safety of persons and property arose on or about June 12, 2019 as a result of a 8-inch cement concrete wastewater main (built in 1933) collapsing in several areas within the alley east of South Atlantic Blvd between the intersections of El Portal Drive and El Mercado Avenue, and an adjacent 4-inch cast iron water main having multiple leaks in the same vicinity, compounding the wastewater main collapse.
- D. That collapsed wastewater main and water main leaks resulted in extensive infrastructure damage to the asphalt roadway and supporting roadway bed, the inability of wastewater flows to be conveyed without extensive pumping operations, temporary water and wastewater main pipe repairs, and more permanent water and wastewater main pipe installation, to ensure continued wastewater and water service to approximately 20 residences and businesses in the area (the “emergency”).
- E. In compliance with applicable law, and to protect public, health, safety and welfare, the Acting City Manager declared an administrative emergency and directed the Public Works Director to take immediate emergency action to temporarily restore wastewater flows, and initiate repairs of the water and wastewater mains and roadway in accordance with Monterey Park Municipal Code (“MPMC”) Chapter 2.52.

- F. The emergency constitutes a sudden, unexpected occurrence that posed a clear and imminent danger to the City property, its citizens, and employees. This threat required immediate action to prevent or mitigate the loss or impairment of essential public services.
- G. Under such emergency conditions, the City Council finds that the delay resulting from public bidding would imperil essential public services.
- H. The City Council recognizes that California law, including, without limitation, *Melton v. City of San Pablo* (1967) 252 Cal.App.2d 794 and *In re Cindy B. v. Eugene B.* (1987) 192 Cal.App.3d 771, allows legislative actions to be retroactively applied when the legislative intent for such retroactivity is clear.

SECTION 2: Environmental Assessment. The emergency and extended repairs are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15269 (emergency repair to this public facility is necessary to maintain service essential to the public, health and welfare) and § 15301 (Existing Facilities). The extended repairs would result in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 3: Declaration of Emergency; Ratification of Previous Actions. Based upon the entirety of the administrative record, the City Council finds that the emergency constitutes an imminent threat to public health and safety that requires immediate action. Accordingly, the City Council ratifies the actions of the Acting City Manager by and through the Public Works Director to take all steps necessary to protect public health, safety and welfare including, without limitation, awarding contracts in accordance with PCC § 22050 and MPMC Chapter 2.52.

SECTION 4: Design Immunity; Authorization. In an abundance of caution and to ensure compliance with Government Code § 830.6, the City Council finds as follows:

- A. The design and plans for the extended repairs are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the extended repairs commenced.
- C. The approval granted by this Resolution conforms with the City's General Plan.
- D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.

- E. The approval and authorization granted by this Resolution is intended to avail the City of all applicable immunities including those set forth in Government Code § 830.6.

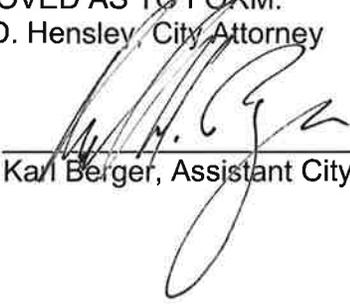
SECTION 5: Retroactivity. The City Council specifically intends that this Resolution be retroactively effective since June 12, 2019 when the Acting City Manager executed the administrative declaration of emergency

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

PASSED AND ADOPTED this \_\_\_ day of June, 2019.

\_\_\_\_\_  
Peter Chan, Mayor

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

By:   
\_\_\_\_\_  
Karl Berger, Assistant City Attorney

**CERTIFICATION**

**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 whole number of members of the City Council of the said City is five; that the foregoing resolution, being RESOLUTION NO. \_\_\_\_\_ was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the \_\_\_\_\_ day of June, 2019, and the same was so passed and adopted by the following vote:

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

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Vincent D. Chang, City Clerk  
Of the City of Monterey Park,  
California  
(SEAL)