

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

AGENDA

**THIS IS A JOINT SPECIAL AND REGULAR CITY COUNCIL MEETING
BOTH MEETINGS WILL BE CALLED TO ORDER AT 6:00 P.M.
(THE REGULAR MEETING WILL NOT BE SEPARATELY CALLED TO ORDER)**

**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.**

**Wednesday
June 17, 2020**

**NOTE: THIS IS A JOINT SPECIAL AND REGULAR CITY COUNCIL MEETING THAT WILL START
AT 6:00 P.M. THE SPECIAL MEETING AND REGULAR MEETING WILL BE COMBINED FOR
PURPOSES OF ACTION TAKEN AND OFFICIAL MINUTES**

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 <http://www.montereypark.ca.gov/AgendaCenter/City-Council-17> .

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.

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.

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:

Participants are encouraged to join the meeting 15 minutes before the start of the meeting.

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

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: 940 5177 5117 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.

The public may also 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>.

Important Disclaimer – When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

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

1-A. DISTANCE AND DIGITAL LIBRARY SERVICES

[2.] OLD BUSINESS

2-A. CONSIDERATION AND POSSIBLE ACTION TO WAIVE FIRST READING AND INTRODUCE AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE GOVERNING HOTEL/MOTEL GUEST REGISTRIES

It is recommended that the City Council consider:

- (1) Waiving first reading and introduce a draft Ordinance amending the Monterey Park Municipal Code ("MPMC") regarding guest registries; and/or
- (2) Take such additional, related, action that may be desirable.

2-B. ELECTRONIC COMMUNICATIONS RETENTION AND PURGING POLICY; SOCIAL MEDIA POLICY

It is recommended that the City Council:

- (1) Adopt a Resolution establishing a Social Media Policy and a Resolution amending the City's retention policy as to electronic communications;
- (2) Authorize the City Manager to execute an agreement with a social media archiving service vendor, in a form approved by the City Attorney; and
- (3) Take such additional, related, action that may be desirable.

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

3-A. ADOPTION OF FISCAL YEAR 2020-2021 ANNUAL BUDGET

It is recommended that the City Council consider:

- (1) Adopting by Resolution the City's and Successor Agency's Fiscal Year 2020-2021 Annual Budget as presented on May 26 and May 27, 2020, City Manager's recommended budget incorporated with the Council's directions; and
- (2) Take such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – MAY 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-C. 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 regular meeting of May 6, 2020 and the special meeting of May 6, 2020; and
- (2) Take such additional, related, action that may be desirable.

3-D. CONSIDERATION AND POSSIBLE ACTION TO DIRECT THE CITY CLERK TO PERFORM THE BIENNIAL REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE

It is recommended that the City Council consider:

- (1) Directing the City Clerk to perform the biennial review of the City's Conflict of Interest Code and report back before October 1, 2020; and
- (2) Take such additional, related, action that may be desirable.

3-E. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") BY ADDING CHAPTER 16.37 ENTITLED "PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS"

It is recommended that the City Council consider:

- (1) Waive second reading and adopt the proposed ordinance; and/or
- (2) Take such additional, related, action that may be desirable.

3-F. SECOND AMENDMENT TO AGREEMENT NO. 1841-A WITH JOHN L. HUNTER & ASSOCIATES FOR STORM WATER PROGRAM IMPLEMENTATION

It is recommended that the City Council:

- (1) Authorize the City Manager to execute a second amendment, in a form approved by the City Attorney, to Agreement No. 1841-A with John L. Hunter & Associates for the implementation of the City's Storm Water Program; and
- (2) Take such additional, related, action that may be desirable.

3-G. GARFIELD AND GRAVES TRAFFIC SIGNAL IMPROVEMENTS – AUTHORIZATION TO ADVERTISE

It is recommended that the City Council:

- (1) Adopt a resolution approving the design and plans for the Garfield and Graves Traffic Signal Improvements and authorizing solicitation of bids; and
- (2) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The Project results 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.

3-H. PARCEL MAP NO. 82024 (217 N NICHOLSON AVENUE) – APPROVAL OF PARCEL MAP

It is recommended that the City Council:

- (1) Adopt a resolution approving Parcel Map No. 82024 and authorize the City Manager to execute Subdivision Improvement Agreement for Parcel Map No. 82024 in a form approved by the City Attorney; and
- (2) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

On March 13, 2018, the Planning Commission found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 32 categorical exemption (Infill Development). The findings and conclusions made by the Planning Commission are incorporated into the attached Resolution by reference.

[4.] PUBLIC HEARING

4-A. CONSIDER DRAFT LAND USE ELEMENT (LUE) OF THE GENERAL PLAN

It is recommended that the City Council consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a Resolution amending the Land Use Element;
- (5) Directing the City Attorney, or designee, to prepare appropriate documents to place a proposition on the ballot for the November 2020 election seeking voter ratification of the City Council's actions; and
- (6) Taking such additional, related, action that may be desirable

CEQA (California Environmental Quality Act):

On December 5, 2019, the City Council certified the Final Focused Environmental Impact Report and adopted Mitigation Measures, Findings of Facts and Statement of Overriding Consideration for the Land Use Element. Since no substantive changes have been made to the Land Use Element since December 5, 2019 no additional CEQA analysis or recirculation is required for the attached draft Land Use Element. An environmental review statement that the Certified Environmental Impact Report's project description includes the Planning Commission recommended document is attached.

[5.] NEW BUSINESS

5-A. CONSIDERATION OF AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) 2.04.010 TO CHANGE THE REGULAR MEETING TIME

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code § 2.04.010 to change the regular meeting time; and/or
- (2) Taking such additional, related, action that may be desirable

5-B. CONSIDERATION AND POSSIBLE ACTION REGARDING IMPLEMENTING A BUSINESS RECOVERY PROGRAM FOR RESTARTING THE LOCAL ECONOMY

It is recommended that the City Council consider:

- (1) Adopting an uncodified Urgency Ordinance upon 4/5s vote implementing a Business Recovery Program;
- (2) Introducing and waiving first reading of an uncodified Ordinance implementing a Business Recovery Program; and
- (3) Taking such additional, related, action that may be desirable

CEQA (California Environmental Quality Act):

These Ordinances were 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, these Ordinances are 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, these Ordinances are exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinances may have a significant effect on the environment.

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

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK STATING THE CITY’S COMMITMENT TO STAND IN SOLIDARITY FOR RACIAL EQUALITY & FAIR TREATMENT (REQUESTED BY MAYOR PRO TEM CHAN)

It is recommended that the City Council consider:

- (1) Adopting a resolution of the City Council of the City of Monterey Park stating the City’s commitment to stand in solidarity for racial equality & fair treatment ; and
- (2) Taking such additional, related, action that may be desirable

6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE FIRST SUNDAY OF JUNE AS NATIONAL CANCER SURVIVORS DAY AND THE MONTH OF JUNE AS NATIONAL CANCER SURVIVORS MONTH (REQUESTED BY COUNCIL MEMBER SORNOSO)

It is recommended that the City Council consider:

- (1) Adopting a resolution of the City Council of the City of Monterey Park declaring the first Sunday of June as National Cancer Survivors Day and the month of June as National Cancer Survivors Month ; and
- (2) Taking such additional, related, action that may be desirable

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

ADJOURN

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



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Old Business
Agenda Item 2-A

TO: The Honorable Mayor and City Council
FROM: Matt Hallock, Fire Chief
SUBJECT: Consideration and possible action to waive first reading and introduce an Ordinance amending the Monterey Park Municipal Code governing hotel/motel guest registries

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waive first reading and introduce a draft Ordinance amending the Monterey Park Municipal Code ("MPMC") regarding guest registries; and/or
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

At its June 3, 2020 joint Special and Regular Meeting, the City Council continued its consideration of an Ordinance amending the MPMC regarding hotel/motel guest registries, to June 17, 2020. Enclosed as Attachment 1 is the June 3, 2020 staff report for this item.

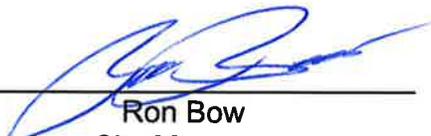
Respectfully submitted,



 Matt Hallock
 Fire Chief

Approved By:

Reviewed by:



 Ron Bow
 City Manager



 Natalie C. Karpeles
 Deputy City Attorney

Attachments:

1. June 3, 2020 City Council Meeting Agenda Item 2A

ATTACHMENT 1
June 3, 2020 City Council Meeting Agenda Item 2A



City Council Staff Report

DATE: June 3, 2020

AGENDA ITEM NO: Old Business
Agenda Item 2-A

TO: Honorable Mayor and Members of the City Council
FROM: Matt Hallock, Fire Chief
SUBJECT: Consideration and possible action to waive first reading and introduce an Ordinance amending the Monterey Park Municipal Code governing hotel/motel guest registries

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waive first reading and introduce a draft Ordinance amending the Monterey Park Municipal Code ("MPMC") regulating guest registries; or
2. Alternatively, discussing and taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The proposed amendments to the MPMC (specifically those regulating the inspection of guest registers) are intended to address an issue identified by the federal court in *Patel v. City of Long Beach* (DC No. 2:08-cv-02806-ABC-VBK) and *Patel v. City of Los Angeles* (9th Cir., 2013) 738 F.3d 1058.

DISCUSSION:

The MPMC requires that hotel owners collect and record information about guests, including their name, address, arrival/departure information, method of payment and valid identification (see existing MPMC § 21.04.481). Currently, the MPMC requires these records to be made available to any police officer for inspection upon demand. Failure to comply with an officer's demand is punishable as a misdemeanor.

Motel owners challenged similar code sections in Long Beach¹ and Los Angeles² based upon Fourth Amendment protections from warrantless searches. The Ninth Circuit Court of Appeals found that a police officer's inspection of business records, without the business owner's consent, constituted a Fourth Amendment search and that the ordinances in question did not contain a procedural safeguard: the opportunity for judicial review before disclosure. In order to comply with the Fourth Amendment, law

¹ *Patel v. City of Long Beach* (DC No. 2:08-cv-02806-ABC-VBK).

² *Patel v. City of Los Angeles* (9th Cir., 2013) 738 F.3d 1058.

enforcement must seek voluntarily compliance; obtain an inspection or search warrant; obtain a legislative subpoena; or otherwise give hotel operators the opportunity to challenge the reasonableness of an officer's demand for inspection. Accordingly, a new Chapter is proposed (Chapter 5.88 "Hotel Registries") for the MPMC to clarify that, in cases where consent is refused or cannot be obtained, a warrant or subpoena is required.

FISCAL IMPACT:

None.

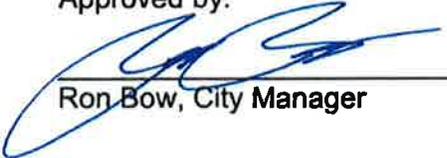
ATTACHMENTS:

1. Draft Ordinance

Respectfully submitted:

By: 
Matt Hallock,
Fire Chief

Approved by:


Ron Bow, City Manager

Reviewed by:


Natalie C. Karpeles, Deputy City
Attorney

Staff Report
June 3, 2020

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO.

AN ORDINANCE ADDING CHAPTER 5.88 TO THE MONTEREY PARK MUNICIPAL CODE TO CLARIFY WHEN HOTEL OPERATORS MUST DISCLOSE GUEST REGISTRIES TO LAW ENFORCEMENT OFFICIALS

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. A new Chapter 5.88 is added to the Monterey Park Municipal Code ("MPMC") to read as follows:

"CHAPTER 5.88

HOTEL REGISTRIES

5.88.010 Definitions.

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

"Guest" means any person or persons seeking to rent or let a hotel room or suite within the city's jurisdiction.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway to one or more guest rooms which are designed, occupied, used or intended to be used, rented or hired out as temporary or overnight accommodations for guests.

"Official identification card" means a driver's license or other official picture identification card issued by a government entity.

"Responsible person" means any owner, manager, or proprietor of a hotel.

5.88.020 Guest Register Required; Time to Retain.

Every responsible person will keep a guest register for registering guests. The guest register will be preserved for at least two years and will be subject to inspection by any law enforcement officer in accordance with this chapter. A responsible person may not let, rent, or furnish any hotel room to any guest who fails to register in the guest register as required by this chapter.

5.88.030 Contents of Guest Register – Verification.

- A. Each guest register must contain:
1. The name, address, and date when a guest registered;

2. The hour that the guest arrived and the time the guest departed or, if the exact time of departure is unknown, the date and time that the responsible owner ascertained the guest departed.
 3. The number of the room or suite assigned to the guest;
 4. If the guest has a motor vehicle, the vehicle license number, the name of the state issuing such license, the year, make, and model of the vehicle; and
 5. The guest's signature.
- B. The responsible person must verify that the information entered in the guest register corresponds with the guest's official identification card.
- C. No person may erase or alter any entry on a guest registry or allow erasure or alternation to occur.

5.88.040 Registration by Fictitious Name.

It is unlawful for a guest to provide false information, register under a fictitious name, or show or use a forged, altered, or counterfeit official identification card when renting a room.

5.88.050 Limitation on Hotel Stay.

Except for residential hotels, no guest may stay at a hotel for more than 30 days of any 90-day period. Any hotel guests must re-register before 30 days elapse.

5.88.060 Registry Inspection.

A sworn law enforcement official may request to review hotel registries at any time. The responsible person may either voluntarily provide such information to a sworn law enforcement official or refuse. Except under exigent circumstances, as defined by applicable law, upon refusal, the sworn law enforcement official may, in addition to any other lawful means of obtaining such information including a legislative subpoena, seek a search warrant issued by a court of competent jurisdiction."

SECTION 2. MPMC § 21.04.481 is amended to read as follows:

"21.04.481 Hotel.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway to one or more guest rooms which are designed, occupied, used or intended to be used, rented or hired out as temporary or overnight accommodations for guests. Hotel facilities include banquet and meeting rooms, restaurant, coffee shops, retail uses, and lobby and entertainment bars. ~~No~~

~~person(s) shall inhabit or shall be permitted to inhabit any unit or any combination of guest units of such facility for more than thirty (30) days of any ninety (90) day period. The owner and/or operator shall allow authorized representatives of the City to inspect the books and records of the hotel during reasonable business hours for the purpose of determining compliance with the provisions of this title.~~

~~The owner and/or operator of each hotel shall maintain a written record which indicates the date and time each and every customer checks into and out of the hotel. The owner and/or operator shall allow authorized representatives of the City to inspect such record during reasonable business hours for the purpose of determining compliance with the provisions of this chapter.”~~

SECTION 3. *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 4. *Enforceability.* Repeal of any provision of the MPMC 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 5. *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 the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 6. *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.

SECTION 7. *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 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. *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 10. *Effective Date.* This Ordinance becomes effective on the 30th day following its passage and adoption.

PASSED, APPROVED, AND ADOPTED June _____, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Natalie C. Karpeles, Deputy City Attorney



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Old Business
Agenda Item 2-B

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
Inez Alvarez, Director of Recreation and Community Services
SUBJECT: Electronic Communications Retention and Purging Policy; Social Media Policy

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a Resolution establishing a Social Media Policy and a Resolution amending the City's retention policy as to electronic communications;
2. Authorize the City Manager to execute an agreement with a social media archiving service vendor, in a form approved by the City Attorney; and
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

This item was continued from the June 3 (Agenda Item 2-C) and May 20 (Agenda Item 5-E) City Council meetings. See Attachment 1 for the completed agenda packet from the May 20th meeting.

Respectfully submitted and prepared by:

Inez Alvarez
Director of Recreation and Community Services

Approved by:

Ron Bow
City Manager

Reviewed by:

Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

1. May 20, 2020 City Council Meeting Agenda Item 5-E

ATTACHMENT 1
May 20, 2020 City Council Agenda Item 5-E



City Council Staff Report

DATE: May 20, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-E.

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
Inez Alvarez, Director of Recreation and Community Services
SUBJECT: Social Media Policy; Electronic Communication Retention and Purging Policy

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a Resolution establishing a Social Media Policy and a Resolution amending the City's retention policy as to electronic communications;
2. Authorize the City Manager to execute an agreement with a social media archiving service vendor, in a form approved by the City Attorney; and
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Staff believes it prudent for the City Council to adopt a Social Media Policy to help ensure compliance with applicable law and allow for the establishment of official City accounts to improve communication with the public.

Additionally, following a decision made by the California Supreme Court in 2017, the City Clerk's office worked with the City Attorney's office to draft proposed amendment to the City's existing electronic communications policy. Staff recommends City Council adopt a Social Media Policy and amend the City's retention policy as to electronic communications.

BACKGROUND:

On March 2, 2017, the California Supreme Court rendered a decision in *City of San Jose v. Superior Court (Smith)* (the "San Jose case"). That decision prompted the City Clerk's office to seek advice from the City Attorney's office regarding the City's current retention policies as to electronic communications. Following that consultation, staff recommends that the City Council adopt the two draft resolutions: one dealing with the retention of electronic communications, including social media; the other establishing policies for the use of social media.

- **Electronic Communications - Retention Policies**

On November 2, 2011, the City Council adopted Resolution No. 11443 which constitutes the City's existing retention policy for electronic communications. Among other things, that retention policy provides direction for the routine, automatic, deletion of electronic mail and voicemail on a minimum 90-day basis. In March 2017, however, the *San Jose* case prompted a reexamination of the City's policies in light of the Supreme Court's decision. At the December 6, 2017 City Council meeting, the Council adopted Resolution No. 11977 changing the retention period to a minimum of two years. The draft Resolution seeks to provide more insight in regards to the direction provided by the *San Jose* case.

The *San Jose* case extended the reach of the California Public Records Act to private accounts owned by public officials. Electronic communications prepared by public officials and employees - whether using public or private accounts - are now subject to the PRA and (unless otherwise exempted) must be disclosed upon request. The Supreme Court determined that the City constructively retains these records even when they are stored in private accounts.

Note that "electronic communications" is more than just email. That term includes virtually every recorded form of communication that includes, without limitation, Facebook comments; tweets; Instagram; texts; voicemails; and Snapchat. Accordingly, it is important for all officials to be cognizant of their private communications; they may also constitute a "public record" that is subject not only to disclosure and retention requirements, but may have additional import (e.g., evidence during public hearings).

The draft Resolution regulates those electronic communications that are used in the course of the City's business, or that constitute a "final draft" of a business decision. Examples of such records include, without limitation, existing service contracts and agreements, historical records, and other such items expressly required to be retained by law.

- **Social Media Policy**

Postings to social media sites also constitute public records under the Public Records Act. While the *San Jose* case did not explicitly address social media, that decision did prompt the City Clerk's office to recommend that the City Council adopt a social media policy.

If adopted, the draft Resolution would establish the means by which the City itself could use social media. It would also, however, help ensure that the City - and its officials - avoid any potential (and inadvertent) violation of the Brown Act; due

process rights; constitutionally protected speech; or other legal requirement.

Electronic communications made via City-hosted social media sites are City records and should be preserved in accordance with applicable law, for a minimum of two years. Staff recommends City Council authorize the City Manager to execute an agreement with a social media archive service vendor, in a form approved by the City Attorney.

Social media archiving services will capture and store all social media posts and staff will have the ability to search these records in the event of an applicable Public Records Act request, as well as set retention periods to these records as appropriate.

FISCAL IMPACT:

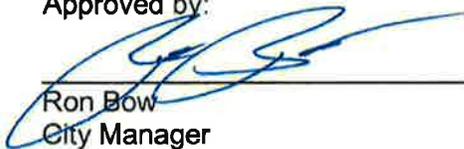
Social media archiving annual service fee not to exceed \$5,000.

Respectfully submitted and prepared by:



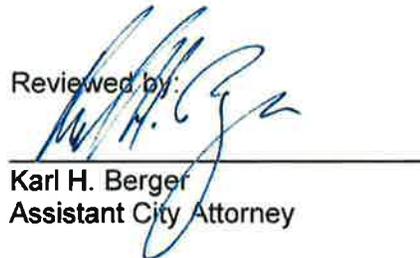
Inez Alvarez
Director of Recreation and Community Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

1. Draft Resolution - Social Media Policy
2. Draft Resolution - Electronic Records

Staff Report
May 20, 2020

ATTACHMENT 1

Draft Resolution – Social Media Policy

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR UTILIZING SOCIAL MEDIA (THE “SOCIAL MEDIA POLICY”).

The City Council of the City of Monterey Park does resolve as follows:

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

- A. The City of Monterey Park (“City”) hosts several Social Media accounts and seeks to expand its Social Media use for purposes of promoting business growth in the City and providing useful information to its residents and businesses.
- B. The City’s participation with Social Media is an effort to engage the Monterey Park community in open, interactive communications while effectively disseminating accurate information to a unique target market. With the advent and widespread use of Social Media, the City desires to capitalize on the potential value of and increasing opportunities presented by Social Media.
- C. The City has an overriding interest and expectation in protecting the information posted on its Social Media and the content that is attributed to the City and its officials.
- D. This policy is designed to guide the City’s involvement in Social Media websites and address certain challenges presented by the City’s Social Media usage. It establishes certain procedures and conduct for creating and posting on City Social Media, outlines acceptable site content, discusses privacy issues and how the City’s Social Media related to the City’s retention schedule, and provides other pertinent standards.
- E. It is in the public interest for the City to establish policies and procedures to identify which Commercial Communications and sponsorships are acceptable.

SECTION 2: 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 Resolution.

- A. “Designated Social Media” means personal property, including communication media, owned, managed or otherwise controlled by the City.
- B. “Commercial Communication” means any Communication other than a Government Communication that is placed on Designated Social Media

and has as its primary purpose the promotion or solicitation of a commercial transaction, such as the sale of real or personal property, services, or entertainment.

- C. "Communication" means any visual message that consists of words, numbers, or images and is placed on Social Media for the purpose of communicating with the public.
- D. "Director" means the City Manager, or designee.
- E. "Effective Date" means the date this Resolution becomes effective.
- F. "Government Communication" means a Communication that is:
 - 1. Related to City services, programs, or events;
 - 2. Related to events co-sponsored by the City; or
 - 3. Is a Public Service Announcement.
- G. "Person" means any individual, firm, association, organization, partnership, business trust, corporation or company.
- H. "Political campaign speech" means speech that
 - 1. Supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum; or
 - 2. Supports or opposes or appears to support or oppose any candidate for public office.
- I. "Public Service Announcement" means a Communication directed to the general public or a significant segment of the general public and relates to:
 - 1. Prevention or treatment of illnesses;
 - 2. Promotion of safety or personal well-being;
 - 3. Providing children and family services;
 - 4. Soliciting by broad-based employee contribution campaigns which provide funds to multiple charitable organizations (e.g., United Way); or
 - 5. Providing services and programs that support low income citizens and citizens with disabilities.

- J. "Social Media" means forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. Current examples of Social Media include, without limitation, Facebook, Twitter, Instagram, Snapchat, and YouTube. When utilizing Social Media, the City acts in its proprietary capacity.
- K. "Sponsor" means a person who provides City with cash and/or an in-kind contribution to support a City project, event, facility, or activity, and which expects recognition in return.
- L. "Sponsorship" means support for a City project, event, facility, or activity by providing money or other support that may be quantified in money. The sponsorship is typically provided in return for the City providing more than nominal recognition of the sponsor's support.
- M. "Sponsorship Agreement" means an agreement, in a form approved by the City Attorney, between the City and a Sponsor. The sponsorship agreement will provide for sponsor recognition as determined by this Resolution.

SECTION 3: *Personal Social Media.* Any elected or appointed public official; City employee; City contractor; or City volunteer utilizing Social Media for personal uses is prohibited from:

- A. Utilizing any indicia of public office in their Social Media including, without limitation, the City's logo; City letterhead; title of public office; or any other, similar, suggestion that the use of Social Media is in a capacity other than a private citizen;
- B. Soliciting comments regarding matters within their subject-matter jurisdiction as a public official, City employee, or other capacity with the City; or
- C. Utilizing Social Media that is "closed," "private," or otherwise restricts its membership in order to circumvent the restrictions within this Resolution.

SECTION 4: *Limited Public Forum Status.*

- A. The City's acceptance of Commercial Communications in accordance with this Social Media Policy does not provide or create a general public forum for expressive activities. In keeping with its proprietary functions, the City does not intend its acceptance of Commercial Communications to convert its Designated Social Media into open public forums for public discourse and debate. Rather, the City's fundamental purpose and intent is to accept Commercial Communications as an additional means of generating

revenue to supplement the City's General Fund. In furtherance of that focused and limited objective, the City retains plenary control over the nature of the Communications accepted for posting on Designated Social Media; its Social Media is intended to be, and is, a limited public forum.

- B. The City Council adopts this Resolution with reference to well-established law supporting the City's ability to restrict Commercial Communications and sponsorships when acting in its proprietary capacity. Such cases include, without limitation, *Reed v. Town of Gilbert* (2015) 576 U.S. 155 ("on public property, the [City] may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner"); *Heffron v. ISKCON* (1981) 452 U.S. 640; *Lehman v. Shaker Heights* (1977) 418 U.S. 298; *Children of the Rosary v. Phoenix* (9th Cir. 1998) 154 F.3d 972; *Page v. Lexington County School Dist. One* (4th Cir. 2008) 531 F.3d 275.

SECTION 5: Name and Purpose.

- A. *Name.* This Resolution may be referred to as the City's "Social Media Policy."
- B. *Public Purpose.* The City's primary purpose in adopting this Social Media Policy is to provide guidance to public officials and employees as to the use of Social Media and avoiding any potential City endorsement of the content or viewpoint of Communications.
- C. *Not a Public Forum.* In adopting this Resolution, the City is acting as a proprietor not as a regulator. The City does not intend to permit, and will not permit, any Communication that individually or in combination with other Communications would cause any Designated Social Media to become a traditional or designated public forum.
- D. *Revenue Enhancement.* To help promote economic development, and to ensure the City's continued success in providing public services, the City Council identified Commercial Communications and sponsorship revenue as a source of income for the City.
- E. This Social Media Policy is intended to provide clear guidance as to the types of Communications that will allow the City to generate revenue and provide public services including, without limitation, Public Service Announcements by:
 - 1. Preventing the appearance of favoritism by the City;
 - 2. Preventing the risk of imposing views on a captive audience;

3. Maintaining a position of neutrality on controversial issues;
4. Preserving the marketing potential of the Social Media by avoiding content that the community could view as offensive, inappropriate or harmful to the public generally or to minors in particular; and
5. Preventing any harm or abuse that may result from running controversial or offensive Communications.

SECTION 6: Application of Policy.

- A. This Social Media Policy applies to the posting of all new Communications on Designated Social Media on or after the Effective Date.
- B. Pre-existing agreements for Communications, if any, on Designated Social Media cannot be extended or renewed unless amended to comply with this Resolution.

SECTION 7: Policies.

- A. The City may accept or reject any and all Communications in accordance with this Resolution.
- B. Decisions to accept or reject proposed Communications or Communications sponsorships will not be made on the basis of the sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation of the person proposing the Communication.
- C. By accepting a Communication, the City does not waive or restrict its ability to accept any other Communications.
- D. Advertisers and sponsors will not receive extraordinary consideration relating to the City's procurement processes, regulatory activities, or other City business by providing a Commercial Communication.
- E. City may terminate any Communication should the Communication conflict with this Resolution. The City Manager is authorized to make a final determination regarding termination.
- F. Absent specific City Council approval, as evidenced by minute order or written resolution, the City's name and logo cannot be used as part of any official endorsement of a person's product, service, or company.
- G. The names and images of elected officials are prohibited on Designated Social Media.

SECTION 8: Creation, Maintenance and Termination of Designated Social Media.

The City generally utilizes commercially available Social Media for Communications. Creation, maintenance and termination of Designated Social Media must comply with the following:

- A. The Director must approve the Designated Social Media in writing before any City official or employee can open an account on the City's behalf.
- B. All Designated Social Media must utilize authorized City contact information for account set-up, monitoring and access. Such contact information must be provided to the City's Information Technology division. The use of personal email accounts or phone numbers by any City employee is not allowed for the purpose of setting-up, monitoring or accessing Designated Social Media.
- C. Each department director, where applicable, must appoint a specific staff member to maintain and monitor Designated Social Media for purposes of that department. Department directors are responsible for ensuring their employees follow this policy. If an employee assigned to maintain and monitor Designated Social Media separates from City employment, the department director must ensure that any password(s) to the Designated Social Media are revised and that another employee is assigned.
- D. The settings for Designated Social Media must be set to "no comments," or a substantially similar setting, if such setting is available so that unsolicited feedback cannot be received from Social Media.
- E. Employees administering Designated Social Media must understand its current terms of service. Designated Social Media must comply with usage rules and regulations required by the site provider, including privacy policies.
- F. All account information, including passwords and setting information, for all Designated Social Media must be provided to the City Manager, or designee. The City's use of any Designated Social Media may be terminated by the City Manager in his or her discretion at any time without notice. The City Manager, or designee, may remove content that is inappropriate or inconsistent with this policy.

SECTION 9: Authorized Communications. Upon the effective date of this Resolution, no Communication may be placed on Designated Social Media unless all of the following are satisfied:

- A. The Communication consists of a Commercial Communication, Government Communication, or Public Service Announcement.

- B. Commercial Communications cannot be placed on Designated Social Media until the third party and the City enter into a written agreement that is consistent with this Resolution and approved as to form by the City Attorney.
- C. Government Communications, other than those related to City services, programs, or events, may not be placed on Designated Social Media until the City Manager, or designee, authorizes the placement in writing.
- D. The sponsor of a Public Service Announcement must be a government entity or a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.¹
- E. A Public Service Announcement cannot include a message that is commercial or retail in nature or related to a festival, show, sporting event, concert, lecture or event for which an admission fee is charged.
- F. The Communication is not otherwise prohibited by this Resolution.
- G. The City's official website will be maintained as the primary source of information for the City; Designated Social Media will contain supplemental information only. Designated Social Media cannot replace the City's required notices and traditional methods of communication.
- H. All Designated Social Media will display a prominent link to the City's official website and will direct site traffic to the City's official website, www.MontereyPark.ca.gov
- I. Designated Social Media will display a prominent official logo or identifying marker for the City and will include Communications noting that the page is maintained by the City.
- J. Designated Social Media will link back to the City's official website, when such feature is available, for forms, documents, online services, and other information necessary to conduct business with the City. The following content guidelines will be posted on all Designated Social Media or made available by hyperlink: "The content you see on this site is provided for informational purposes only. To conduct business with the City of

¹ 26 USC § 501(c)(3): "Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation ... and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

Monterey Park you must visit City Hall in person, phone the City at (626) 307-1458, or use the services available on the City's website at www.MontereyPark.ca.gov.

- K. The City's Social Media Policy must be displayed to users or made available by hyperlink on both the social media sites and the official City website www.MontereyPark.ca.gov or any other domain owned by the City.
- L. Information posted to Designated Social Media becomes public information and there should be no expectation of privacy in regards to the information posted on Designated Social Media.

SECTION 10: **Viewpoint Neutral Limitations.** Communications are not permitted on Designated Social Media if it or information contained in it falls within one or more of the following categories:

- A. The Communication proposes a commercial transaction and is false, misleading, or deceptive.
- B. The Communication promotes or encourages, or reasonably appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
- C. The Communication promotes, depicts, or encourages, or reasonably appears to promote, depict, or encourage, unlawful or illegal behavior or activities.
- D. The Communication implies or declares the City's endorsement of any service, product, or point of view without the City Manager's prior written authorization.
- E. The Communication contains obscene matter or any other matter that is prohibited under Penal Code §§ 311, *et seq.*, as amended.
- F. The Communication is profane or vulgar, or presents a clear-and-present danger of causing a riot, disorder, or other imminent threat to public safety, peace, or order.
- G. The Communication is so objectionable under contemporary community standards that it is reasonably foreseeable that it will harm, disrupt, or interfere with the City's services, programs, or events.
- H. The Communication holds up an individual or group to public ridicule, derision, or embarrassment; or is libelous; or is an infringement of a copyright, trademark, or registered mark. Advertisers and Commercial

Communications agencies assume all responsibility for any unauthorized use of names, photographs, devices, and words protected by copyright, trademark, or registered trademark.

- I. The Communication promotes or depicts the sale or use of tobacco or cannabis, or tobacco-related or marijuana-related products, except products that counteract symptoms of tobacco habituation.
- J. The Communication promotes or depicts the sale or consumption of wine, liquor, beer, or distilled spirits.
- K. The Communication directly or indirectly promotes the sale or use of a firearm.
- L. The Communication contains political campaign speech.
- M. The Communication advocates or opposes a religion or religious belief or a philosophy or philosophical belief.
- N. The Communication contains an image or description of graphic violence or the results of graphic violence including, without limitation, unless part of a law enforcement case and approval of the City Manager, to
 - 1. The depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement; and
 - 2. The depiction of weapons or other implements or devices associated in the Communication with an act or acts of violence or harm on a person or animal.
- O. The Communication promotes or encourages, or appears to promote or encourage, a transaction that is related to, or uses brand names, trademarks, slogans, or other materials that are identifiable with, any of the following: films rated "X" or "NC-17" by the Motion Picture Association of America; video games rated "A" or "M" by the Entertainment Software Rating Board; adult book stores or adult video stores; nude or topless clubs and other adult-entertainment establishments; adult telephone services or adult Internet sites; or escort services.
- P. The Communication advertises any good, service, or entertainment that competes with goods, services, or entertainment offered by the City.
- Q. The Communication directs viewers to a website or telephone number that provides access to material that violates this Social Media Policy. In addition, the website address or phone number itself may not violate this

Social Media Policy.

- R. The Communication, if communicated individually or in combination with other Communications, would cause the Social Media to become a public forum.
- S. The Communication fails to contain any disclaimer or attribution required by this Resolution.
- T. Commercial Communications that promotes or solicits the sale, rental, distribution or availability of firearms or firearms-related products.
- U. Any Commercial Communications that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable, or disrespectful to persons, groups, businesses or organizations, including Commercial Communications that portrays individuals as inferior, evil or contemptible because of their race, color, creed, sex, pregnancy, age, religion, ancestry, national origin, marital status, disability, sexual orientation or any other characteristic protected under federal, state or local law.
- V. Any material directed at a person or group that is so insulting, degrading or offensive as to be reasonably foreseeable that it will incite or produce lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order.

SECTION 11: *Disclaimer.* The City may, in all circumstances, require that a Communication on Designated Social Media include a disclaimer stating that the Communication is not sponsored by, and does not necessarily reflect the views of, the City. The disclaimer must read substantially as set forth in attached Exhibit "A," which is incorporated by reference.

SECTION 12: *Commercial Communications; Applications.* Applications for Commercial Communications or sponsorships must be filed on forms provided by the City. Applications made on the required forms will be considered on a first come first serve basis as indicated by date received and accepted.

SECTION 13: *Commercial Communications; Approvals.*

- A. The Director may approve all Communications with a value of less than \$25,000. All other Communications must be approved by the City Council.
- B. All sponsorship agreements must be memorialized in a written agreement between the City and the sponsor. The City Manager is authorized to execute any written agreement for a donation or sponsorship where the value of the donation or sponsorship is less than \$25,000. No written donation or sponsorship agreements will be valid unless approved as to

form by the City Attorney.

SECTION 14: *Commercial Communications; Attribution.* All Communications on Designated Social Media must clearly and unambiguously identify the person or entity that has sponsored or paid for the Communication or it to be placed on the Designated Social Media. Website addresses or phone numbers by themselves are insufficient to satisfy this section.

SECTION 15: *Commercial Communications; Procedures.*

- A. All proposed Commercial Communications must be submitted to the Director for initial compliance review. The Director will perform a preliminary evaluation of the submission to assess its compliance with this policy. If, during its preliminary review of a proposed Communication, the Director is unable to make a compliance determination, the Director will forward the submission to the City Manager, or designee, for further evaluation.
- B. The Director may at any time discuss with the entity proposing the Communication one or more revisions to a Communication, which, if undertaken, would bring the Communication into conformity with this Social Media Policy. The Director will immediately remove any Communication that violates this Policy.
- C. The Director will review the proposed Communication for compliance with the guidelines set forth in this policy and will direct as to whether the proposed Communication will be accepted.
- D. The City Manager, or designee, will conduct a final review of proposed Commercial Communications at the Director's request. The City Manager's, or designee's, decision to approve or reject any proposed Commercial Communications is final.

SECTION 16: *Moratorium.* At the discretion of the City Manager, and subject to any contractual obligations, the City may declare a complete ban or moratorium on all Communications on Designated Social Media and direct that no Communications of any kind, other than Government Communications, be accepted for display and posting.

SECTION 17: *Disputes.* Any dispute concerning complying with this Resolution may be appealed to the City Manager within 15 days of the circumstances giving rise to the dispute. The City Manager must act upon the appeal within 30 days. The City Manager may refuse to allow, or may order the removal of, any Communication that does not comply with this Resolution. The City Manager may, but is not required to, bring the appeal to the City Council for a decision. Unless considered by the City Council, the City Manager's decision is the City's final decision without the ability for a City Council appeal.

SECTION 18: *Revenue.* Monies received by the City from Communications must be deposited in a separate account identified by the City Manager. Unless otherwise provided by a sponsorship agreement, funds in the separate account may be used for general purposes as determined by the City Manager.

SECTION 19: *Ralph M. Brown Act.* As noted in Section 7, Designated Social Media can only be utilized when the “comment” option is turned off. This is intended to reduce the potential for unintentional violations of applicable law including, without limitation, the Ralph M. Brown Act. To help ensure full compliance with the Ralph M. Brown Act, elected and appointed officials must comply with the following:

- A. All elected and appointed officials must avoid using Social Media to blog, discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the legislative body. This includes, without limitation, posting comments on Social Media.
- B. If Social Media, including Designated Social Media, will significantly influence the views or opinions of an elected or appointed official acting in an adjudicatory or quasi-judicial matter, the official must disclose the Social Media and the content thereof as an *ex parte* contact.
- C. Elected and appointed officials are prohibited from excluding or blocking persons from Social Media, including Designated Social Media, for any purpose.

SECTION 20: *Public Records Act.* The content of Designated Social Media constitutes a “public record” under the Public Records Act and must be retained in accordance with the City’s retention schedule.

SECTION 21: *Violations.* Violations of this policy may result in the termination of the City’s participation with Designated Social Media and may cause disciplinary action to be taken as determined in accordance with the City’s Personnel Rules and Regulations, Memoranda of Understanding, and other applicable policies and regulations.

SECTION 22: *Authority.* The City Manager is authorized to implement this Resolution in accordance with applicable administrative policies and procedures that may be promulgated by the City Manager.

SECTION 23: *Amendment and Interpretation.* The City may amend this Resolution unilaterally at any time. The City Council has the sole and final authority to interpret and apply this Resolution.

SECTION 24: *Effectiveness.* This Resolution will become effective immediately upon adoption and will remain effective unless superseded or repealed.

PASSED AND ADOPTED this ____ day of _____, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

EXHIBIT A

CITY OF MONTEREY PARK SOCIAL MEDIA POLICY DISCLAIMER

The City of Monterey Park participates in social media pages in an effort to engage members of the community in open, interactive communications while effectively disseminating accurate information to target markets. The following disclaimer applies to all City of Monterey Park-maintained social media pages.

This page is monitored infrequently and only during regular business hours. DO NOT post emergency information; if you are experiencing an emergency, call 911.

Privacy Statement

This is an official social media page for the City of Monterey Park. In accordance with the City's Social Media Policy, the settings for this site do not allow for comments. However, anything you post here including comments, deleted posts, messages, and chat sessions, is subject to the California Public Records Act.

Notice to City

Communications made through this website do not constitute legal or official notice to the City, its elected or appointed officials, employees, representatives, or agents.

Materials and information on this City social media site are provided as a public service and intended to afford general guidelines on matters of public interest. Except for the third party materials described below, the materials and information on this site were generated, compiled, or assembled at public expense and are freely available for non-commercial, non-profit making use, provided the user keeps intact all associated copyright, trademark, and other proprietary notices. The materials and information on this site cannot be copied, reproduced, republished, uploaded, posted, transmitted, distributed, or "mirrored" on another server without the written permission of the City.

Copyright Notice

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If a copyright is indicated on a photo, graphic, or any other material, permission to copy these materials must be obtained from the original source.

Using or modifying this site's materials and information for commercial or profit making purposes is prohibited and may violate the copyrights and/or other proprietary rights of

the City or third parties.

By participating on this site you agree to grant a non-exclusive, irrevocable, royalty-free license to any information posted, abide by intellectual property standards and limit content to that which is rightfully posted.

Prohibited Content

Comments containing any kind of inappropriate content including, without limitation, the following, are not permitted on City of Monterey Park social media pages and will be removed: (1) profane, obscene, or pornographic content and/or language; (2) content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, physical or mental disability, sexual orientation, national origin, as well as any other category protected by federal, state or local laws; (3) threats of physical harm to any person, property or organization; (4) comments related to or in support of, or in opposition to, any political campaigns or ballot measures except to announce election dates and voter registration locations; (5) conduct violating any law.

If you feel your comments have been unfairly deleted or would like to report inappropriate content, contact the City of Monterey Park at www.montereypark.ca.gov.

Disclaimer of Endorsement

A comment posted by a member of the public on any City of Monterey Park social media page is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Monterey Park, nor do such comments necessarily reflect the opinions or policies of the City of Monterey Park. Likewise, City social media sites may contain content including, without limitation, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City social media sites by the social media site's owners, vendors or partners. By using the City's Web site, the user acknowledges and accepts that the City is not responsible for any materials stored on other Internet sites, nor it is liable for any inaccurate, defamatory, offensive, or illegal materials found on other Internet sites, and that the risk of injury from viewing, hearing, downloading, or storing such materials rests entirely with the user.

Contacting the City of Monterey Park

To interact with the City of Monterey Park please visit the official City of Monterey Park webpage at www.MontereyPark.ca.gov, email MPCLerk@montereypark.ca.gov or call (626) 307-1359.

Disclaimer of Liability

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CHANGES ARE MADE PERIODICALLY TO MANY CITY DOCUMENTS, INCLUDING MUNICIPAL CODES, CHARTER SECTIONS, REGULATIONS, GUIDELINES, AND SCHEDULES, AND THESE CHANGES MAY OR MAY NOT BE REFLECTED IN THE MATERIALS OR INFORMATION PRESENT ON THE CITY OF MONTEREY PARK'S WEB SITE. ADDITIONALLY, BECAUSE THE SITE IS FREQUENTLY UNDER DEVELOPMENT, MATERIALS AND INFORMATION MAY BE DELETED, MODIFIED OR MOVED TO A DIFFERENT PART OF THE SITE WITHOUT ADVANCE NOTICE.

IF YOU DO NOT AGREE TO OR UNDERSTAND ANY OR ALL OF THESE TERMS, PLEASE DO NOT USE THIS WEBSITE.

Staff Report
May 20, 2020

ATTACHMENT 2

Draft Resolution – Electronic Records

RESOLUTION NO. _____

A RESOLUTION REGARDING RETAINING AND PURGING PUBLIC RECORDS IN ELECTRONIC FORM.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1: The City Council finds as follows:

- A. In 2017, the California Supreme Court rendered a decision in *City of San Jose et al. v. Superior Court of Santa Clara County (Smith)* (2017) 2 Cal.5th 608 (“*San Jose*”).
- B. The *San Jose* case, among other things, extended the reach of the Public Records Act (Government Code §§ 6250-6276.48; the “PRA”) to “public records” stored in the personal devices and accounts of public officials and employees.
- C. The definition of “public records” under the PRA extends to virtually every recorded form of communication including, without limitation, Facebook comments; tweets; Instagram; texts; voicemails; and Snapchat.
- D. The *San Jose* case makes it plain that it is in the public interest for the City Council to amend its previous policies regulating public officials’ and employees’ use of electronic communications and identify the circumstances when electronic communications must be preserved.

SECTION 2: Purpose. This Resolution is adopted to establish policies that help ensure the City’s compliance with applicable law including, without limitation, the California Public Records Act; protect the public welfare; and facilitate City business practices. Nothing contained in this Resolution is intended to hinder City officials’, officers’, or employees’ use of electronic communications.

SECTION 3: 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 Resolution:

- A. “Account” means either a City-owned or commercial service which provides users the ability to send, receive, or store electronic communications.
- B. “Archival form” means either:
 - 1. Transcribing or printing electronic communications in a legible hard copy form; or

2. Transmitting, converting, or recording an electronic communication into an electronic format by which the informational content of the electronic communication is permanently or indefinitely preserved and such information may be retrieved in readable or audible and comprehensible form. Examples of such storage include, without limitation, optical disk storage; microfiche; and digital photography that is incapable of deletion or alteration.
- C. "Electronic communication" or "communication" means
1. Any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system; and
 2. That occurs to, from, between or among any City official(s) or employee(s) by using an account for City business purposes.
 3. Electronic communications include, without limitation, E-mail and Social Media.
- D. "Record" means a thing which constitutes an objective lasting indication of a writing, event or other information, which is in the custody of a user and is kept either
1. Because a law requires it to be kept; or
 2. Because it is necessary or convenient to the discharge of the user's duties and was made or retained for the purpose of preserving its informational content for future reference.
 3. A record does not include "personal records." A personal record is a communication that is primarily personal, containing not more than incidental mention of City business. Whether a communication is a "personal" record depends on several factors such as the content itself; the context in, or purpose for which, it was written; the audience to whom it was directed; and whether the writing was prepared by a user acting in his or her employment. For example, while a user's email to a spouse complaining about a coworker would likely not be a public record, an email to a superior reporting the coworker's mismanagement of a City project might be.
- E. "Social Media" means forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. Current examples of Social Media include, without limitation, Facebook, Twitter, Instagram, Snapchat, and YouTube.
- F. "Storage" means

1. Any temporary, intermediate, or long-term storage of an electronic communication; and
 2. Any storage of electronic communication in an account for purposes of backup protection of such electronic communication.
- G. "User" means City elected and appointed officials, officers, employees (regular, extra-help and temporary), contractors, volunteers, and other individuals who
1. Utilize electronic communications; and
 2. Are authorized to use a City account.

SECTION 4: Applicability. This policy applies to users. Third parties should only be provided access to City accounts as necessary for their business purpose with the City and only if they agree to abide by all applicable rules.

SECTION 5: Preservation of Electronic Communications that Constitute Records. Electronic communications that constitute records should be converted into archival form and must be retained for the period prescribed by the City's retention schedule.

SECTION 6: Preservation and Routine Deletion of Electronic Communications.

- A. Electronic communications that are not "records" should be routinely deleted from accounts by the user without preserving any portion of the informational content of the communication.
- B. All user communications should utilize City accounts.
 1. Users who are City employees are required to use their City-owned accounts for electronic communications. In the unlikely event an employee cannot access his or her City account and instead must use his or her personal account, the employee must send a copy of the communication to the City account.
 2. Users who are elected or appointed City officials are encouraged to only use their City-owned accounts for electronic communications. Should an elected or appointed City official not have a City owned account, or chooses to use his or her personal account for electronic communications, the user must be prepared to search his or her personal account should the City receive a request for records.

SECTION 7: Personal Accounts.

- A. If the City receives a request seeking public records held in a user's

personal account, the City will communicate the request to the user. The user is responsible for reviewing their personal account and providing the City with any responsive record. In doing so, the user must complete an affidavit in a form approved by the City Attorney certifying the good faith efforts undertaken to identify any responsive record.

- B. Records stored in personal accounts must also comply with the two-year retention period set forth in this Resolution.

SECTION 8: Special Rules Applicable to E-mail Records.

- A. The City's accounts should not be used for storing records. As with other forms of electronic communication, emails and email attachments that constitute records should be converted into archival form and retained in accordance with the applicable retention period.
- B. Email and Email attachments that contain or may contain embedded metadata must be archived in a manner that ensures the metadata component is preserved as required by law.
- C. To guard against the inadvertent deletion of records, emails and email attachments will be retained in within the City's account for a period of two years, after which time they may be automatically purged from the email system.

SECTION 9: Archives Preserved pursuant to Retention Schedule. Once in archival form, electronic communications will be preserved pursuant to the City's approved retention period for the file or record series in which such communication is placed, or to which it relates. Retention provisions of this section will not be deemed to impose any legal requirement or obligation on the City or any of its officers and employees not otherwise required or established by any other provision of law. After consulting with the City Attorney, the City Clerk, or designee, will determine whether such communications should be permanently preserved, disclosed, produced, or destroyed in accordance with the City's retention schedule.

SECTION 10: Compliance with law. Immediately upon receiving a public records request, subpoena, or court order which identifies an electronic communication, users must use their best efforts, and use all reasonable means practicable, to preserve such electronic communications.

SECTION 11: Administrative Policies and Procedures. The City Manager will establish policies and procedures as necessary to carry out this policy.

SECTION 12: Previous Policies. To the extent that any other resolution pertaining to policies regulating the retention and destruction of public records in electronic form is incorporated into this Resolution, it is superseded in its entirety.

SECTION 13: Construction. This Resolution must be broadly construed to achieve the purposes stated in the Resolution. It is the City Council's intent that the provisions of this Resolution are interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution and applicable law including, without limitation, the Public Records Act.

SECTION 14: Enforceability. Repeal or supersession of any previous resolution or policy does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Resolution 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 Resolution.

SECTION 15: If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 16: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ___ day of _____, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney



City Council Staff Report

DATE: June 17,2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council

FROM: Martha Garcia, Director of Management Services

SUBJECT: Recommendations for Adoption of Fiscal Year 2020-2021 Annual Budget

RECOMMENDED: It is recommended that the City Council consider:

- (1) Adopting by Resolution the City's and Successor Agency's Fiscal Year 2020-2021 Annual Budget as presented on May 26 and May 27, 2020, City Manager's recommended budget incorporated with the Council's directions; and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City Council conducted public budget hearings on May 26 and May 27, 2020 regarding the City's current finances, projected revenues, and financial obligations. The budget for 2020-2021 presents a spending plan that anticipates \$108.1 million in estimated operating revenues and transfers-in from all funds combined and \$108.4 million in operating, capital improvement expenditures and transfers-out. Financial matters, including the potential impact from the pension cost increases, the State mandate minimum wage requirement, staffing realignment and changes, mitigation strategies for pension and retiree medical unfunded liabilities, economic development projects, and goals and objectives associated with the City budget, were presented and discussed at the hearing.

BACKGROUND:

In light of current economic conditions, the Fiscal Year 2020-2021 Proposed Budget is presented with the assumed impacts of COVID-19 and follows the Council's priorities and policy direction. The General Fund estimated revenues and transfers-in totaled \$44.3 million and appropriations and transfers-out totaled \$43.9 million. The City's restricted funds, including special revenue, internal service, enterprise, and successor agency funds, have \$64.5 million for expenditures and transfers-out, and \$63.8 million for revenues and transfers-in. The Successor Agency (SA) budget of \$2.3 million is for enforceable obligations and administrative costs for winding down procedures of the former redevelopment agency. The Successor Agency's budget is incorporated with the City's budget for informational purposes because the SA budget is authorized by the State Department of Finance.

The overall City budget reflects salary adjustments for Police, Fire, and General Employees bargaining units, the mandate state minimum wage requirement, higher pension costs, an annual CPI adjustment for contractual services, and \$3.5 million for priority capital and infrastructure improvements. The City is currently negotiating with the remaining two bargaining units for their contracts.

The City took several steps to mitigate the shortfall of revenues expected in FY 2020-2021 due to the COVID-19 pandemic. Some of the measures taken include:

- Reduced part-time staff hours to zero;
- Implemented hiring freeze of non-critical positions;
- Reduced unessential costs;
- Reduced Capital Improvement Projects;
- Reduced public events and programs; and
- Offered a retirement incentive package to eligible employees;

The budget document is revised for language modifications and corrections discussed during the May 26 and May 27, 2020 Budget Presentation. Modifications and corrections include:

- Crossing Guard FTE correction from 16.80 to 14.22;
- Corrected Fire Divisions from 5 to 6;
- Corrected Program Measurements for the Community Risk Reduction Division;
- Statistical numbers were updated for the Motor Pool Division;
- Building and Safety Division expenses were corrected to include the \$40K General Fund annual expense for the building permit software;
- Part-Time Water Utility Maintenance Worker was spread between three Divisions: Water Commercial, Water Production, and Water Distribution;
- A table explaining the breakdown of the \$2.3M annual water assessment charges and purchase costs was included in the Water Production Division;
- In the Parks Division, the part-time Maintenance Worker was clarified; and
- SB2, Planning Grant Program, in the amount of \$310,000 was awarded to the City of Monterey Park and included in the proposed budget.

It should be noted that this environment remains volatile where weekly data vacillates between a more positive outcome and a less favorable outcome. There are many variables that are unknown until realized. These variables include how quickly businesses reopen, unemployment among our residents, how receptive consumers are in this environment to in-store shopping, dining, or travel, and whether or not there will be further interruptions due to new outbreaks. For the Fiscal Year 2020-2021, City staff will continue to benchmark its approach with local jurisdictions and regional economic data, while consulting with financial experts to peer review the City's financial forecasting model and approach. City staff will continue sound fiscal responsibilities and will return quarterly to Council with an updated General Fund revenue forecast, a contingency plan should a revenue shortfall continue and a schedule of anticipated revenue. These efforts are consistent with the City mission statement as well as the City Council's priorities and policy direction.

Respectfully submitted and prepared by:



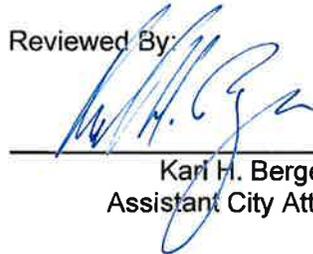
Martha Garcia
Director of Management Services

Approved By:



Ron Bow
City Manager

Reviewed By:



Karl H. Berger
Assistant City Attorney

ATTACHMENT(S):

1. Budget Adoption Resolution

Attachment 1
Budget Adoption Resolution
June 17, 2020

RESOLUTION NO.

A RESOLUTION ADOPTING THE FISCAL YEAR 2020-2021 FINAL OPERATING BUDGET FOR THE CITY OF MONTEREY PARK AND THE SUCCESSOR AGENCY TO THE MONTEREY PARK REDEVELOPMENT AGENCY; AND ADOPTING THE 2020-2021 CAPITAL IMPROVEMENT BUDGET.

The City Council for the City of Monterey Park and the City Council acting on behalf of the Successor Agency (collectively referred to, for convenience, as the “City”) does resolve as follows:

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

- A. The City Council reviewed the proposed final Operating Budget (“Budget”) for the City and Capital Improvement Plan (“CIP”) for fiscal years 2020-2021;
- B. The Budget and CIP are based upon appropriate estimates and financial planning for the City’s operations, services, and capital improvements;
- C. The City Council conducted public study sessions on May 26 and May 27, 2020;
- D. The City Council is fully informed regarding the City’s current finances, projected revenue, and financial obligations; and
- E. It is in the public interest for the City Council to adopt the Budget and CIP as proposed by the City Manager.

SECTION 2: ADOPTION. The Budget and the Capital Improvement Projects as incorporated by reference to this Resolution are approved and adopted subject only to the authorizations set forth below. Such approval and adoption include, without limitation, the Position Control Listing of Authorized Positions, Classification and Compensation Plans set forth in the Budget which recognizes new classifications and removes unused classifications.

SECTION 3: APPROPRIATIONS LIMIT.

- A. Article XIII B of the California Constitution requires the City to set its Appropriations Limit on an annual basis;
- B. The City’s Appropriations Limit may be adjusted annually based upon inflation and population growth.
- C. The City Council may choose the method of calculating adjustments to the City’s Appropriations Limit on an annual basis. For inflation, pursuant to Article XIII B, § 8(e)(2), adjustments to the Appropriations Limit may be calculated using either the percentage change in per capita personal income from the preceding year or the percentage change in the local assessment roll from the preceding year because of local nonresidential new construction. For population growth,

pursuant to Government Code § 7901(b), the City may either use the percentage growth either in its jurisdiction or from the surrounding county.

- D. Pursuant to Article XIII B of the California Constitution, and those Government Code sections adopted pursuant to Article XIII B, § 8(f), the City Council chooses to adjust the City's Appropriations Limit by calculating inflation using the California per capita personal income growth and calculating population growth by using the percentage change in population in Los Angeles County.
- E. As a result of the adjustments made to the City's Appropriations Limit, the City Council sets the Appropriations Limit for fiscal year 2020-2021 at \$94.5 million

SECTION 4: BUDGET APPROPRIATIONS. Based upon the Budget, the total General Fund operating budget, including transfers, is \$43.9 million. The Overall City Budget is \$108.4 million including Capital Improvement Projects. The City Manager, or designee, is authorized to implement the appropriations for City Departments.

SECTION 5: CIP APPROPRIATIONS. Based upon the CIP, a total of \$3.5 million is appropriated for capital improvement projects for Fiscal Year 2020-2021. The City Manager, or designee, is authorized to implement the CIP.

SECTION 6: REAPPROPRIATION. The City Manager, or designee, is authorized to reappropriate any unused appropriations for capital projects, special projects, and grant programs at the close of Fiscal Year 2020-2021 for the Budget and CIP.

SECTION 7: FUND OPERATING RESERVES. The City Manager, or designee, may appropriate any remaining revenues at the close of Fiscal Year 2020-2021 into the applicable Fund operating reserve per Governmental Accounting Standards Board (GASB) Statement No. 54.

SECTION 8: BUDGET ADJUSTMENTS. The Budget may be subsequently adjusted as follows:

- A. By majority vote of the City Council;
- B. By the City Manager, or designee, for all appropriation transfers between programs and sections within a City department and between appropriation units (e.g., salaries and benefits, services and supplies, and capital outlay) within programs;
- C. Objects code expenditures within appropriation units in a program are not restricted so long as funding is available in the appropriation unit as a whole.

SECTION 9: CONTRACTING AUTHORITY.

- A. Pursuant to Monterey Park Municipal Code ("MPMC") Chapter 3.20, the City

Manager, or designee, is authorized to bid and award contracts for the equipment, supplies, and services approved in the Budget.

- B. Pursuant to MPMC § 3.90.050(c), the City Manager or designee, is authorized to execute all contracts awarded for equipment, supplies, and services approved in the Budget.
- C. For all other services, equipment, and supplies, the City Manager or designee, is authorized to execute contracts in accordance with the MPMC.

SECTION 10: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City's original resolutions; and make a minute of the adoption of the Resolution in the City Council's records and the minutes of this meeting.

SECTION 11: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED and ADOPTED this 17th day of June, 2020.

Hans Liang
Mayor
City of Monterey Park

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, Assistant City Attorney

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 17th day of June 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Dated this 17th day of June 2020

Vincent D. Chang, City Clerk



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-B

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

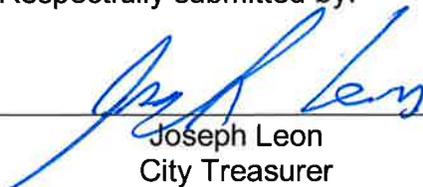
EXECUTIVE SUMMARY:

As of May 31, 2020 invested funds for the City of Monterey Park is \$94,538,906.18.

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:



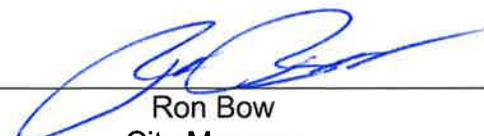
Joseph Leon
City Treasurer

Prepared by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

**CITY OF MONTEREY PARK
INVESTMENT REPORT
AS OF MAY 31, 2020**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 5/31/2020 **\$ 94,538,906.18**

INVESTMENT COMPOSITION

(1) **LA COUNTY POOLED INVESTMENT FUND** ON DEMAND 1.400% **\$ 4,738,626.14**
(See Schedule A for LA County Pool Composition)

(2) **LOCAL AGENCY INVESTMENT FUND** ON DEMAND 1.520% **\$ 84,020,280.04**

(3) **CERTIFICATES OF DEPOSIT**

		<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
1	PREFERRED BANK	09/30/19	09/03/20	2.00%	140,000
2	ROYAL BUSINESS BANK	06/23/19	06/22/20	2.45%	250,000
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	COMMERCIAL BANK	06/21/18	06/22/20	2.75%	245,000
8	CUSTOMERS BANK	06/19/19	06/19/20	2.40%	245,000
9	DIRECT CFED CREDIT UNION	11/22/17	11/23/20	2.00%	245,000
10	DISCOVER BANK	09/01/17	09/01/20	1.90%	245,000
11	ENVISION CREDIT UNION	06/07/19	06/07/21	2.50%	245,000
12	FIRST SOURCE FED CREDIT UNION	10/08/19	03/26/21	1.95%	245,000
13	GOLDMAN SACHS BANK	10/18/17	10/19/20	1.95%	245,000
14	GUARANTY BANK	03/15/18	09/15/20	2.40%	245,000
15	IBERIABANK	05/30/18	11/30/20	2.70%	245,000
16	KEESLER FEDERAL CREDIT UNION	12/21/18	06/22/20	3.00%	245,000
17	MORGAN STANLEY BANK	02/27/20	02/28/22	1.70%	245,000
18	MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
19	NATIONWIDE BANK	11/30/17	08/31/20	2.00%	245,000
20	THIRD FED SAVINGS & LOAN	12/21/17	12/21/20	2.10%	245,000
21	UNIVERSITY IOWA CMNTY	04/30/18	04/30/21	2.75%	245,000
22	VIBRANT CREDIT UNION	12/21/18	06/22/20	2.95%	245,000
23	WELLS FARGO BANK	02/13/19	02/16/21	2.65%	245,000
24	WEX BANK	06/02/17	06/02/20	1.80%	245,000
<i>Total CDs (24)</i>				2.244%	<u>\$ 5,780,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ 12,969,171.28

AVERAGE MATURITY DAYS 14

AVERAGE INTEREST RATE FOR THE MONTH 1.559%

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 3RD QUARTER 2019-2020 **\$ 464,923.00**

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 APRIL 30, 2020

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 4/30/20		
At Cost	\$ 38,327,203,327	\$ 114,302,174
At Market	\$ 38,441,610,969	\$ 118,655,234
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	9.65%	17.50%
United States Government and Agency Obligations	64.00%	41.74%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	25.87%	0.00%
Municipal Obligations	0.21%	3.07%
Corporate and Deposit Notes	0.27%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	37.69%
1-60 days	33.76%	17.50%
61 days-1 year	33.71%	37.69%
Over 1 year	32.53%	44.81%
Weighted Average Days to Maturity	587	



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-C

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 regular meeting of May 6, 2020 and the special meeting of May 6, 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
MAY 6, 2020**

The City Council of the City of Monterey Park held a Special Meeting on Wednesday, May 6, 2020 at 5:30 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.

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:

Participants are encouraged to join the meeting 30 minutes before the start of the meeting.

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

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: 99665832552 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.

The Special Meeting will not be televised 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>.

Important Disclaimer – When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

CALL TO ORDER:

Mayor Liang called the meeting to order at 5:30 p.m.

ROLL CALL:

City Manager Ron Bow called the roll:

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

Council Members Absent: None

ORAL AND WRITTEN COMMUNICATIONS

None.

1. NEW BUSINESS

1-A. APPOINTMENT OF REAL PROPERTY NEGOTIATORS

Action Taken: The City Council appointed the City Manager and the Management Service Director as the real property negotiators for Closed Session Item No. 2-E.

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

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

1-B. APPOINT LABOR NEGOTIATORS:

Action Taken: The City Council appointed the City Manager and Interim Director of Human Resources Danielle Tellez as the City's Labor Negotiators for the General Employees Mid-Management Association.

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

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

2. CLOSED SESSION

The City Council adjourned to closed session at 5:40 p.m.

2-A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – GOVERNMENT CODE § 54956.9(d). Number of Cases: 3

A. *David Castellano vs. City of Monterey Park* (DOI 08/01/2017) WCAB No.:
ADJ12058709

B. *David Castellano vs. City of Monterey Park* (DOI 10/25/2016) WCAB No.:
ADJ12058710

C. *Robert Rysdon vs. City of Monterey Park* (DOI 04/21/18; 12/22/2019) WCAB
No.: ADJ11551725

2-B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant exposure to litigation pursuant to Government Code § 54956.9(d)(2): 1 matter. FACT AND CIRCUMSTANCES: Not disclosed pursuant to Government Code § 54956.9(e)(1).

2-C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code § 54956.9(d)(4). Number of Potential Cases: one. Potential defendants and properties listed below (not required by applicable law; voluntarily disclosed):

1. Mary C. Perez and Does 1-12. 229 E. Markland, Monterey Park, CA.

2-D. THREAT TO PUBLIC SERVICES OR FACILITIES (PURSUANT TO GOVERNMENT CODE § 54957(A)). CONSULTATION WITH : CHIEF KELLY GORDON, MONTEREY PARK POLICE DEPARTMENT

RECESSED AND RECONVENED

The City Council recessed at 6:45 p.m. with all Council Members present to enter into the Regular City Council Meeting. The City Council reconvened into closed session at 10:16 p.m.

2-E. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – GOVERNMENT CODE § 54956.8: 1 ITEM

Property: 3500 – 3700 Ramona Ave., Monterey Park, CA 91754
City Negotiators: Ron Bow, City Manager
Martha Garcia, Management Services Director
Negotiating Parties: Michael Wong, Chief Financial Officer (Specialty Restaurants Corp.)
John Tallichet, President (Luminarias)
Under Negotiation: Price and terms of payment

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

City Negotiators: Ron Bow, City Manager; Danielle Tellez, Interim Human Resources Director
Employee Organizations: Bargaining Units General Employees SEIU 721, Confidential Employee Association, and Mid-Management Association.

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 10:57 p.m.

Action Taken: No reportable action taken in Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
REGULAR MEETING
MAY 6, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting on Wednesday, May 6, 2020 at 7:00 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.

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:

Participants were encouraged to join the meeting 30 minutes before the start of the meeting.

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

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (877) 853-5247 or (888) 788-0099 and entering Zoom Meeting ID: 982 8503 3575 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.

The public may also 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>.

Important Disclaimer – When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

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 Liang called the meeting to order at 7:03 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, Assistant City Attorney Karl Berger, Deputy City Attorney Natalie Karpeles, 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, Interim Director of Human Resources Danielle Tellez, Librarian Diana Garcia, Senior Planner Samantha Tewasart, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

- City Clerk Chang administered the Oath of Office to Mayor Pro Tem Peter Chan.
- Assistant City Attorney Berger announced no reportable action taken in Closed Session and that the Council recessed from Closed Session at 6:45 p.m. and will reconvene at the conclusion of the Regular Meeting.
- City Manager Bow requested Agenda Item No. 3C be postponed to the May 20, 2020 City Council Meeting.

ORAL AND WRITTEN COMMUNICATIONS

- David Barron sent a written communication read by City Clerk Chang. He asked why there was no status update on the COVID-19 pandemic impact on Monterey Park provided by the City Manager and inquired what facilities and services would be allowed open starting May 8, 2020.
- Scott Chamberlain sent a written communication read by City Clerk Chang. He commended the City of Monterey Park and LA County Board of Supervisors' leadership to lease hotels and motels as part of Project Roomkey to provide housing to people experiencing homelessness.

1. PRESENTATION

None.

2. OLD BUSINESS

2A. MAYORAL ROTATION

On April 15, 2020, the City Council provided feedback and took actions relating to the mayoral rotation. The City Council extended the mayoral term for Mayor Hans Liang and selected Council Member Peter Chan as Mayor Pro Tem to a time indefinite until a time sequence is in place. The second action established the Council ranking order in accordance with the existing system (by highest number of votes) in the following order: Council Members Fred Sornoso, Henry Lo and Yvonne Yiu. Lastly, the City Council directed City Clerk staff to prepare alternative mayoral schedules, with the input of Council Member Yiu, and bring back the schedules for consideration.

Before the City Council for consideration are the following:

- Schedule A – Original schedule from the April 15, 2020 council meeting;
- Schedule B – Revised Schedule with ranking determined by highest number of votes received in an election.
- Schedule C – Revised Schedule with additional 10 weeks.

The schedule selected by the Council will be attached to the proposed resolution as Exhibit “A” in the staff report.

This item was heard after Agenda Item No. 4A.

Action Taken: The City Council adopted Resolution No. 12155 and selected Schedule B, establishing procedures for City Council reorganization and rotating mayoral responsibilities.

Motion: Moved by Council Member Yiu and seconded by Council Member Lo

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

Resolution No. 12155, entitled:

A RESOLUTION ESTABLISHING PROCEDURES FOR CITY COUNCIL REORGANIZATION AND ROTATING MAYORAL RESPONSIBILITIES

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

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 and 3H on Consent Calendar, excluding Items Nos. 3B, 3D, 3E, 3F, 3G, and 3I which were pulled for discussion and separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof. Agenda Item No. 3C was continued to the May 20, 2020 regular City Council Meeting.

Motion: Moved by Mayor Pro Tem Chan and seconded by Mayor Liang motion carried by the following vote:

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

3A. MINUTES

Approve the minutes from the joint special and regular meeting of April 1, 2020 and the special meeting of April 7, 2020.

Action Taken: The City Council approved the minutes from the joint special and regular meeting of April 1, 2020 and the special meeting of April 7, 2020 on Consent Calendar.

3B. LEGAL SERVICES AGREEMENTS WITH THE LAW OFFICE OF C PATRICK HAMBLIN (WORKERS COMPESATION)

The City utilizes the services of outside, specialized legal counsel for the legal defense of workers compensation claims.

The City had an active agreement in place with the firm of Falk and Hamblin (Agreement Number 2109-A). The City was recently notified that the firm has reorganized resulting in the separation of the firm's partnership. C. Patrick Hamblin has represented the litigated workers' compensation claims on behalf of the City of Monterey Park.

Action Taken: The City Council authorized the City Manager to execute standard legal retainers with the Law Offices of C Patrick Hamblin.

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

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

3C. AUDITING SERVICES AGREEMENT – AWARD OF CONTRACT EXTENSION

The City signed a five-year contract (three years plus two optional years) with public accounting firm White Nelson Diehl Evans LLP (WNDE) on April 20, 2016 for audit services of fiscal years 2016 to 2020 (Attachment 1). The current contract will expire end of the current fiscal year, with fiscal year 2020's audit as their last year of service. WNDE is an audit firm with good reputation, and it has conducted the City's audits diligently for the past four years.

Due to the ongoing COVID-19 pandemic and the City's enterprise resource planning (ERP) system implementation, Staff deems keeping the same audit firm longer for the City would be cost effective and would promote stability and continuity. Hence, Staff has requested WNDE to submit a proposal to extend their audit services to the City for two additional years (Attachment 2) to the staff report. The proposed contract extension terms and prices are consistent to the original contract. Contract price increases 3% annually over the 2020 contract fee of \$49,955, so price for fiscal years 2021 and 2022 are \$51,455 and \$53,000, respectively.

Action Taken: The City Council continued the agenda item to the May 20, 2020 regular City Council Meeting.

3D. FY 2020 ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM – COVID-19 SUPPLEMENTAL

The Department of Homeland Security Federal Emergency Management Agency (DHS FEMA) opened applications for the FY 2020 Assistance to Firefighters Grants Program – COVID-19 Supplemental (AFG-S). Monterey Park Fire Department requests to approve the application for the AFG-S Grant, specifically for personal protective equipment (PPE) for the fire department. If the City is offered the grant award, the total proposed budget for the AFG-S Grant is \$22,000, which includes a federal grant award application amount of \$20,000 (90%) and City non-federal funds cost share match application amount of \$2,000 (10%).

Staff seeks City Council consideration and approval of the AFG-S Grant application and authorization of funding the City applicant share match requirement if the City is awarded the grant. The anticipated funding selection and award date is June 5, 2020. The performance period would twelve months from the date of the

award. When the grant award decision is made and if the grant award is received, staff will submit an updated staff report to City Council.

Action Taken: The City Council (1) approved the proposed grant project to fund Personal Protective Equipment (PPE) in the amount of \$20,000 in Federal grant funds; (2) authorized the City Finance Department to allocate \$2,000 from the City budget to fund the applicant cost share if the grant is awarded; (3) and adopted Resolution No. 12156 authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the FY 2020 Assistance to Firefighters Grants Program – COVID-19 Supplemental.

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

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

Resolution No. 12156, entitled:

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, REEIVE, AND APPROPRIATE GRANT FUNDS FOR THEY FY 2020 ASSISTANCE TO FIREFIGHTERS GRANTS PROGRAM – COVID-19 SUPPLEMENTAL

3E. WAIVE SECOND READING AND ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL TO REGULATE THE UNLAWFUL USE OF PUBLIC PROPERTY

The ordinance was introduced on April 15, 2020. At that meeting, the City Council conducted the first reading. The staff report from April 15, 2020 is attached to the staff report for reference. Second reading and adoption of this ordinance is recommended; if adopted, the ordinance will take effect in 30 days.

Action Taken: The City Council waived second reading and adopted Ordinance No. 2170 amending the Monterey Park Municipal Code to regulate the unlawful use of public property.

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

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

Ordinance No. 2170, entitled:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO REGULATE THE UNLAWFUL USE OF PUBLIC PROPERTY

3F. AUTHORIZE PURCHASE OF REPLACEMENT COMPUTER SOFTWARE

The Police Department needs to routinely update computer hardware and software as current equipment becomes inefficient, obsolete, or no longer supported by the technology industry. The police department's computer software upgrade is necessary to improve functionality and efficiency in maintaining public records, statistics, crime and traffic trend information, and overall function of the CAD/RMS system. Staff recommends upgrading the current computer software and licensing to accommodate the CAD/RMS Enterprise upgrade.

Action Taken: The City Council authorized the upgrade to the current computer software required by Tyler Technology for the police Computer Aided Dispatch (CAD) Enterprise upgrade. Staff recommended GovConnection be selected as the vendor with the lowest bid of \$34,397.68.

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

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

3G. APPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

Membership on the City's Public Library Board are by appointment of the City Council. Members appointed to the City's Public Library Board serve a term of three years; at the end of each term, the City Council may opt to either replace or reappoint members. Members cannot serve more than two consecutive terms.

Mr. Andrew Yam began his service on the Library Board of Trustees on September 11, 2017. Mr. Yam's first term will end on June 30, 2020. Mr. David Barron began his service on the Library Board of Trustees on July 7, 2014; he was reappointed to a second term on September 11, 2017. Mr. Barron's second consecutive term will end June 30, 2020.

It is recommended that the City Council consider whether to reappoint Mr. Yam for a second term (ending June 30, 2023) and to direct the City Clerk to begin soliciting applications for new candidates to the Library Board of Trustees in anticipation of the vacancy following the end of Mr. Barron's second term (on June 30, 2020).

Action Taken: The City Council reappointed one Incumbent Library Board Trustee, Andrew Yam, to the Library Board of Trustees and directed the City Clerk to begin soliciting applications for new candidates to be appointed to the Library Board of Trustees.

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

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

3H. APPROVAL OF AMENDMENT TO AGREEMENT WITH CONTROL AUTOMATION DESIGN

The City Council awarded an agreement to Control Automation Design, Inc. on May 3, 2017 for service and maintenance of the City's Supervisory Control and Data Acquisition (SCADA) system. The term of the agreement was for three years with an option for renewal upon mutual consent of both parties. Staff is requesting that the City Council authorize the City Manager to execute an amendment, extending the term of the agreement by two years to June 30, 2022. The annual cost would remain not to exceed \$50,000 for as needed maintenance services to the SCADA system. Some costs are reimbursable by the Environmental Protection Agency (EPA).

Action Taken: The City Council authorized the City Manager to execute the First Amendment, in a form approved by the City Attorney, that would extend the term of the Maintenance Agreement with Control Automation Design, Inc., for two years at the same annual cost of \$50,000 on Consent Calendar.

3I. SECOND AMENDMENT TO AGREEMENT NO. 1968-A WITH SOUTHERN COUNTIES OIL CO., DBA SC FUELS, FOR CITYWIDE FLEET FUEL PURCHASING

The City awarded an agreement to Southern Counties Oil Co., dba SC Fuels, on October 19, 2016. The agreement included purchase of gasoline and diesel fuel, for an annual amount up to \$280,000 and is set to expire in June 2021. The agreement was amended once in June 2018 for SC Fuels to additionally provide oil and lubricants, with no increase to the agreement annual cost. To complete required fuel and oil purchases for fiscal year 2019-20 and 2020-21, staff recommends a second amendment to the agreement, increasing the annual not-to-exceed amount to \$350,000.

Action Taken: The City Council authorized the City Manager to execute an amendment to Purchase Agreement No. 1968-A with Southern Counties Oil Co., dba SC Fuels, in a form approved by the City Attorney, increasing the annual purchase amount to \$350,000.

Motion: Moved by Mayor Liang and seconded by Mayor Pro Tem Chan motion carried by the following vote:

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

RECESSED AND RECONVENED

The City Council recessed at 9:35 p.m. and reconvened with all Council Members present at 9:42 p.m.

4. PUBLIC HEARING

4A. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE GARFIELD VILLAGE SPECIFIC PLAN (SPA-19-01), ZONE CHANGE (ZC-19-01) AND CONDITIONAL USE PERMIT (CU-19-04) FOR THE RECONSTRUCTION OF AN EXISTING SERVICE STATION (ARCO) AND CONSTRUCTION OF NEW 24-HOUR DRIVE-THROUGH COFFEE SHOP AT 2425 AND 2439 SOUTH GARFIELD AVENUE

The Applicant is requesting an amendment to the Garfield Village Specific Plan ("GVSP"), a Zone Change (from Garfield Village Neighborhood Shopping District (GVN-S) to Garfield Village Commercial Services District (GVC-S)) and a Conditional Use Permit to allow the demolishing and reconstruction of an existing service station and construction of a new 24-hour drive-through coffee shop. Pursuant to the GVSP, service stations are conditionally permitted within the GVC-S zone, only. On October 22, 2019, the Planning Commission adopted Resolution No. 20-19.¹

The Project was presented to the City Council at its December 18, 2020 regular meeting.² The City Council reiterated the concerns raised by the Planning Commission and, in order to sufficiently address these concerns, the item was set for the February 5, 2020 City Council meeting. Due to scheduling conflicts, the Applicant requested that the item be continued to a date uncertain. At the February 5, 2020 meeting, the City Council granted the Applicant's request for a continuance, requested a copy of the focused traffic analysis³, and requested that

¹ The staff report and draft minutes from the October 22, 2019 Planning Commission meeting are attached for reference.

² The minutes of the December 18, 2019 City Council meeting are attached for reference.

³ The focused traffic analysis was provided to the City Council on February 6, 2020 and is attached for reference.

the public notification radius be extended to 500 feet (rather than the 300 feet required by Government Code § 65090 and Monterey Park Municipal Code (MPMC) § 21.32.070.⁴

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects) in that the Project consists of demolishing and reconstructing an existing service station. The property is designated Commercial in the General Plan Land Use Element. The proposed development will take place within city limits on a site of no more than five acres substantially surrounded by urban uses. The Project site has no value as habitat for endangered, rare or threatened species in that the property is already developed with an existing service station which will be demolished and reconstructed as part of the proposed Project; furthermore, the construction of the proposed drive-thru coffee shop will take place entirely upon the existing, developed lot. Approval of the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality in that the Project is an in-fill project in an existing developed and urban area. Lastly, the site can be adequately served by all required utilities and public services.

This agenda item was heard after Oral and Written Communications.

Public Speakers:

- Arian Talehakimi, applicant, presented the project and was available for questions.
- Gina Casillas stated her opposition to the project. She commented stating that there was no proper environmental review conducted.
- Rafael Casillas, resident, stated his opposition of the project. He commented that the project is not consistent with City's zoning, land use, and general plan. He also stated that the project would generate traffic in the surrounding neighborhood.
- Delario Robinson, Planning Commissioner, voiced his support of the project and provided insight on the projects lighting, traffic and safety concerns. He urged the City Council to approve the project.
- Deputy City Clerk Trang informed the Council about written communications from Gina Casillas and Rafael Casillas who provided verbal comment on the item. Their written communications were received, filed, and forwarded to the City Council.

⁴ The staff report and minutes from the February 5, 2020 City Council meeting are attached for reference.

- City Clerk Chang read, received, and filed into the record three written communications from Chikomi Dodge, Andy Tsang, and Mr. and Mrs. Porras voicing their opposition to the project.
- The Project Management team was available to answer questions and responded with their position regarding public comments.

Action Taken: The City Council (1) opened the continued public hearing at 7:34 p.m.; (2) received testimonial and documentary evidence; (3) closed the public hearing at 8:41 p.m. (4) waived first reading and introduced an Ordinance approving a specific Plan Amendment (SPA-19-01) and Zone Change (ZC-19-01); and (5) adopted Resolution No. 12154 approving a Conditional Use Permit (CU-19-04), subject to SPA-19-01 and ZC 19-01, along with conditions of approval as amended to revise the operating hours of Starbucks to 5:00 a.m. to 11:30 p.m. and to see if it is feasible to restrict left turns onto Fernfield Drive.

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

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

Substitute Motion: Council Member Sornoso requested that the item be tabled to further discuss the project. The motion failed due to a lack of a second.

Resolution No. 12154, entitled:

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CU-19-04) TO ALLOW THE RECONSTRUCTION OF AN EXISTING SERVICE STATION AND CONSTRUCTION OF A NEW 24-HOUR COFFEE SHOP WITH A DRIVE-THROUGH AT 2425 AND 2439 SOUTH GARFIELD AVENUE

4B. PUBLIC NUISANCE HEARING REGARDING 229 E. MARKLAND DRIVE, MONTEREY PARK, CA 91755

The single-family dwelling located at 229 E. Markland Drive, Monterey Park, CA 91755 was “red tagged” by the City’s Building Official on December 11, 2018; the “red tag” remains in place to date. On April 11, 2020, the Monterey Park Police (MPPD) and Fire Departments (MPFD) were called to the property. Upon arrival, MPPD observed evidence that persons were squatting within both the detached garage and dwelling; and MPFD was required to put out a fire that had been lit within the dwelling. At the scene, MPPD also found evidence that the fuse box on the property had been rewired and that wires have been connected directly to the power lines servicing the dwelling.

On April 15, 2020, the City Manager signed an Order for Urgency Abatement at the property. An urgency order was needed to immediately abate the public nuisance on the property because the threat to public health and safety was significantly heightened because of the “safer at home” orders issued by the Governor, the Los Angeles County Department of Health, and the City of Monterey Park. The public nuisances are numerous and include the hoarding conditions within the dwelling;; the front and rear yard landscaping is severely overgrown; and the condition of the rear yard currently constitutes an immediate fire hazard (see attached Order for Urgency Abatement to the staff report). The property was secured by the City on April 17, 2020 and both MPPD and Code Enforcement have been conducting routine checks of the premises.

It is recommended that the City Council consider ratifying the City Manager’s Urgency Order. See MPMC § 4.30.180(a), “Notwithstanding any other provision of this code, whenever the City Manager, or designee, determines that a public nuisance exists and that such public nuisance constitutes an immediate threat or hazard or danger to persons or property, the City Manager, without observing procedures set forth in this chapter with reference to public nuisance abatement, will forthwith immediately cause the abatement of such public nuisance in such manner as the City Manager, or designee, determines is reasonably required.”

Action Taken: The City Council opened the public hearing at 9:43 p.m., received testimonial and documentary evidence, there being no speakers, closed the public hearing at 9:58 p.m.; after receiving no such evidence, ratified the City Manager’s April 15, 2020 Order for Urgency Abatement of a public nuisance at 229 E. Markland Drive based upon substantial evidence.

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

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

5. **NEW BUSINESS**

5A. **CONSIDERATION AND POSSIBLE ACTION TO ADOPT AN URGENCY ORDINANCE AUTHORIZING DIGITAL AND ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS. ADDITIONALLY, CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE THAT WOULD TAKE THE SAME ACTION AS THE URGENCY ORDINANCE**

On March 11, 2020, the City declared a state of local emergency due to the COVID-19 Pandemic (the “Emergency”). That Emergency was ratified by

Resolution No. 12142, adopted March 18, 2020 and extended on April 15, 2020 by Resolution No. 12151. In response to the requirements related to physical distancing issued by the Governor and the Los Angeles County Department of Public Health, the City ordered the closure of all public facilities; cancelled in-person public meetings; and is taking numerous additional steps to help ensure that the likelihood of being exposed to COVID-19 is significantly reduced.

Since the start of the Emergency, it became apparent that the City must improve its protocols in order to facilitate the timely processing of documents while also adhering to State and County requirements of physical distancing. The attached urgency and regular ordinances would authorize digital and electronic signatures for all City documents (e.g., ordinances, resolutions and contracts) by providing specific standards for the City Clerk to utilize when processing such documents. Following the termination of the Emergency, the City Manager and City Clerk may recommend changes to these protocols, including codification within the Monterey Park Municipal Code.

Action Taken: The City Council adopted an Urgency Ordinance upon 4/5ths vote authorizing digital and electronic signatures for all City documents and waived first reading and introduced an Ordinance authorizing digital and electronics signatures for all City documents.

Motion: Moved by Mayor Pro Tem Chan and seconded by Mayor Liang motion carried by the following vote:

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

Urgency Ordinance No. 2171, entitled:

AN UNCODIFIED URGENCY ORDINANCE AUTHORIZING DIGITAL AND ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS

Ordinance, 1st Reading, entitled:

AN UNCODIFIED ORDINANCE AUTHORIZING DIGITAL AND ELECTRONIC SIGNATURES FOR OFFICIAL CITY DOCUMENTS

6. **COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS**

Council Member Yiu thanked the Joint Chinese Alumni Association of Southern California for donating face masks to the Police Department.

Council Member Lo requested for the City Council to consider three resolution in recognizing Asian Pacific Hawaiian and Pacific Islander American Heritage Month, Mental Health Awareness Month, and Bike Month at the May 20, 2020 regular City Council Meeting. He acknowledged the Greater Monterey Park Chamber of Commerce for their joint program with the Boys & Girls Clubs of West San Gabriel Valley for their “Meals to Heal” that donates meals to hospitals and the medical professions.

Council Member Sornoso encouraged the community to lookout for each other during the COVID-19 pandemic.

Mayor Pro Tem Chan thanked the Taiwan Benevolent Association of America for donating personal protective equipment (PPE) to the City and thanked all organizations for donating PPE to the Police and Fire Department. He wished everyone a Happy Mother’s Day.

Mayor Liang thanked the City staff for all the hard work during these times and thanked the residents for being diligent and following the orders.

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

The City Council reconvened to closed session at the conclusion of the regular City Council Meeting.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 10:16 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Consideration and possible action to direct the City Clerk to perform the biennial review of the City's Conflict of Interest Code

RECOMMENDATION:

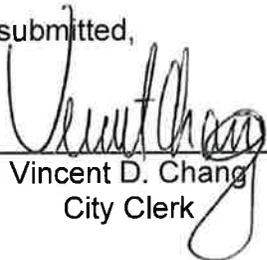
It is recommended that the City Council consider:

1. Directing the City Clerk to perform the biennial review of the City's Conflict of Interest Code and report back before October 1, 2020; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

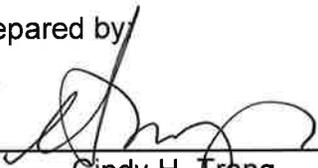
At its June 3, 2020 joint Special and Regular Meeting, the City Council continued its consideration of whether to direct the City Clerk to perform the biennial review of the City's Conflict of Interest Code, to June 17, 2020. Enclosed as Attachment 1 is the June 3, 2020 staff report for this item.

Respectfully submitted,



 Vincent D. Chang
 City Clerk

Prepared by



 Cindy H. Trang
 Deputy City Clerk

Approved By:



 Ron Bow
 City Manager

Reviewed by:



 Natalie C. Karpeles
 Deputy City Attorney

Attachments:

1. June 3, 2020 City Council Meeting Agenda Item 3A

ATTACHMENT 1
June 3, 2020 City Council Meeting Agenda Item 3A



City Council Staff Report

DATE: June 3, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Consideration and possible action to direct the City Clerk to perform the biennial review of the City's Conflict of Interest Code

RECOMMENDATION:

It is recommended that the City Council consider:

1. Directing the City Clerk to perform the biennial review of the City's Conflict of Interest Code and report back before October 1, 2020; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Under the Political Reform Act (Government Code § 8100, *et seq.*), every local agency must review its conflict of interest code ("COI") on a biennial basis. If positions or titles changed in the local agency's organization, then the legislative body must amend the COI before October 1, 2020.

BACKGROUND:

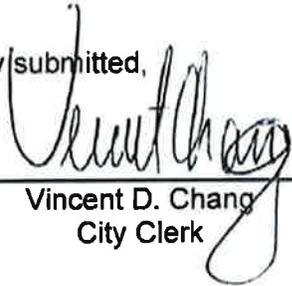
Every two years, local governments must review their COI to determine if changes must be made to reflect the government's organizational structure. The COI must accurately designate all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The COI includes all other requirements of Government Code § 87302.

The City's current COI is attached for reference. Under California law, the City Council must direct the City Clerk to review the COI and then recommend any changes to it not later than October 1, 2020.

FISCAL IMPACT:

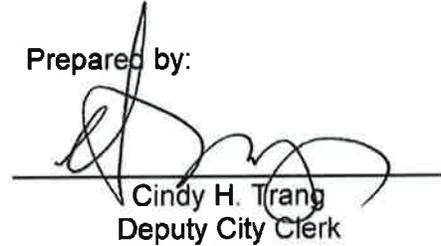
None.

Respectfully submitted,



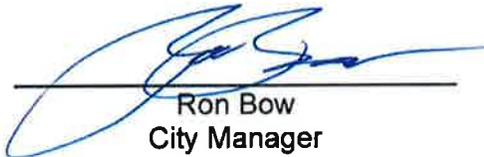
Vincent D. Chang
City Clerk

Prepared by:



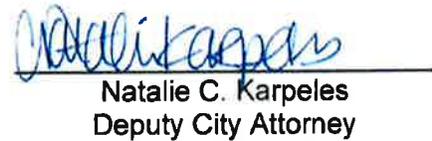
Cindy H. Trang
Deputy City Clerk

Approved By:



Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

1. Resolution No. 12036

ATTACHMENT 1
Resolution No. 12036

RESOLUTION NO. 12036

A RESOLUTION ADOPTING THE 2018 CONFLICT OF INTEREST CODE FOR THE CITY OF MONTEREY PARK IN ACCORDANCE WITH THE POLITICAL REFORM ACT.

The City Council of the City of Monterey Park ("City") does resolve as follows:

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

- A. The Political Reform Act (Government Code §§ 81000, *et seq.*; the "PRA") and regulations adopted pursuant to the PRA (2 Cal. Code of Regs. §§ 18700, *et seq.*; "FPPC Regs.") require local government to adopt conflict of interest codes ("COI").
- B. The Fair Political Practices Commission promulgated FPPC Regs. § 18730, which contains the terms of a standard conflict of interest code that can be incorporated by reference as the City's COI.
- C. The City Council previously directed the City Clerk's office to review the COI pursuant to the PRA (Government Code § 87306.5).
- D. The City Clerk finished that review and made recommendations which the City Council incorporated into this Resolution.
- E. To fulfill its obligations under the PRA and FPPC Regs., the City Council adopts this 2018 Monterey Park COI as set forth in this Resolution.

SECTION 2: *2018 Monterey Park COI – Generally.* FPPC Regs. § 18730 is adopted by reference as the City of Monterey Park's 2018 COI. Except as modified in this Resolution, all requirements of FPPC Regs. § 18730 apply as if fully set forth in this Resolution.

SECTION 3: *Monterey Park 2018 COI - Changes.* The 2018 Monterey Park COI includes the following changes:

- A. The term "investment" applies to financial interests in non-profit organizations as well as business entities;
- B. The term "Appendix" refers to Section 4 of this Resolution.

SECTION 4: *Designated Officials, Employees and Consultants.* For purposes of FPPC Regs. § 18730, designated employees and consultants are set forth below:

- A. **Designated Officials and Employees:**

The positions listed below are designated positions. Officers and employees holding those positions are designated employees and are deemed to make or participate in making decisions which may foreseeably have a material effect on a financial interest. Disclosure includes specific types of investments, business positions, interests in real property, and sources of income which may foreseeably be materially affected by any decision made or participated in by the designated employee. Such disclosures must be made at the times and circumstances described by the City's Conflict of Interest Code.

Designated employees must disclose all interests as required by the Political Reform Act and regulations promulgated thereto. When a new position classification is created by the Administrative Services Department for City Council approval, the Administrative Services Department will recommend that the City Council decide whether the new position will be required to file a Statement of Economic Interest and be included as a designated position in the Conflict of Interest Code.

When the City Council establishes a Commission, Committee, or Board, the City Council will decide whether the members of the Commission, Committee or Boards be included as a designated position in the Conflict of Interest Code and the members of the Commission, Committee or Board so designated by the City Council, will be required to file a Statement of Economic Interest.

COUNCIL, COMMISSIONS, COMMITTEES & BOARDS:

- * Members of the City Council
- * Members of the Planning Commission
- Members of the Design Review Board
- Members of the Business Improvement District Advisory Committee
- Members of the Board of Library Trustees
- Members of the Successor Agency to the Former Monterey Park
Redevelopment Agency
- Members of the Traffic Commission

OFFICE OF THE CITY MANAGER:

- * City Manager
- Assistant City Manager

OFFICE OF THE CITY ATTORNEY:

- * City Attorney
- Assistant City Attorney
- Deputy City Attorney

OFFICE OF THE CITY CLERK:

- * City Clerk
- Deputy City Clerk

OFFICE OF THE CITY TREASURER:

- * City Treasurer

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT:

Director of Community and Economic Development
Senior Planner
Associate Planner
Assistant Planner
Building Inspector
Building Official
Code Enforcement Officer
Economic Development Specialist
Economic Development Project Manager
Housing and Community Development Coordinator Rehabilitation
Specialist
Plan Checker

FIRE DEPARTMENT:

Fire Chief
Apprentice Fire Inspector
Battalion Chief
Captain
Deputy Fire Marshall
Fire Inspector

HUMAN RESOURCES & RISK MANAGEMENT DEPARTMENT:

Director of Human Resources and Risk Management
Senior Management Analyst
Human Resource Analyst

LIBRARY:

City Librarian
Senior Librarian
Literacy Administrator

MANAGEMENT SERVICES DEPARTMENT:

Director of Management Services
Financial Services Manager
Support Services Manager
Support Services Supervisor
Information Systems Specialist

POLICE DEPARTMENT:

Police Chief
Community Services Bureau Commander
Computer Services Manager
Fleet Manager
Police Captain
Police Lieutenant
Range Master
Technical Services Manager
Traffic Bureau Commander

PUBLIC WORKS DEPARTMENT:

Director of Public Works/City Engineer
Assistant City Engineer
Parks Superintendent
Public Works Maintenance Manager
Water Utility Manager
Civil Engineering Associate
Civil Engineer Technician
Public Works Inspector

RECREATION & COMMUNITY SERVICES DEPARTMENT

Director of Recreation and Community Services
Recreation Superintendent
Recreation Supervisor

* Listed in the code for information purposes only. These positions file under Government Code Section 87200 with the Fair Political Practices Commission.

B. Consultants:

The City Manager may determine in writing that a particular consultant is hired to perform a range of duties that requires the consultant to fully comply with the disclosure requirements described in this section. Such

written determination must include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager determination is a public record and must be retained for public inspection in the same manner and location as this conflict of interest code."

SECTION 5: *Statement of Economic Interests: Place of Filing.*

Designated employees must file Statements of Economic Interests with the City of Monterey Park, on forms created by the Fair Political Practices Commission, in conformance with the individual disclosure categories and state guidelines, when requested by the City Clerk. The City Clerk will retain custody of the Statements and make them available for public inspection and reproduction. Designated employees listed in the Code with an asterisk (*) must either file their Statements directly with the Fair Political Practices Commission in conformance with state guidelines, or file one original copy of their Statement of Economic Interest with the City Clerk, who must make and retain a copy and forward the original to the California Fair Political Practices Commission. All other designated employees must file one original copy of their Statement of Economic Interest with the City Clerk.

SECTION 6: *Disclosure and Disqualification – Interest and Positions in Non-Profit Organizations.* Whenever a disclosure category requires disclosure of specific financial interests or positions in business entities, disclosure of equivalent financial interests or positions in non-profit organizations is required. Disqualification must be required as to a disclosed interest or position in a non-profit organization whenever disqualification would have been required as a result of an equivalent financial interest or position in a business entity.

SECTION 7: *Travel Payments, Advances and Reimbursements.* If a payment, including an advance or reimbursement, for travel is required to be reported pursuant to Government Code § 87207, it may be reported on a separate travel reimbursement schedule which shall be included in the filer's statement of economic interests. A filer who chooses not to use the travel schedule shall disclose payments for travel as a gift, unless it is clear from all surrounding circumstances that the services provided were equal to or greater in value than the payments for the travel, in which case the travel may be reported as income.

SECTION 8: Resolution No. 11868 (adopted October 19, 2016) and any other resolution or policy purporting to establish a conflict of interest code, are superseded by this Resolution.

SECTION 9: Repeal of any provision of any resolution or policy herein will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective

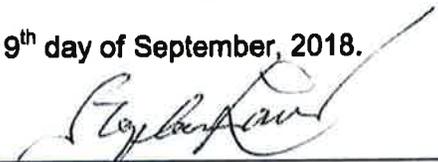
date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 10: A late fine of \$10 per day up to a maximum of \$100 will be assessed, commencing on the day after the form is due to the City Clerk's office. In addition, if a matter is referred to the FPFC's Enforcement Division for failure to file or failure to include all required economic interests, the fine may be substantially higher. If an individual does not pay a fine, the matter may be referred to the Finance Tax Board for collection.

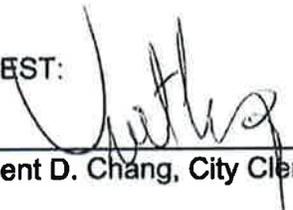
SECTION 11: The City Clerk will certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 12: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 19th day of September, 2018.



Stephen Lam, Mayor

ATTEST: 

Vincent D. Chang, City Clerk

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

By: 

Natalie C. Karpeles, Deputy 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 foregoing Resolution No. 12036 was duly adopted by the City Council of the City of Monterey Park, at a regular meeting held on the 19th day of September, 2018, by the following vote:

Ayes: Council Members: Real Sebastian, Ing, Liang, Chan, Lam
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Dated this 19th day of September, 2018.



Vincent D. Chang, City Clerk
City of Monterey Park, California



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-E

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: Waive further reading and adopt an Ordinance amending Monterey Park Municipal Code ("MPMC") by adding Chapter 16.37 entitled "Permit Process for Electric Vehicle Charging Stations"

RECOMMENDATION:

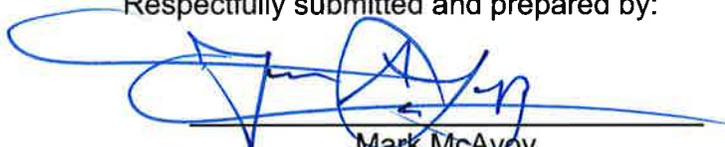
It is recommended that the City Council consider:

1. Waive second reading and adopt the proposed ordinance; and/or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Ordinance was introduced at the June 3, 2020 City Council meeting. On June 3, 2020, the City Council conducted the first reading. The original staff report (from May 20, 2020) is attached for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

Respectfully submitted and prepared by:


 for Mark McAvoy
 Director of Public Works/City Engineer

Approved by:


 Ron Bow
 City Manager

Reviewed by:


 Karl H. Berger
 Assistant City Attorney

Attachments:

1. Draft Ordinance
2. May 20, 2020 Staff Report

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE (“MPMC”) BY ADDING CHAPTER 16.37 ENTITLED “PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS.”

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. In enacting this ordinance, the Monterey Park City Council makes the following findings:

1. Government Code § 65850.7 provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern.
2. California law requires cities with populations of less than 200,000 to adopt an expedited, streamlined electric vehicle charging station permitting process that complies with Government Code § 65850.7.
3. The City Council desires to increase the statewide deployment of electric vehicle charging stations, remove obstacles to and minimize the costs of permitting for electric vehicle charging stations, improve the state and City’s ability to reach its clean energy goals, and generate jobs, while protecting public health and safety.

SECTION 2. A new chapter 16.37 entitled “Permit Process for Electric Vehicle Charging Stations,” consisting of § 16.37.010 – § 16.37.070, is added to the MPMC to read as follows:

“CHAPTER 16.37: PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

- 16.37.010. Purpose.**
- 16.37.020. Definitions.**
- 16.37.030. Applicability.**
- 16.37.040. Electric Vehicle Charging Station Requirements.**
- 16.37.050. Application and Documents.**
- 16.37.060. Permit Review Requirements; Appeals.**
- 16.37.070. Fees.**

16.37.010 Purpose.

This Chapter is adopted to provide an expedited, streamlined permitting process for electric vehicle charging stations that will encourage the timely and cost-effective installations of electric vehicle charging stations, in compliance with Government Code § 65850.7. This Chapter is intended to achieve these goals while protecting public health and safety.

16.37.020 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:

“Building official” or “Official” means the City’s building official or designee.

“Electric Vehicle Charging Station(s)” or “Charging Station(s)” means an electric vehicle supply equipment station, of any level, that delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle and is designed and built in compliance with 24 California Code of Regulations §§ 625.1, *et seq.*, as it reads on the effective date of this Chapter, or as it may be amended.

“Nonconforming Charging Station(s)” means any Charging Station that was lawfully established and in compliance with all applicable laws at the time it was installed, but which, due to enactment of this Chapter, no longer complies with all the applicable regulations and standards of the zone in which the property is located.

“Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the City found the Electric Vehicle Charging Station application complete.

16.37.030 Applicability.

- A. Except for Charging Station located on publicly owned property, this Chapter applies to the permitting of all Charging Stations in the City.
- B. Unless modified after the effective date of this Chapter, Nonconforming Charging Station(s) exempt from this Chapter, or routine operation and maintenance do not require a permit.

16.37.040 Electric Vehicle Charging Station Requirements.

- A. All Electric Vehicle Charging Stations must meet all applicable health and safety standards and requirements, as set forth in federal and state regulations, county municipal codes and regulations.
- B. Electric Vehicle Charging stations must meet all applicable safety and performance standards established by applicable law including, without limitation, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as the Occupational Safety and Health Administration’s Nationally Recognized Testing Laboratory (NRTL) and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

16.37.050 Application and Documents.

- A. All documents required for the submission of a Charging Station application will be made available on the City's website and at the City Clerk's office.
- B. Applicants may submit the required permit application and documents by submitting them either via electronic mail or the Internet or by delivering them to the Public Works Director, or designee. An applicant's electronic signature will be accepted on all forms, applications, and other documents in lieu of a wet signature.
- C. The building official, or designee, will adopt a checklist of all requirements with which the Charging Stations must comply to be eligible for expedited review. The electric vehicle permit process, standard(s) and checklist(s) must substantially conform to recommendations for permitting of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research, including the checklist and standards contained in the "Plug-In Electric Vehicle Infrastructure Permitting Checklist."
- D. If an application is submitted to the City and the building official deems the application incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance must be sent to the applicant for resubmission. The correction notice must be sent within 29 days after submission of the application.

16.37.060 Permit Review Requirements; Appeals.

- A. Review of an Electric Vehicle Charging Station Permit application is limited to whether the application meets local, state, and federal health and safety requirements. If the application meets the requirements of the approved checklist and standards, and the proposed Charging Station does not pose any specific, adverse impact upon public health or safety, the building official must approve the application.
- B. If the building official determines, based on the application, that the proposed Charging Station could have a specific, adverse impact upon the public health and safety, the building official may require an "Electric Vehicle Charging Station Permit." The permit may include conditions designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- C. The building official must notify an applicant whether the application has been approved, or, alternatively, whether the applicant must obtain an Electric Vehicle Charging Station Permit, within 30 days after the submission of a complete application.

- D. An application for an Electric Vehicle Charging Station Permit can only be denied if the building official finds that (1) the proposed installation would have a specific, adverse impact upon public health or safety, and (2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact. These findings must be presented in writing, must include the basis for the rejection of the potential feasible alternative for preventing the adverse impact, and must be based upon substantial evidence in the record.
- E. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact may include, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on a prior successful application for an Electric Vehicle Charging Station Permit, where the proposed Charging Station is similarly situated to the Charging Station in that prior successful application.
- F. Any decision by the building official made pursuant to this Chapter may be appealed to the planning commission in accordance with the procedure set forth in Chapter 1.10 of this Code.

16.37.070 Fees.

The City Council may establish by resolution the fees for permits issued under this Chapter.”

SECTION 3. Environmental Review. The Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures in compliance with recently-enacted State law; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, the Ordinance does not constitute a “project” that requires environmental review (see specifically CEQA Guidelines § 15378(b)(2, 5).

SECTION 4. Construction. This Ordinance must be broadly construed in order 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 5. Enforceability. Repeal or supersession of any provision of the MPMC 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 or superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6. 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 the MPMC or other ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 7. 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 8. Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 9. The City Clerk, or his 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 fifteen (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. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL ON _____, 2020.

Hans Liang, Mayor

Attest:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

ATTACHMENT 2
May 20, 2020 Staff Report



City Council Staff Report

DATE: May 20, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-D

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: Consideration of an Ordinance amending Monterey Park Municipal Code ("MPMC") by adding Chapter 16.37 entitled "Permit Process for Electric Vehicle Charging Stations"

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance adding Chapter 16.37 entitled "Permit Process for Electric Vehicle Charging Stations"; and/or
2. Taking such additional, related, action that may be desirable.

CEQA:

The proposed Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA" and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures in compliance with recently-enacted State law; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, the Ordinance does not constitute a "project" that requires environmental review (see specifically CEQA Guidelines § 15378(b)(2, 5).

EXECUTIVE SUMMARY:

If adopted, the Ordinance would add regulations to the Monterey Park Municipal Code ("MPMC") establishing a streamlined permitting process for electric vehicle charging stations to be consistent with California law.

DISCUSSION:

Government Code § 65850.7 requires the City to adopt regulations to establish an expedited review process for "Electric Vehicle Charging Stations." The draft ordinance implements the requirements in state law by amending the MPMC to establish a ministerial review process for electric vehicle charging station applications and limits the review of these applications to the Building Official.

FISCAL IMPACT:

The City's costs in reviewing will be recovered through an application fee based upon the City's adopted Master Fee Schedule.

Respectfully submitted and prepared by:


for Mark McAvoy
Director of Public Works/City
Engineer

Approved by:


Ron-Bow
City Manager

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachment(s)
1. Ordinance



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-F

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works / City Engineer
SUBJECT: Second Amendment to Agreement No. 1841-A with John L. Hunter & Associates for Storm Water Program Implementation

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the City Manager to execute a second amendment, in a form approved by the City Attorney, to Agreement No. 1841-A with John L. Hunter & Associates for the implementation of the City's Storm Water Program; and
2. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Agreement No. 1841-A with John L. Hunter & Associates (JLHA) for the City's Storm Water Program implementation is set to expire on June 30, 2020. Staff is requesting that the City Council extend the contract term with JLHA for two years from July 1, 2020 to June 30, 2022. JLHA has provided consultant services to the City since 1995. The total annual contract cost is \$144,970. There is no impact to General Fund.

BACKGROUND:

JLHA has been administering the City's Storm Water Program since 1995. The California Water Resources Control Board adopted a new Storm Water permit in 2012 that mandates a series of new requirements including a long-term plan to meet pollutant reduction standards. With JLHA's recommendation, the City elected to participate in the City of Los Angeles multi-jurisdiction plan that brings cost savings to the City but is highly technical and complex, known as the "Coordinated Integrated Monitoring Program (CIMP) and Enhanced Watershed Management Plan (EWMP) for the Upper Los Angeles River (ULAR) Watershed Management Area," which was approved by the City Council at the March 21, 2018 City Council Meeting. JLHA has led the City in completing the Trash Daily Generation Rate Study (conducted annually to determine compliance with the LA River Trash Total Maximum Daily Loads (TMDLs)). The Trash TMDL is a regulatory mandate to eliminate trash discharged to the Los Angeles River and its tributaries. In 2019, the City's Daily Generation Rate Study showed a reduction of 98.69%; as of 2020, the City reached a 99%

reduction, showing the incredible progress the City is making. Monterey Park has become one of the few municipalities able to meet the Trash TMDL in the San Gabriel Valley region.

In order to maintain compliance with the Municipal Separate Storm Sewer System (MS4) permit under the National Pollutant Discharge Elimination System (NPDES), JLHA has actively been seeking project opportunities for the City. One of them is the City's participation in a multi-jurisdiction stormwater capture project that will improve stormwater quality by preventing pollutants from discharging into the Los Angeles River. This project partnership with the City of Montebello and Los Angeles County, called the East Los Angeles Sustainable Median Stormwater Capture Project, benefits a disadvantaged neighborhood in an unincorporated area of East Los Angeles while providing stormwater program benefits to the City. The project is funded by Measure W funds and was approved by the City Council at its August 21, 2019 City Council meeting. This is just one example where JLHA was instrumental in helping the City partner in a great opportunity.

JLHA is currently providing storm water consulting services to 39 cities and four watershed groups, and is highly recommended by the cities of Arcadia, Downey, Glendale, Long Beach, and West Hollywood (in addition to staff's favorable experience). JLHA's staff has represented the City in the multi-jurisdiction's ULAR, Rio Hondo, and Measure W work group meetings and provided technical guidance for storm water related activities.

Monterey Park Municipal Code § 3.20.070 requires that "(p)roposals ... be submitted whenever practicable from at least three firms, *except in those cases where a service firm has established such a successful past history of work with the city that it is clearly in the public interest not to negotiate with any other source*" (emphasis added). The City requires a consultant firm that is not only familiar with the City's Storm Water Program, but also has a good working relationship with the State Water Resources Control Board, Regional Board, and the other agencies within the watershed. It is recommended that the City continue to utilize JLHA for these reasons.

The scope of work to be completed in the contract includes preparation of technical reports, field work to inspect public and private facilities, project plan reviews in addition to assistance in implementing the City's MS4 permit, Industrial Waste and Fats, Oils, and Grease (FOG) control services, and CalRecycle's Used Oil Recycling Grant administration and public outreach. It is proposed that the annual contract with John Hunter also include an expanded scope of work to include administering the Industrial Waste program and FOG control services, providing the City with technical assistance, inspections, plan review, permitting, and invoicing. Historically, plan review and permitting for the Industrial Waste program was performed by contract with the County of Los Angeles, and inspection has been performed by the Monterey Park Fire Department. Consolidating this work in-house with JLHA, instead of LA County, will be more cost-effective; having JLHA inspectors will bring an increased capability for the routine and special inspections for Industrial Waste and FOG.

The amended agreement cost will be based on the Scope of Work and the fee proposal (Attachment 1). The term of the amended agreement is recommended to be 2 years. The fee proposal for the amendment is summarized below:

Task Name*	Costs
Storm Water Project Management	\$5,000
Municipal NPDES	\$65,000
Used Oil Recycling Grant Program	\$34,500
Industrial Waste Control Program	\$59,820
Industrial Waste Control Service Discount	(\$19,350)
Total	\$144,970

**Work will be conducted on a time and materials basis that will be listed out on monthly invoices.*

FISCAL IMPACT:

The City's Storm Water Program is funded by Sewer Fund (0043) and Measure W Fund (0113). While Measure W Fund will be used for funding storm water projects coordinated by JLHA, the FY 2020-21 Preliminary Proposed Budget includes \$160,000 in Sewer Fund budget appropriation for the annual Storm Water Program contract costs. The annual allotment from the Used Oil Recycling Grant will be used to pay for the program administration cost itself. There is no impact to General Fund.

Respectfully submitted by:



Mark A. McAvoy
Director of Public Works /
City Engineer

Prepared by:



Bonnie Tam
Principal Management Analyst

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

1. John L. Hunter & Associates Storm Water Program Services Proposal
2. John L. Hunter & Associates Second Amendment to Agreement
3. John L. Hunter & Associates Agreement

ATTACHMENT 1
John L. Hunter & Associates Storm Water
Program Services Proposal

SUBMITTED

Exhibit A

MS4 NPDES, IW Control, and Used Oil Recycling Grant Programs



SERVICES PROPOSAL 2020.04.22

Prepared for: The City of Monterey Park
Attention: Mark A. McAvoy

Prepared by: John L. Hunter & Associates
6131 Orangethorpe Ave #300
Buena Park, CA 90620

Michelle Kim
JLHA Project Manager
mkim@jlha.net 805.428.5172

Cameron McCullough
JLHA Program Manager
cmccullough@jlha.net 562.726.4259

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I. Qualifications, Relevant Experience and References

John L. Hunter and Associates, Inc. (JLHA) is an environmental consulting corporation founded in 1985. We specialize in assisting municipalities implement water quality and conservation programs. These programs include NPDES, stormwater pollution prevention, watershed management, sewer overflow prevention, water conservation, and recycling. Services provided include program administration, funding assistance, compliance planning, engineering, inspections, education, and monitoring and reporting.

A. Relevant Firm Experience

Our experience in Municipal NPDES programs begins with the inception of the Phase I MS4 Permits in the 1990s. Table 1 is a complete list of NPDES services we provide to current municipal clients. This includes:

- 33 cities and 4 watershed groups: Program administration and/or technical support,
- 10 cities: Grant and Safe Clean Water Program project application and/or administration,
- 38 cities: Field services such as BMP compliance inspections,
- 23 cities: Plan review and approval, including LID Plans, WQMPs, and SWPPPs,
- 39 cities and 3 watershed groups: Reporting (e.g., annual, TMDL, and/or watershed reports), and
- 37 cities and 3 watershed groups: Staff training.

Recent and relevant projects over the last two years include:

- Submitting 14 projects in 2019 for Safe Clean Water Program funding: 9 projects under the Infrastructure Program and 5 under the Technical Resources Program.
- Applying for and obtaining a Prop 1 Stormwater grant (Urban Orchard in South Gate, 2018) and administering a Prop 1 grant (Ford Park in Bell Gardens, ongoing).
- Preparing Adaptive Management plans for four Watershed Management Programs (WMPs) from 2017 to 2019: the Lower Los Angeles River (LLAR), Lower San Gabriel River (LSGR), Nearshore (Long Beach) and Peninsula Cities WMPs.
- Representing the Cities of Diamond Bar and Villa Park in MS4 NPDES audits conducted by Regional Water Board and Federal EPA staff in 2019.
- Managing ongoing BMP inspection programs at over 10,000 sites.

Our interagency watershed management experience includes serving as the lead consultant for the development of the WMPs for the LLAR, LSGR, Nearshore, and Peninsula Cities Watershed Groups, and served as a sub-consultant for the development of the WMP for the Los Cerritos Channel Watershed Group. This included oversight of the development of Coordinated Integrated Monitoring Programs (CIMPs). Together the member agencies of these Watershed Groups represent 20 MS4 NPDES Permittees.

We also serve as the consultant team lead for the Nearshore, LLAR, LSGR, and Peninsula Cities Watershed Groups. Services include administering monitoring activities, overseeing the development of and submitting funding applications for Safe Clean Water Program projects, preparing watershed annual reports, holding technical committee meetings, and implementing other relevant tasks such as feasibility studies. We also represent municipal clients in watershed management groups for the Upper Los Angeles River, Upper San Gabriel River, Dominguez Channel, Ballona Creek, Beach Cities, and Los Cerritos Channel. In Orange County we represent six municipal clients in watershed management group planning activities.

Table 1: Summary of Municipal NPDES Services Currently Provided

Municipal NPDES Client	Start of services	Years of service	Minimum Control Measures					Watershed/TMDL					General Services		
			Land Development	Construction	Industrial/Commercial	Illicit Discharge Elimination	Public Outreach	Program Development	Program Implementation	Monitoring	Studies	Reporting	Training	Grants/SCW Program	Program Mgmt. or Support
Arcadia	1995	25	--	x	x	x	x	--	--	--	x	--	x	--	--
Artesia	2014	6	--	x	x	x	x	--	x	--	--	x	x	--	x
Burbank	2017	3	--	--	--	--	--	--	--	--	x	x	x	--	--
Cerritos	2015	5	--	x	x	--	--	--	--	--	--	x	--	x	--
Compton	2019	<1	--	--	--	--	--	--	--	--	--	x	x	--	x
Covina	2008	12	x	x	x	--	--	--	--	--	--	--	x	--	--
Diamond Bar	2007	13	x	x	x	x	x	--	x	--	--	--	x	--	x
Downey	2011	9	x	x	x	x	x	--	x	--	x	x	x	x	x
Fullerton	2017	3	--	--	--	--	--	--	--	--	--	x	x	--	x
Glendale	2013	7	--	--	x	--	--	--	--	--	x	x	x	x	x
Gateway Water Authority	2012	8	--	--	--	--	--	--	--	--	--	--	--	x	--
Hawaiian Gardens	2012	8	x	x	x	x	x	--	x	--	--	x	x	--	x
Hawthorne	2000	20	--	x	x	x	x	--	--	--	--	x	x	--	x
Hermosa Beach	2019	<1	--	--	x	--	x	--	x	--	--	x	x	x	x
Inglewood	2015	5	--	--	x	--	x	--	--	--	x	x	x	--	x
La Habra	2011	9	x	x	x	x	x	--	--	--	--	x	x	x	x
La Mirada	2017	3	--	--	x	--	--	--	--	--	--	x	--	--	x
Lakewood	2014	5	--	--	x	--	--	--	--	--	--	x	--	x	--
Lomita	2015	5	--	x	x	x	x	--	x	--	--	x	x	--	x
Long Beach	2014	6	--	--	x	x	x	x	x	x	x	x	x	x	x
LCC Watershed	2013	7	--	--	--	--	--	--	x	x	x	--	--	x	--
LLAR Watershed	2013	7	--	--	--	--	--	--	x	x	x	--	x	x	x
LSGR Watershed	2013	7	--	--	--	--	--	--	x	x	x	--	x	x	x
Lynwood	2014	6	x	x	x	x	x	--	x	--	x	x	x	x	x
Manhattan Beach	2010	10	--	--	x	--	--	--	--	--	--	--	--	--	--
Monterey Park	2005	15	x	x	x	x	x	--	x	--	--	x	x	--	x
Norwalk	2010	10	x	x	x	x	x	--	x	--	--	x	x	x	x
Paramount	2014	6	x	x	x	x	x	--	x	--	x	x	x	x	x
Pasadena	2015	5	x	x	x	--	--	--	x	--	x	x	x	--	x
Peninsula Watershed	2013	7	--	--	--	--	--	--	x	x	x	--	x	--	x
Pico Rivera	2016	4	--	--	--	--	x	--	--	--	x	x	x	--	--
Placentia	2013	7	x	x	x	x	--	--	--	--	--	x	x	x	x
Rancho Palos Verdes	1994	26	x	x	x	x	x	--	x	--	x	x	x	--	x
Rolling Hills	2009	11	--	--	--	--	--	--	--	--	--	x	x	--	--
Santa Fe Springs	2016	4	x	x	--	--	--	--	--	--	--	--	--	--	--
San Gabriel	2017	3	--	x	--	--	x	--	--	--	--	--	x	x	--
San Marino	2019	2	x	x	x	x	x	--	x	--	x	x	x	--	x
Seal Beach	2005	15	x	x	x	x	x	--	--	--	--	x	x	x	x
Signal Hill	1985	35	x	x	x	x	x	--	x	--	x	x	x	--	x
South El Monte	2017	3	x	--	x	x	x	--	x	--	x	x	x	--	x
South Gate	1991	29	x	x	x	x	x	--	x	--	x	x	x	x	x
South Pasadena	2005	15	--	x	x	--	x	--	x	--	x	x	x	x	x
Stanton	2007	13	x	x	x	x	x	--	--	--	--	x	x	x	x
Temple City	2003	17	x	x	x	x	x	--	x	--	x	x	x	--	x
Villa Park	2013	7	x	x	x	x	x	--	--	--	--	x	x	--	x
West Covina	2015	5	x	x	x	x	x	--	--	--	--	x	x	--	x
West Hollywood	1995	25	x	x	x	x	--	--	--	--	x	x	x	--	--
Whittier	2014	6	--	x	x	x	x	--	x	--	--	x	x	--	x
TOTALS out of 47 clients		456	23	30	36	26	29	5	25	5	20	42	40	18	37

B. Relevant Staff Credentials

Staff credentials include certified professionals in engineering, stormwater quality, BMP (Best Management Practice) inspection, erosion control, SWPPP development and implementation, and environmental assessment. Table 2 lists specialized credentials held by JLHA staff.

Table 2: Specialized Credentials held by JLHA Staff

Credential	Credential Description
CPSWQ	Certified Professional in Stormwater Quality
CESSWI	Certified Erosion, Sediment and Stormwater Inspector
QSD/P	Qualified SWPPP Developer and Practitioner (Construction)
QISP	Qualified Industrial Stormwater Practitioner
CGP ToR	Trainer of Record for the NPDES Construction General Permit
IGP ToR	Trainer of Record for the NPDES Industrial General Permit
ECI	Environmental Compliance Inspector

C. Proposed Team

Table 3 lists the proposed team for these programs and their typical project roles. See the Resumes Section for the experience, credentials, and education of the project team.

Table 3. Municipal NPDES Personnel Roles

	Program Title	Team Member Information	
Core Team	Project Manager	Name	Michelle Kim, MSE, CPSWQ, QSD
		Roles	Point-of-contact, project administration and delivery
	Program Manager	Name	Cameron McCullough, MS, CPSWQ, QSD/P, IGP ToR
		Roles	Point-of-contact, programs administration, project oversight
	Project Engineer	Name	Michelle Staffield, PE, MSE, CPSWQ, QSD
		Roles	Plan review
	Assistant Project Manager	Name	Hugo Garcia, CPSWQ, CESSWI, QSD/P
		Roles	Compliance planning and field services administration
Compliance Inspector	Name	Wilson Duong, CESSWI, QSP, CWEA ECI I	
	Roles	Field compliance inspections and compliance planning	
Outreach Specialist	Name	Jacqueline Mak	
	Roles	Outreach programs implementation	
Extended Team	Senior Engineer	Name	Rosalinda Tandoc, PE
		Roles	Plan review and approval
	Principal	Name	John Hunter, PE
		Roles	Project oversight and support

D. References

Table 4 is a list of client references. Additional references are available at the request of the City.

Table 4: References

Agency Name	Data Field	Reference Information	JLHA Project Manager
Arcadia	Contact/Title	Vanessa Hevener, Environmental Services Officer	Cameron McCullough, John Hunter
	Address	11800 Goldring Rd, Arcadia, 91066	
	Phone/email	(626) 305-5327, vhevener@arcadiaca.gov	
	JLHA services	Municipal NPDES and Industrial Waste	
	Budget	\$90,000/year	
Downey	Contact/Title	Delfino Consunji, Director of Public Works	Cameron McCullough, Michelle Kim
	Address	11111 Brookshire Ave, Downey, CA 90241	
	Phone/email	(562) 904-7102, dconsunji@downeyca.org	
	JLHA services	Municipal NPDES	
	Budget	\$105,000/year	
Glendale	Contact/Title	Chris Chew, Principal Civil Engineer	Cameron McCullough
	Address	633 E Broadway, Room 205, Glendale, CA 91206	
	Phone/email	(818) 548.3945, cchew@glendaleca.gov	
	JLHA services	Municipal NPDES	
	Budget	\$50,000/year	
Long Beach	Contact/Title	Melissa You, Stormwater Compliance Officer	Michelle Kim, Cameron McCullough
	Address	333 W Ocean Blvd, Long Beach, CA 90802	
	Phone/email	(562) 570-5524, melissa.you@longbeach.gov	
	JLHA services	Municipal NPDES	
	Budget	\$5,000,000/year	
West Hollywood	Contact/Title	Matt Magener, Programs Coordinator	Michelle Staffield
	Address	8300 Santa Monica Blvd, West Hollywood, 90069	
	Phone/email	(323) 848-6894, mmagener@weho.org	
	JLHA services	Municipal NPDES	
	Budget	\$135,000/year	

II. Scope of Work

This section details the approach to the Scope of Work (SOW), which includes Municipal NPDES, Industrial Waste (including FOG) Control, and Used Oil Recycling Grant Program services. The timeframe of this proposal is two years. We can extend the services provided for additional years upon written agreement by the City and JLHA. The SOW and cost estimate is valid for 90 days from the date of submission.

A. Project Management

Table 5 lists our tasks for the management of the services we provide.

Table 5. Project Management Tasks

#	Description
A.1.a	Project updates and correspondence
	Provide service status updates and hold update meetings.
A.1.b	Quality assurance
	Assure quality on the services and deliverables we provide.

B. Municipal NPDES

This section describes our tasks under the Municipal NPDES Program.

1. Program Administration

Table 6 lists our tasks for Program Administration.

Table 6. Municipal NPDES Program Administration Tasks

#	Description
B.1.a	Program updates and correspondence
	Provide Program status updates and hold update meetings.
	Represent the City at interagency NPDES meetings and in NPDES concerns with Permittees, regulators, and other parties.
B.1.b	Technical assistance
	Share information and expertise, transmit working knowledge, instruct, and provide skills training.
	As needed: Assist with NPDES tasks not otherwise itemized in this scope of work.
B.1.c	Reporting
	Prepare and submit the City’s Individual MS4 NPDES Annual Report.
	Assist the City and the WMG with the completion of the Watershed Annual Report.
	Maintain accessible online databases of Program records.

2. Program Funding

Table 7 lists our tasks for Program Funding.

Table 7. Municipal NPDES Program Funding Tasks

#	Description
B.2.a	Safe, Clean Water Funding Program and grants
	Provide SCWP and grant status updates.
	Advise City staff on SCWP funding and NPDES grant opportunities.
	Represent the City at SCWP meetings and in SCWP concerns with the Flood Control District and other parties.
	Assist in preparing and submitting SCWP and NPDES grant applications.
	Assist in managing approved SCWP and grant projects.
	Assist in selecting, budgeting, planning, developing, and implementing eligible expenditures under the SCWP Municipal Program and other funding programs.
B.2.b	Fees
	Assist in developing and administering Program fees.
B.2.c	Budgeting
	Assist in developing and administering Program budgets and cost share agreements

3. Compliance Planning

Table 8 lists our tasks for Compliance Planning.

Table 8. Municipal NPDES Compliance Planning Tasks

#	Description
B.3.a	Program development
	Assist in developing the City’s Program and hold Program development meetings.
	Assess the compliance and effectiveness of the City’s Program and recommend compliance actions and improvements.
B.3.b	Watershed Management Programs
	Represent the City at Watershed Management Group (WMP) meetings and in WMP concerns with Permittees, regulators, and other parties.
	Assess compliance with the WMP. Recommend compliance actions and assist in their implementation.
	Assist in adaptively managing the WMP and Coordinated Integrated Monitoring Program (CIMP).
	Review CIMP results and summarize the results as they relate to the City.
B.3.c	TMDLs and Statewide pollutant provisions

Table 8. Municipal NPDES Compliance Planning Tasks

#	Description
	Conduct a Trash TMDL Daily Generation Rate Study. This includes monitoring litter generated within representative study areas over a 30-day period in the summer, extrapolating the results, and calculating a mass balance to estimate trash discharged to the storm drains.
	Prepare the annual Trash TMDL compliance report.
	Assist with planning, implementing, and reporting for TMDLs and for statewide pollutant provisions.
	Assess compliance with TMDLs as well as statewide pollutant provisions. Recommend compliance actions and assist in their implementation.
B.3.d	Scientific studies
	As needed: Assist in the development and implementation of scientific studies.

4. Control Programs

Table 9 lists our tasks for Control Programs implementation.

Table 9. Municipal NPDES Control Programs Tasks

#	Description
B.4.a	Training
	Provide training for city staff involved in the following NPDES subprograms: Planning and Land Development, Development Construction, Industrial/commercial Facilities, Public Agency Activities, and Illicit Discharge Detection and Elimination.
	As needed: Provide training in other NPDES topics requested by City staff.
B.4.b	Infrastructure projects and institutional programs
	Assist with selecting, developing, and implementing NPDES infrastructure projects.
	Maintain an updated inventory of prioritized candidate infrastructure projects.
	Assist in implementing the City’s Green Streets Policy.
	Conduct maintenance inspections for City-owned post-construction BMPs.
	Assist City staff in receiving and terminating coverage under the NPDES Construction General Permit and other applicable NPDES permits.
B.4.c	Planning and Land Development
	Assist implementing the City’s Low Impact Development (LID) Ordinance.
	Review LID Plan and Green Streets Policy projects.
	Track post-construction BMPs with available Program inventory information.
	As needed: Conduct LID BMP verification and maintenance inspections.
	As needed: Notify LID BMP owners and/or operators of maintenance requirements.

Table 9. Municipal NPDES Control Programs Tasks

#	Description
	As needed: Assist in preparing enforcement actions.
B.4.d	Development Construction
	Sites that disturb one acre or more of land
	Review SWPPPs and ESCPs for BMP implementation.
	Track permitted sites with available Program inventory information.
	Inspect projects that disturb ≥ 1 acre of land monthly for BMP implementation. This includes follow-up activities, correspondence, and documentation.
	Assist in preparing enforcement actions for noncompliance.
	As needed: Conduct the subtasks above for sites that disturb <1 acre of land.
B.4.e	Industrial/commercial Facilities
	Track industrial/commercial facilities with available Program inventory information.
	Assist City staff with the implementation of SB-205.
	Notify businesses of effective Best Management Practices (BMPs).
	Assist businesses that may be a significant source of pollution. This may include providing technical assistance or distributing educational materials.
	Inspect industrial/commercial facilities for BMP implementation. This includes follow-up activities, correspondence, and documentation.
	Assist in preparing enforcement actions for noncompliance.
B.4.f	Public Agency Activities (Public Works O&M)
	Track city-owned or operated facilities with available Program inventory information.
	Assist in selecting BMPs for activities at the facilities that generate pollution.
	Assist in overseeing BMP implementation for City contractors. Review contract language to verify that proper BMPs are mandatory.
	Prepare NPDES Integrated Pest Management procedures.
B.4.g	Illicit Discharge Investigations
	As needed: Investigate illicit discharge complaints. This includes follow-up activities, correspondence, and documentation.
	As needed: Assist in preparing enforcement actions.
	Review and if necessary, update the City's spill response plan(s).
B.4.h	Public Information and Participation
	Provide pollution prevention educational materials for distribution.
	Assist with City community events to promote pollution prevention.
	Prepare educational content for the City's internet-based platforms.

Table 9. Municipal NPDES Control Programs Tasks

#	Description
	Distribute educational materials to commercial points of purchase.
	Assist with the distribution of educational materials to schools.
	As needed: Update educational materials.

C. Used Oil Recycling Grant Program

Table 10 lists our tasks for the Used Oil Recycling Grant Program. We will implement these tasks once per reporting year. The tasks aim to increase the recycling of used oil and filters and decrease the volume of oil discarded into storm drains or public disposal sites.

Table 10. Used Oil Recycling Grant Program Tasks

#	Description
C.1	Public Participation
C.1.a	Develop advertising program in the City media outlet to promote used oil and filter recycling
C.1.b	Submit articles in the City media outlet providing tips and insights on environmental protections
C.1.c	Attend City event and distribute tip cards and other recycling information
C.1.d	Prepare quarterly press release articles and advertisements for City media outlet
C.1.e	Provide printed materials such as calendars, brochures, flyers, and posters to inform commercial and industrial businesses about recycling
C.2	Certified Collection Center (CCC) Surveys, Support, and Administration
C.2.a	Conduct CCC surveys at four (4) locations in city
C.3	Grant Administration
C.3.a	Complete and submit all CalRecycle grant documents (Funding Request, Expenditure Report, Annual Report)
C.3.b	Communicate with CalRecycle for proportionate cost/rates, project approvals, and stormwater mitigation project implementation
C.3.c	Manage Program, Implement QA/QC Procedures

D. Industrial Waste Control Program

This section describes our tasks under the Industrial Waste Control (IW) Program.

1. Program Administration

Table 11 lists our tasks for Program Administration.

Table 11. Industrial Waste Control Program Administration Tasks

#	Description
D.1.a	Program updates and correspondence
	Provide Program status updates and hold update meetings.
	Represent the City in Program concerns with Permittees, regulators, and other parties.
D.1.b	Technical assistance
	Share information and expertise, transmit working knowledge, instruct, and provide skills training.
	As needed: Assist with IW tasks not otherwise itemized in this scope of work.
D.1.c	Reporting
	Maintain accessible online databases of Program records.

2. Inspections

Table 12 lists our tasks for inspections. We will inspect facilities based on a schedule requested by the City or on a tiered schedule as set by the adopted LA County Municipal Code Title 20 section. Based on communications with City staff, this proposal assumes two inspections per year at 188 permitted food service establishments and one inspection per year at another 70 IW permitted facilities. Inspection frequencies may be reprioritized based on conditions observed through the inspection process.

Table 12. Industrial Waste Control Inspection Tasks

#	Description
D.2.a	Track and prioritize facilities
	Review and update IW facility inventory
	Update Hot Spot prioritization inventory
D.2.b	Educate facility operators
	Notify facility operators of program requirements
D.2.c	Inspect facilities
	Inspect IW/FOG facilities for proper wastewater operations
	Correspond with facility operators
	Conduct follow-up inspections at non-compliant facilities
D.2.d	Enforce at noncompliant facilities
	Prepare enforcement notices for noncompliant facilities
	Correspond with facility operators

3. Plan Review, Permitting, and Invoicing

Table 13 lists the as-needed tasks for plan review, permitting, and invoicing. It is our understanding that the County of LA and/or City staff will continue to implement these tasks. However, our Project Team is available for assistance upon request. It will be necessary to correspond with City or County of LA staff to address field compliance issues related to these tasks.

Table 13. As-needed Industrial Waste Control Plan Review, Permitting, and Invoicing Tasks

#	Description
D.3.a	Plan review (as-needed)
	Review IW plans
D.3.b	Permitting (as-needed)
	Prepare permit requirement and violation letters
	Process permits
D.2.c	Invoicing (as-needed)
	Prepare annual permit invoices

III. Resumes

The following section includes the resumes and certifications of key personnel.

16 years of project experience

Education

M.S., Applied Mathematics, CSULB
 B.S., Physics, CSULB

Certifications

CPSWQ, Envirocert (#0842)
 QSD/QSP, CASQA (#22706)
 IGP Trainer of Record, CASQA (#079)

Affiliations

Phi Beta Kappa Society
 Society for Industrial & Applied Math

Cameron McCullough, MS, CPSWQ, QSD/P, IGP ToR
 Director

Cameron McCullough has sixteen years of experience in the environmental compliance field, specializing in water quality. His experience includes municipal NPDES, TMDL, and SSO Control program administration, program funding, compliance planning, providing technical assistance and training to municipal staff, and representing client interests in interactions with regulators and other stakeholders.

Recent experience and project qualifications

Mr. McCullough serves as a municipal NPDES and Industrial Waste Program Manager for several local cities. Programs administered include those for NPDES stormwater permits (MS4, IGP, and CGP), non-stormwater permits and orders (e.g., sanitary sewer overflows and drinking water system discharges), and local ordinances related to these permits and orders. Tasks include funding (e.g., Safe, Clean Water Program), compliance planning (e.g., Water Management Programs and TMDLs), stormwater quality controls for development and construction, industrial facilities, and municipal activities, prohibiting and investigating non-stormwater discharges to and from the MS4, and surface water quality monitoring. Through providing these services, he has developed the qualifications needed to serve as a Program Manager for this project. Specific examples of these qualifications include:

- Serving as a Program Manager for contracted MS4 NPDES Program services for local cities: Arcadia, Burbank, Diamond Bar, Glendale, Inglewood, San Gabriel, South El Monte, South Pasadena, Stanton, Villa Park, and West Covina. Project responsibilities include serving as point-of-contact, overseeing the Project Team, ensuring successful completion of the project, and representing clients in interactions with regulators and stakeholders. Estimated total budget: \$650,000 per year.
- Serving as a Program Manager for contracted Industrial Waste and/or Fats, Oils, and Grease (FOG) services for local cities: Arcadia, Hawthorne, South El Monte, South Pasadena, Stanton, and Whittier. Project responsibilities include serving as point-of-contact, overseeing the Project Team, ensuring successful completion of the project, and representing clients in interactions with regulators and stakeholders. Estimated total budget: \$200,000 per year.
- Representing cities in MS4 NPDES Permit compliance audits from Cal EPA and Federal EPA: Villa Park 2019, Diamond Bar 2019, Stanton 2014, 2010, Seal Beach 2010, 2006, Big Bear Lake 2007.
- Developing projects and submitting applications for Safe, Clean Water Program funding: South Pasadena 2019, Burbank 2020, Diamond Bar 2020. Estimated budget: \$100,000.
- Administering the preparation of watershed management programs to address wet and dry weather TMDLs for Metals, Toxics, Bacteria, and Trash: Lower Los Angeles River, Lower San Gabriel River, and Long Beach Nearshore Watersheds, 2013-2016. Estimated budget: \$1.5 million.
- Administering the adaptive management of watershed management programs: Lower Los Angeles River, Lower San Gabriel River, and Long Beach Nearshore Watersheds, 2017-2020. Estimated budget: \$100,000.
- Leading hundreds of municipal training sessions for over 30 municipalities over the last 15 years.

Michelle Kim, MSE, CPSWQ, QSD
Project Manager/Project Engineer

13 years of project experience

Education

M.S., Civil Engineering, Loyola Marymount
 B.S., Environmental Science, UC Berkeley
 B.A., Public Health, UC Berkeley

Certifications:

EIT, NCEES (#141554)
 CPSWQ, Envirocert (#1134)
 QSD, CASQA (#26504)
 Grade 3 Laboratory Analyst, CWEA (#130133001)

Michelle Kim has thirteen years of experience in the water quality industry, which includes potable water, wastewater, and storm water. Her relevant experiences and tasks include implementing and managing NPDES municipal permit provisions such as watershed management, planning and land development, and TMDL compliance. She is involved in the development and review of Water Quality Management Plans (WQMPs), Low Impact Development (LID) Plans, and Standard Urban Stormwater Mitigation Plans (SUSMPs). Michelle’s past experience includes work with the Orange

County Sanitation District involving treatment processes, laboratory analyses, and monitoring of wastewater and source control.

Her current responsibilities include providing municipal NPDES plan checking services, conducting BMP verification and maintenance inspections, representing clients in meetings, and assisting in the implementation of Watershed Management Programs.

Michelle’s client-specific responsibilities at JLHA include:

- Reviewing LID Plans following the standards of the Los Angeles County area-wide MS4 Permit for the cities of Diamond Bar, Downey, Monterey Park, Norwalk, Pasadena, Santa Fe Springs, Signal Hill, and South Gate, and West Hollywood.
- Reviewing WQMPs following the standards of the North Orange County area-wide MS4 Permit for the cities of Buena Park, La Habra, Seal Beach, and Stanton. (WQMPs are the Orange County-equivalent of Los Angeles County’s LID Plans.)
- Serving as point-of-contact with project engineers for the LID Plan and WQMP review process.
- Conducting post-construction BMP inspections for the City of West Hollywood.
- Assisting in municipal TMDL compliance activities, including review of Bacteria TMDL monitoring data for Jurisdiction 7 of the Santa Monica Bay, reconsideration of the Machado Lake nutrients TMDL, and preparation of the final compliance report for the Machado Lake Trash TMDL.
- Assisting in MS4 Permit Project Management for the Cities of Hawthorne, Lomita, and Rancho Palos Verdes. Tasks include serving as a point-of-contact with City staff, representing city interests at watershed meetings and other NPDES-related meetings and hearings, and preparing the Individual Annual Report.

Assisting in Project Management of Watershed Management efforts under the LA County area-wide MS4 Permit. (Palos Verdes Peninsula Watershed Management Group.) Tasks include administering meetings, managing subcontractors, and preparing the Watershed Annual Report.

Michelle Stafffield, PE, MSE, CPSWQ, QSD
Water Resources Engineer

Education

M.S., Civil Engineering, Loyola Marymount
B.S., Ecology, Behavior, & Evolution, UCSD

Certifications

PE, California Professional Civil Engineer
CPSWQ, Envirocert (#1136)
QSD, CASCA (#26529)

Michelle Stafffield has thirteen years of experience in the water quality field, specializing in surface water quality regulation in local regions including Los Angeles, Orange County, and San Diego. Her experiences include managing the development and implementation of point and non-point source programs—including NPDES and TMDL programs for municipalities—assisting and training municipal staff in their in-house NPDES programs, and representing client interests in interactions with regulators and other stakeholders.

Recent Experience and Project Qualifications

Michelle serves as a Project Manager and technical lead on various stormwater infrastructure projects for municipalities involving planning, review, and implementation. In this role her relevant experiences and tasks include implementing and managing NPDES municipal permit provisions such as watershed management and TMDL compliance, Best Management Practices (BMPs) and Low Impact Development (LID) for planning and land development, construction, and industrial/commercial activities, public information and participation, and general programs management and technical assistance. She is also involved in the development and review of Watershed and Stormwater Management Programs, Water Quality Management Plans (WQMPs), and LID Plans.

Municipal NPDES Permit Management: Some of Michelle’s current client-specific responsibilities include:

- Reviewing LID Plans following the standards of the Los Angeles County area-wide MS4 Permit for the cities of Covina, Diamond Bar, Downey, Hawaiian Gardens, Long Beach, Lynwood, Monterey Park, Norwalk, Pasadena, Rancho Palos Verdes, Santa Fe Springs, Signal Hill, South El Monte, South Gate, West Hollywood, and Whittier.
- Reviewing WQMPs following the standards of the North Orange County area-wide MS4 Permit for the cities of Buena Park, La Habra, Placentia, Seal Beach, Stanton, and Villa Park. (WQMPs are the Orange County-equivalent of Los Angeles County’s LID Plans.)
- Serving as point-of-contact with project engineers for the LID Plan and WQMP review process.
- Conducting post-construction BMP verification and maintenance inspections for the cities of Covina, Diamond Bar, Downey, Hawaiian Gardens, La Habra, Placentia, Rancho Palos Verdes, Seal Beach, Signal Hill, Stanton, and West Hollywood.
- Assisting in municipal TMDL compliance activities, including the preparation of Trash TMDL studies and compliance reports, and Bacteria TMDL studies and Load Reduction Strategy reports.
- Assisting in NPDES program management for the cities of Downey, South Gate and Signal Hill. Tasks include serving as a point-of-contact with City staff, representing city interests at watershed meetings and other related meetings and hearings, and preparing the Individual Annual Report.

Watershed Management: Through representation of municipal clients’ stakeholder interests, Michelle also participates in the development and implementation of watershed management programs and monitoring programs for the Los Cerritos Channel, Lower Los Angeles River, and Lower San Gabriel River.

Education

B.S., Environmental Science, UCR

Certifications and Training

CPSWQ, EnviroCert (#1183)

CESSWI, EnviroCert (#4769)

QSD/P, CASQA (#27064)

Professional Certificate in GIS

Basic Inspector Academy, Cal EPA

Spanish fluency

Hugo Garcia, CPSWQ, CESSWI, QSD/P

Senior Project Analyst/Assistant Project Manager

Hugo Garcia has eight years of experience with John L. Hunter & Associates, specializing in NPDES and Industrial Waste/FOG Control regulations. His experiences include implementation of Municipal NPDES Programs for Industrial/Commercial Facilities, Development Construction, Municipal Activities, Planning and Land Development, Public Information and Participation, and Illicit Connections & Illicit Discharge Elimination Programs. In addition, Hugo provides TMDL implementation and reporting, and serves as JLHA’s lead GIS Specialist.

Recent Experience and Project Qualifications

Mr. Garcia currently serves as both a Senior Project Analyst and Compliance Specialist whose responsibilities include providing assistance with the implementation of several Watershed Management Programs in Los Angeles and Orange County, as well as conducting stormwater compliance inspections (e.g., La Habra, South Gate, and Whittier). Specific examples of recent experience and project qualifications include:

- Assisting with the development, implementation, and compliance reporting components of Trash TMDLs for the Cities of Alhambra, Arcadia, Burbank, Downey, Glendale, Inglewood, Long Beach, Lomita, Lynwood, Monterey Park, Paramount, Pasadena, Pico Rivera, Rancho Palos Verdes, Signal Hill, South El Monte, South Gate, South Pasadena, Temple City, and West Hollywood.
- Assisting with the development of the Lower Los Angeles River Watershed Management Group Trash Monitoring Reporting Plan (TMRP), Trash Minimum Frequency of Assessment and Collection (MFAC/BMP) Programs for the Cities of Arcadia, Burbank, Downey, Glendale, Long Beach, Pasadena, and Pico Rivera, and Plastic Pellet Management Programs (PMRPs) for the Cities of Arcadia, Burbank, Glendale, Monterey Park, Pasadena, San Gabriel, South El Monte, South Pasadena, and Temple City.
- Assisting with Industrial General NPDES Stormwater Permit compliance activities and Stormwater Pollution Prevention Plans (SWPPPs) for municipal facilities located in the Cities of Laguna Beach, La Mirada, San Gabriel, Signal Hill, and West Covina.
- Conducting over 3,000 NPDES compliance inspections at industrial/commercial facilities (e.g., food facilities, automotive repair facilities, and facilities subject to the Industrial General Permit) and construction sites.
- Developing and maintaining GIS databases of 1) potential sites for low impact development (LID) retrofit projects to comply with various Watershed Management Programs, 2) catch basin retrofit locations to comply with Trash TMDLs and the statewide Trash Provisions, and 3) MS4 outfall and non-stormwater discharges locations to comply with Coordinated Integrated Monitoring Programs (CIMPs).
- Reviewing preliminary plumbing plans for new development and tenant improvement projects at Industrial Waste/FOG facilities in the cities of Arcadia, Signal Hill, South El Monte, South Gate, and Stanton.
- Assisting with the review of small site Low Impact Development (LID) plans for conformance with city-specific LID standards for the Cities of Signal Hill, South Gate, and West Hollywood.
- Developing retrofit opportunity inventories for multi-watershed/multi-jurisdictional grants (i.e. OCTA ECP Tier 1, Prop 84).

Rosalinda Tandoc, PE
Staff Civil Engineer

Overview

Ms. Tandoc has over 30 years of experience reviewing and approving structural and architectural plans. Her specialty lies in reviewing and approving such plans for compliance with Permits (including MS4), City ordinances (including LID and Green Streets/Fats, Oils, and Grease/Industrial Waste/Erosion Control), Building Codes, and other State Laws. At JLHA, she has been instrumental in expediting plan review and approval for issuance of permits, interacting with clients to troubleshoot project development problems, and expediently facilitating completion of client projects. She has done this for all of JLHA’s past and current clients, which now includes 23 cities.

Education

Master of Science in Civil Engineering
California State University, Long Beach

Certifications and Licenses

CA Registered Civil Engineer

Related Experience

**With JLHA
 (Starting 2006)**

- Reviews structural and architectural plans and residential and large and complicated buildings for compliance with the MS4 Permit, City Ordinances and State Law.
- Interacts with developers to facilitate completion of their projects
- Worked with the Principal in investigating problems presented to them.
- Code Consultant

Prior Experience:

- Los Angeles County Department of Public Works Building and Safety Division (1979 – 2006)
- Coordinated with local agencies in expediting the issuance of permits
- Assisted Permit Technician in solving problems that he or she may have incurred in the processing of permits and other related problems that need to be resolved at the counter.
- Assisted the City in developing ways and methods of expediting the processing of plans for issuance of permits.
- Assisted the City in developing plans and methods for effective office organization in the City Building Department in working with the City Planning Department.

Personal Advancement Courses

Engineering Management
 Communication
 Diversity Training
 Business and English Writings
 Supervisory Management

Achievements/Volunteer Works

Outstanding Woman of 1998, City of Cerritos
 Greater Long Beach Girl Scout Council
 Cerritos Senior Center, City of Cerritos
 St. Linus Parish, Norwalk, CA
 Cathedral of Our Lady of the Angels, Los Angeles

IV. Rate Schedule, Assumptions, and Estimated Costs

A. 2020 Rate Schedule

Principal	\$195 / hour
Director	\$175 / hour
Program Manager	\$175 / hour
Staff Engineer	\$175 / hour
Project Manager	\$165 / hour
Assistant Project Manager	\$155 / hour
Project Engineer	\$155 / hour
Compliance Specialist II	\$125 / hour
Project Analyst II	\$125 / hour
Industrial/commercial facility inspection	\$125 / unit
Compliance Specialist I	\$115 / hour
Project Analyst I	\$115 / hour
Administrative Assistant, Laborer (OSHA 40hr certified)	\$75 / hour
State Certified Laboratory Analysis	Cost + 5%
Legal Consultation, Court Appearances/Document review, etc.	\$250 / hour
Subcontracted equipment	Cost + 5%

This rate schedule is subject to consumer price index (CPI) increases in subsequent years.

B. Assumptions for Cost Estimate

Tables 14 and 15 list the MS4 NPDES and Industrial Waste and FOG Control program assumptions proposed for one year of services. These assumptions are used to calculate the annual not-to-exceed fee. If through program implementation it is determined that these quantities are underestimates, the City will be informed. In this event additional work will not be conducted without written approval from the City.

Tables 14. Annual MS4 NPDES Scope of Work Assumptions

Track	312	industrial/commercial facilities ¹
Inspect/Educate	312	industrial/commercial facilities
Conduct	32	follow-ups at industrial/commercial facilities
Prepare	16	enforcement actions at industrial/commercial facilities
Track/review/approve	4	LID Plan projects
Review/approve	4	SWPPPs
Track/inspect	6	CGP sites monthly (72 per year) ²
Conduct	18	follow-ups at construction sites
Prepare	4	enforcement actions at construction sites
Hold	2	staff training sessions on five topics

Tables 15. Annual Industrial Waste and FOG Control Scope of Work Assumptions

Track	70	IW facilities ³
Inspect/Educate	70	IW facilities
Track	188	FOG facilities ⁴
Inspect/Educate	188	FOG facilities
Conduct	32	follow-ups at IW and FOG facilities
Prepare	16	enforcement actions at industrial/commercial facilities
Track/review/approve	--	IW Plan projects
Prepare/review/approve	--	IW Permits
Prepare	--	IW Invoices

¹ Assumptions are based on the City of Monterey Park 2018/2019 Individual MS4 NPDES Annual Report. The next MS4 Permit will require all industrial/commercial facilities be inspected every two years.

² Assumptions are based on the State Water Resources Control Board SMARTS Database. The next MS4 Permit will continue to require monthly inspections at state-permitted construction sites.

³ Assumptions are based on the City of Monterey Park 2018 inventory

⁴ Assumptions are based on the City of Monterey Park 2018 inventory

C. Estimated Not-to-Exceed Fee Proposal

The annual not-to-exceed costs for the Municipal NPDES, Industrial Waste (including FOG) Control, and Used Oil Recycling Grant Program services are included in Table 16. Work will be conducted on a time and materials basis. Information on the tasks listed are provided under the Scope of Work section of this proposal.

Table 16. Estimated Annual Costs for Services

Task name	Cost	Subtotal	Totals
A. Project Management			\$5,000
A.1 Project Administration		\$5,000	
A.1.a Project updates and correspondence	\$3,500		
A.1.b Quality assurance	\$1,500		
B. Municipal NPDES			\$65,000
B.1 Program Administration		\$8,000	
B.1.a Program updates and correspondence	\$750		
B.1.b Technical assistance	\$1,000		
B.1.c Reporting	\$6,250		
B.2 Program Funding		\$4,000	
B.2.a Safe, Clean Water Funding Program and grants	\$3,000		
B.2.b Fees	\$500		
B.2.c Budgeting	\$500		
B.3 Compliance Planning		\$13,500	
B.3.a Program development	\$2,000		
B.3.b Watershed Management Programs	\$4,000		
B.3.c TMDLs and Statewide pollutant provisions	\$7,500		
B.3.d Scientific studies	\$0		
B.4 Control Programs		\$39,500	
B.4.a Training	\$2,000		
B.4.b Infrastructure projects and institutional programs	\$1,500		
B.4.c Planning and Land Development	\$5,000		
B.4.d Development Construction	\$14,500		
B.4.e Industrial/commercial Facilities	\$13,500		
B.4.f Public Agency Activities (Public Works O&M)	\$1,000		
B.4.g Illicit Discharge Investigations	\$0		
B.4.h Public Information and Participation	\$2,000		
C. Used Oil Recycling Grant Program			\$34,500
C.1 Public Participation	\$27,600	\$27,600	
C.2 Certified Collection Center (CCC) Surveys, Support, and Administration	\$3,450	\$3,450	
C.3 Grant Administration	\$3,450	\$3,450	
D. Industrial Waste Control Program			\$59,820
D.1 Program Administration		\$4,350	
D.1.a Program updates and correspondence	\$1,000		
D.1.b Technical assistance	\$2,350		
D.1.c Reporting	\$1,000		
D.2 Inspections		\$55,470	
D.2.a Track and prioritize facilities	\$750		
D.2.b Educate facility operators	\$0		
D.2.c Inspect facilities	\$50,790		
D.2.d Enforce at noncompliant facilities	\$3,930		
D.3 Plan Review, Permitting, and Invoicing		\$0	
D.3.a Plan review (as-needed)	\$0		
D.3.b Permitting (as-needed)	\$0		
D.3.c Invoicing (as-needed)	\$0		
IW and FOG Control services discount			-\$19,350
Total			\$144,970

ATTACHMENT 2
**John L. Hunter & Associates Second Amendment to
Agreement**

SECOND AMENDMENT TO
AGREEMENT NO. 1841-A BETWEEN
THE CITY OF MONTEREY PARK AND JOHN L. HUNTER & ASSOCIATES

THIS SECOND AMENDMENT ("Amendment") to Agreement No. 1841-A (the "Agreement") is made and entered into this ____ day of June 2020, by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation existing under the laws of California ("CITY"), and JOHN L. HUNTER & ASSOCIATES ("CONSULTANT").

1. Pursuant to Section 8 of the Agreement, the term of this Agreement will be extended from July 1, 2020 to June 30, 2022.
2. Pursuant to Section 35 of the Agreement, the Scope of Services set forth in Section 2 of the Agreement are expanded as set forth in attached Exhibit A, which is incorporated by reference.
3. Pursuant to Section 35 of the Agreement, Section 1(C) of the Agreement, CITY agrees to pay CONSULTANT a sum not to exceed ONE HUNDRED FORTY-FOUR THOUSAND AND NINE HUNDRED AND SEVENTY dollars (\$144,970) annually for the expanded scope of work as identified in Exhibit A.
4. Except as modified by this Amendment, all other terms and conditions of Agreement No. 1841-A remain the same.

IN WITNESS WHERE OF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

JOHN L. HUNTER & ASSOCIATES

Ron Bow,
City Manager

John L. Hunter,
President

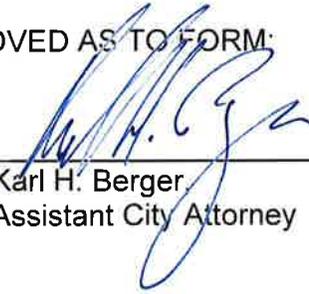
ATTEST:

Vincent D. Chang,
City Clerk

Taxpayer ID No. 33-0127292
Business License No. 38735

APPROVED AS TO FORM:

By:



Karl H. Berger
Assistant City Attorney

ATTACHMENT 3
John L. Hunter & Associates Agreement

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF MONTEREY PARK AND
JOHN L. HUNTER & ASSOCIATES**

This AGREEMENT is entered into this 16th day of July, 2015, by and between the CITY OF MONTEREY PARK, a municipal corporation and general law city ("CITY") and JOHN L. HUNTER & ASSOCIATES ("CONSULTANT").

1. CONSIDERATION.

- A. As partial consideration, CONSULTANT agrees to perform the work listed in the SCOPE OF SERVICES, below;
- B. As additional consideration, CONSULTANT and CITY agree to abide by the terms and conditions contained in this Agreement;
- C. As additional consideration, CITY agrees to pay CONSULTANT a sum not to exceed EIGHTY THOUSAND dollars (\$80,000) for CONSULTANT's services. CITY may modify this amount as set forth below. Unless otherwise specified by written amendment to this Agreement, CITY will pay this sum as specified in the attached Exhibit "B," which is incorporated by reference.

2. SCOPE OF SERVICES.

- A. CONSULTANT will perform services listed in the attached Exhibit "A," which is incorporated by reference.
- B. CONSULTANT will, in a professional manner, furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculation, and all other means whatsoever, except as herein otherwise expressly specified to be furnished by CITY, necessary or proper to perform and complete the work and provide the professional services required of CONSULTANT by this Agreement.

3. PERFORMANCE STANDARDS. While performing this Agreement, CONSULTANT will use the appropriate generally accepted professional standards of practice existing at the time of performance utilized by persons engaged in providing similar services. CITY will continuously monitor CONSULTANT's services. CITY will notify CONSULTANT of any deficiencies and CONSULTANT will have fifteen (15) days after such notification to cure any shortcomings to CITY's satisfaction. Costs associated with curing the deficiencies will be borne by CONSULTANT.

4. **PAYMENTS.** For CITY to pay CONSULTANT as specified by this Agreement, CONSULTANT must submit a detailed invoice to CITY which lists the hours worked and hourly rates for each personnel category and reimbursable costs (all as set forth in Exhibit "B") the tasks performed, the percentage of the task completed during the billing period, the cumulative percentage completed for each task, the total cost of that work during the preceding billing month and a cumulative cash flow curve showing projected and actual expenditures versus time to date.

5. **NON-APPROPRIATION OF FUNDS.** Payments due and payable to CONSULTANT for current services are within the current budget and within an available, unexhausted and unencumbered appropriation of the CITY. In the event the CITY has not appropriated sufficient funds for payment of CONSULTANT services beyond the current fiscal year, this Agreement will cover only those costs incurred up to the conclusion of the current fiscal year.

6. **ADDITIONAL WORK.**

- A. CITY's city manager ("Manager") may determine, at the Manager's sole discretion, that CONSULTANT must perform additional work ("Additional Work") to complete the Scope of Work. If Additional Work is needed, the Manager will give written authorization to CONSULTANT to perform such Additional Work.
- B. If CONSULTANT believes Additional Work is needed to complete the Scope of Work, CONSULTANT will provide the Manager with written notification that contains a specific description of the proposed Additional Work, reasons for such Additional Work, and a detailed proposal regarding cost.
- C. Payments over \$25,000 for Additional Work must be approved by CITY's city council. All Additional Work will be subject to all other terms and provisions of this Agreement.

7. **FAMILIARITY WITH WORK.**

- A. By executing this Agreement, CONSULTANT agrees that it has:
 - i. Carefully investigated and considered the scope of services to be performed;
 - ii. Carefully considered how the services should be performed; and
 - iii. Understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement.
- B. If services involve work upon any site, CONSULTANT agrees that CONSULTANT has or will investigate the site and is or will be fully acquainted with the conditions there existing, before commencing the services hereunder.

Should CONSULTANT discover any latent or unknown conditions that may materially affect the performance of the services, CONSULTANT will immediately inform CITY of such fact and will not proceed except at CONSULTANT's own risk until written instructions are received from CITY.

8. **TERM.** The term of this Agreement will be from August 1, 2015 to June 30, 2020. Unless otherwise determined by written amendment between the parties, this Agreement will terminate in the following instances:

- A. Completion of the work specified in Exhibit "A";
- B. Termination as stated in Section 16.

9. **TIME FOR PERFORMANCE.**

- A. CONSULTANT will not perform any work under this Agreement until:
 - i. CONSULTANT furnishes proof of insurance as required under Section 23 of this Agreement; and
 - ii. CITY gives CONSULTANT a written notice to proceed.
- B. Should CONSULTANT begin work on any phase in advance of receiving written authorization to proceed, any such professional services are at CONSULTANT's own risk.

10. **TIME EXTENSIONS.** Should CONSULTANT be delayed by causes beyond CONSULTANT's control, CITY may grant a time extension for the completion of the contracted services. If delay occurs, CONSULTANT must notify the Manager within forty-eight hours (48 hours), in writing, of the cause and the extent of the delay and how such delay interferes with the Agreement's schedule. The Manager will extend the completion time, when appropriate, for the completion of the contracted services.

11. **CONSISTENCY.** In interpreting this Agreement and resolving any ambiguities, the main body of this Agreement takes precedence over the attached Exhibits; this Agreement supersedes any conflicting provisions. Any inconsistency between the Exhibits will be resolved in the order in which the Exhibits appear below:

- A. Exhibit A: Scope of Work;
- B. Exhibit B: Budget; and

12. **CHANGES.** CITY may order changes in the services within the general scope of this Agreement, consisting of additions, deletions, or other revisions, and the contract sum and the contract time will be adjusted accordingly. All such changes must be authorized in writing,

executed by CONSULTANT and CITY. The cost or credit to CITY resulting from changes in the services will be determined in accordance with written agreement between the parties.

13. TAXPAYER IDENTIFICATION NUMBER. CONSULTANT will provide CITY with a Taxpayer Identification Number.

14. PERMITS AND LICENSES. CONSULTANT, at its sole expense, will obtain and maintain during the term of this Agreement, all necessary permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement.

15. WAIVER. CITY's review or acceptance of, or payment for, work product prepared by CONSULTANT under this Agreement will not be construed to operate as a waiver of any rights CITY may have under this Agreement or of any cause of action arising from CONSULTANT's performance. A waiver by CITY of any breach of any term, covenant, or condition contained in this Agreement will not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this Agreement, whether of the same or different character.

16. TERMINATION.

- A. Except as otherwise provided, CITY may terminate this Agreement at any time with or without cause.
- B. CONSULTANT may terminate this Agreement at any time with CITY's mutual consent. Notice will be in writing at least thirty (30) days before the effective termination date.
- C. Upon receiving a termination notice, CONSULTANT will immediately cease performance under this Agreement unless otherwise provided in the termination notice. Except as otherwise provided in the termination notice, any additional work performed by CONSULTANT after receiving a termination notice will be performed at CONSULTANT's own cost; CITY will not be obligated to compensate CONSULTANT for such work.
- D. Should termination occur, all finished or unfinished documents, data, studies, surveys, drawings, maps, reports and other materials prepared by CONSULTANT will, at CITY's option, become CITY's property, and CONSULTANT will receive just and equitable compensation for any work satisfactorily completed up to the effective date of notice of termination, not to exceed the total costs under Section 1(C).
- E. Should the Agreement be terminated pursuant to this Section, CITY may procure on its own terms services similar to those terminated.
- F. By executing this document, CONSULTANT waives any and all claims for damages that might otherwise arise from CITY's termination under this Section.

17. OWNERSHIP OF DOCUMENTS. All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this Agreement are CITY's property. CONSULTANT may retain copies of said documents and materials as desired, but will deliver all original materials to CITY upon CITY's written notice. CITY agrees that use of CONSULTANT's completed work product, for purposes other than identified in this Agreement, or use of incomplete work product, is at CITY's own risk.

18. PUBLICATION OF DOCUMENTS. Except as necessary for performance of service under this Agreement, no copies, sketches, or graphs of materials, including graphic art work, prepared pursuant to this Agreement, will be released by CONSULTANT to any other person or public CITY without CITY's prior written approval. All press releases, including graphic display information to be published in newspapers or magazines, will be approved and distributed solely by CITY, unless otherwise provided by written agreement between the parties.

19. INDEMNIFICATION.

A. CONSULTANT agrees to the following:

i. *Indemnification for Professional Services.* CONSULTANT will save harmless and indemnify and at CITY's request reimburse defense costs for CITY and all its officers, volunteers, employees and representatives from and against any and all suits, actions, or claims, of any character whatever, brought for, or on account of, any injuries or damages sustained by any person or property resulting or arising from any negligent or wrongful act, error or omission by CONSULTANT or any of CONSULTANT's officers, agents, employees, or representatives, in the performance of this Agreement, except for such loss or damage arising from CITY's sole negligence or willful misconduct.

ii. *Indemnification for other Damages.* CONSULTANT indemnifies and holds CITY harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising out of this Agreement, or its performance, except for such loss or damage arising from CITY's sole negligence or willful misconduct. Should CITY be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, CONSULTANT will defend CITY (at CITY's request and with counsel satisfactory to CITY) and will indemnify CITY for any judgment rendered against it or any sums paid out in settlement or otherwise.

B. For purposes of this section "CITY" includes CITY's officers, officials, employees, agents, representatives, and certified volunteers.

C. It is expressly understood and agreed that the foregoing provisions will survive termination of this Agreement.

- D. The requirements as to the types and limits of insurance coverage to be maintained by CONSULTANT as required by Section 23, and any approval of said insurance by CITY, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by CONSULTANT pursuant to this Agreement, including, without limitation, to the provisions concerning indemnification.

20. ASSIGNABILITY. This Agreement is for CONSULTANT's professional services. CONSULTANT's attempts to assign the benefits or burdens of this Agreement without CITY's written approval are prohibited and will be null and void.

21. INDEPENDENT CONTRACTOR. CITY and CONSULTANT agree that CONSULTANT will act as an independent contractor and will have control of all work and the manner in which it is performed. CONSULTANT will be free to contract for similar service to be performed for other employers while under contract with CITY. CONSULTANT is not an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides for its employees. Any provision in this Agreement that may appear to give CITY the right to direct CONSULTANT as to the details of doing the work or to exercise a measure of control over the work means that CONSULTANT will follow the direction of the CITY as to end results of the work only.

22. AUDIT OF RECORDS. CONSULTANT will maintain full and accurate records with respect to all services and matters covered under this Agreement. CITY will have free access at all reasonable times to such records, and the right to examine and audit the same and to make transcript therefrom, and to inspect all program data, documents, proceedings and activities. CONSULTANT will retain such financial and program service records for at least three (3) years after termination or final payment under this Agreement.

23. INSURANCE.

- A. Before commencing performance under this Agreement, and at all other times this Agreement is effective, CONSULTANT will 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
Professional Liability	\$1,000,000
Business automobile liability	\$1,000,000
Workers compensation	Statutory requirement

- B. Commercial general liability insurance will meet or exceed the requirements of the most recent ISO-CGL Form. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed to name 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 CITY will be excess thereto. Such endorsement must be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance will 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 CITY.
- C. Professional liability coverage will be on an “occurrence basis” if such coverage is available, or on a “claims made” basis if not available. When coverage is provided on a “claims made basis,” CONSULTANT will continue to renew the insurance for a period of three (3) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover CONSULTANT for all claims made by CITY arising out of any errors or omissions of CONSULTANT, or its officers, employees or agents during the time this Agreement was in effect.
- D. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).
- E. CONSULTANT will furnish to CITY duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement and such other evidence of insurance or copies of policies as may be reasonably required by CITY from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of “A:VII.”
- F. Should CONSULTANT, for any reason, fail to obtain and maintain the insurance required by this Agreement, CITY may obtain such coverage at CONSULTANT’s expense and deduct the cost of such insurance from payments due to CONSULTANT under this Agreement or terminate pursuant to Section 16.
- G. Self-Insured Retention/Deductibles. All policies required by this Agreement must allow CITY, as additional insured, to satisfy the self-insured retention (“SIR”) and deductible of the policy in lieu of CONSULTANT (as the named insured) should CONSULTANT fail to pay the SIR or deductible requirements. The amount of the SIR or deductible is subject to the approval of the City Attorney and the Finance Director. CONSULTANT understands and agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by CONSULTANT as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should CITY pay the SIR or deductible on CITY’s behalf upon the CONSULTANT’S

failure or refusal to do so in order to secure defense and indemnification as an additional insured under the policy, CITY may include such amounts as damages in any action against CONSULTANT for breach of this Agreement in addition to any other damages incurred by CITY due to the breach.

24. USE OF SUBCONTRACTORS. CONSULTANT must obtain CITY's prior written approval to use any consultants while performing any portion of this Agreement. Such approval must approve of the proposed consultant and the terms of compensation.

25. INCIDENTAL TASKS. CONSULTANT will meet with CITY monthly to provide the status on the project, which will include a schedule update and a short narrative description of progress during the past month for each major task, a description of the work remaining and a description of the work to be done before the next schedule update.

26. NOTICES. All communications to either party by the other party will be deemed made when received by such party at its respective name and address as follows:

CITY
City of Monterey Park
320 W Newmark Ave
Monterey Park, CA 91754
Attn: Amy Ho

CONSULTANT
John L. Hunter & Associates
6131 Orangethorpe Ave., Suite 300
Buena Park, CA 90620
Attn: John Hunter

Any such written communications by mail will be conclusively deemed to have been received by the addressee upon deposit thereof in the United States Mail, postage prepaid and properly addressed as noted above. In all other instances, notices will be deemed given at the time of actual delivery. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this paragraph.

27. CONFLICT OF INTEREST. CONSULTANT will comply with all conflict of interest laws and regulations including, without limitation, CITY's conflict of interest regulations.

28. SOLICITATION. CONSULTANT maintains and warrants that it has not employed nor retained any company or person, other than CONSULTANT's bona fide employee, to solicit or secure this Agreement. Further, CONSULTANT warrants that it has not paid nor has it agreed to pay any company or person, other than CONSULTANT's bona fide employee, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Should CONSULTANT breach or violate this warranty, CITY may rescind this Agreement without liability.

29. THIRD PARTY BENEFICIARIES. This Agreement and every provision herein is generally for the exclusive benefit of CONSULTANT and CITY and not for the benefit of any other party. There will be no incidental or other beneficiaries of any of CONSULTANT's or CITY's obligations under this Agreement.

30. **INTERPRETATION.** This Agreement was drafted in, and will be construed in accordance with the laws of the State of California, and exclusive venue for any action involving this agreement will be in Los Angeles County.

31. **COMPLIANCE WITH LAW.** CONSULTANT agrees to comply with all federal, state, and local laws applicable to this Agreement.

32. **ENTIRE AGREEMENT.** This Agreement, and its Attachments, sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. There are TWO (2) Attachments to this Agreement. This Agreement will bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.

33. **RULES OF CONSTRUCTION.** Each Party had the opportunity to independently review this Agreement with legal counsel. Accordingly, this Agreement will be construed simply, as a whole, and in accordance with its fair meaning; it will not be interpreted strictly for or against either Party.

34. **SEVERABILITY.** If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

35. **AUTHORITY/MODIFICATION.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein. This Agreement may be modified by written amendment. CITY's executive manager, or designee, may execute any such amendment on behalf of CITY.

36. **ACCEPTANCE OF FACSIMILE SIGNATURES.** The Parties agree that this Agreement, agreements ancillary to this Agreement, and related documents to be entered into in connection with this Agreement will be considered signed when the signature of a party is delivered by facsimile transmission. Such facsimile signature will be treated in all respects as having the same effect as an original signature.

37. **CAPTIONS.** The captions of the paragraphs of this Agreement are for convenience of reference only and will not affect the interpretation of this Agreement.

38. **TIME IS OF ESSENCE.** Time is of the essence for each and every provision of this Agreement.

39. **FORCE MAJEURE.** Should performance of this Agreement be prevented due to fire, flood, explosion, acts of terrorism, war, embargo, government action, civil or military authority, the natural elements, or other similar causes beyond the Parties' reasonable control, then the Agreement will immediately terminate without obligation of either party to the other.

40. **STATEMENT OF EXPERIENCE.** By executing this Agreement, CONSULTANT represents that it has demonstrated trustworthiness and possesses the quality, fitness and capacity to perform the Agreement in a manner satisfactory to CITY. CONSULTANT represents that its

financial resources, surety and insurance experience, service experience, completion ability, personnel, current workload, experience in dealing with private consultants, and experience in dealing with public agencies all suggest that CONSULTANT is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public CITY.

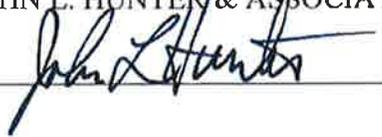
IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

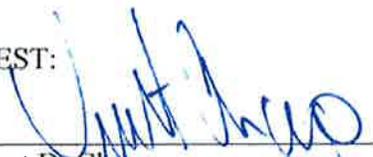


Paul Talbot,
City Manager

JOHN L. HUNTER & ASSOCIATES



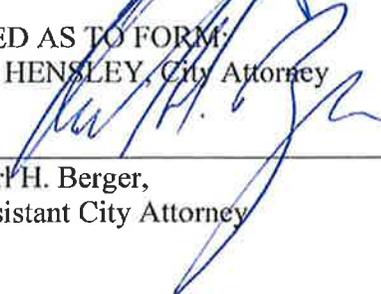
ATTEST:



Vincent D. Chang,
City Clerk

Taxpayer ID No. 33-0127292
Business License No. 38735

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney



By:

Karl H. Berger,
Assistant City Attorney

Insurance reviewed by: _____

Scope of Work

June 25, 2016

1. Task 1 – Program Assistance

- a. Assist with preparation of Annual Report for submittal to the Regional Board by December 15th each year.
- b. Represent the City at NPDES MS4 and LA Permit Group meetings that affect the City, and provide regular updates.

2. Task 2 – TMDLs/EWMP

- a. Attend ULAR EWMP meetings as well as general EWMP/TMDL meetings that affect the City.
- b. Advise the City on their compliance obligations for the EWMP and TMDLs.
- c. Conduct Daily Generation Rate study per the Los Angeles River Trash TMDL. Consultant is advised that this must be conducted over a five consecutive week period ending no later than September 22, 2015, and will involve manual collection over a specific route, as well as sorting at the City Yard.
- d. Develop a Load Reduction Strategy for applicable waterways, including a budgetary allowance of \$12,000 for work with the Upper Los Angeles River EWMP contractor for Segment B.

3. Task 3 – Illicit Connections/Illicit Discharges Detection and Elimination Programs

- a. Assist the City with detection and elimination of potential illicit connections/discharges throughout the City. Conduct investigations following the provisions of VI.D.2 and VI.D.10 of the MS4 Permit as needed.
- b. Develop a Progressive Enforcement Policy to meet VI.D.2 of the MS4 Permit.

4. Task 4 – Public Agency Activities Program

- a. Public Agency Facility and Activity Management
 - i. Prepare the inventory of City facilities that are a potential source of stormwater pollution.
 - ii. Incorporate facility information into a database with a GIS component.
 - iii. Provide minimum fields of information for each facility.
 - iv. Provide inventory updates as required.
- b. Inventory of Existing Development for Retrofitting Opportunities
 - i. Prepare an inventory of retrofitting opportunities that meet the requirements of Part VI.D.9.d of the MS4 Permit.
 - ii. Retrofit opportunities shall be identified within the public right-of-way or in coordination with a TMDL implementation plan.
 - iii. Screen existing areas of development to identify candidate areas for retrofitting using watershed models or other screening level tools.

- iv. Rank the areas of existing development to prioritize retrofitting candidates.
- v. Evaluate results; provide list of highly feasible projects, offsite mitigation for new development and redevelopment, and where feasible, the existing development retrofitting program may be coordinated with other flood control or infrastructure improvement projects.
- vi. Identify any private/public partnerships.
- c. Public Agency Facility and Activity Management
 - i. Evaluate facilities to determine if separate coverage under the Industrial General Permit is required.
 - ii. Assess the NPDES impacts of flood management projects on water quality of receiving water bodies.
 - iii. Evaluate existing structural flood control facilities to determine if retrofitting the facility to provide additional pollutant removal from storm water is feasible.
 - iv. Prepare a list of effective source control BMPs for each of the Public Agency activities listed in Section VI.D.9.e of the MS4 Permit.
- d. Vehicle and Equipment Washing
 - i. Conduct an inventory of fleet washing areas to ensure proper BMPs are in place to either contain, or haul off for disposal, or wash area is equipped with a clarifier or an alternative pre-treatment device and plumb to sanitary sewer in accordance with applicable wastewater regulations.
- e. Landscape, Park and Recreational Facilities Management
 - i. Conduct inspections of City facilities to ensure activity specific BMPs listed in the Public Agency Facility and Activities BMPs (see scope item 4.c.iv) are implemented and maintained.
 - ii. Create and implement an Integrated Pest Management program which includes: Policies, procedures, and/or ordinance requiring minimal pesticide usage and encourages IPM techniques for public agency facilities and activities to satisfy Section VI.D.9.g of the MS4 Permit.
 - iii. Prepare an annual update of the pesticides inventory used by all departments.
 - iv. Quantify pesticide use by staff and hired contractors.
 - v. Develop protocols for routine and non-routine application of pesticides and fertilizers.
 - vi. Develop policy for the purchase, application, and storage of pesticides and fertilizers.
- f. Municipal Employee and Contractor Training
 - i. Provide annual training to City employees in targeted positions, whose interactions, jobs, and activities affect stormwater quality on the requirements of the overall stormwater management program. Incorporated into the annual training should be information on integrated pest management and illicit connection and illicit discharges. Training will include new requirements that will be in place once the City's EWMP is approved.
 - ii. Design form that contractors may self-certify, providing that they have received all applicable training required in the permit.
- g. Spill Response Plan
 - i. Develop a spill response plan for sewage and other spills that may discharge into the MS4.

5. Task 5 – Industrial/Commercial Facility Inspections

- a. Conduct 114 industrial/commercial facility inspections following Permit frequencies. Incorporate facility information into a database with a GIS component.
- b. Perform all follow-up activities following Section VI.D.2 of the MS4 Permit.
- c. Update inspection database with inspection results.
- d. Develop a Business Assistance Program following permit requirements.

6. Task 6 – Public Outreach

- a. Provide assistance with implementing the PIPP requirements listed in the permit.
- b. Provide technical assistance in developing watershed based public outreach materials.
- c. Provide assistance with culturally effective outreach materials.
- d. Hold a stormwater education booth at one or more events within the reporting year.

7. Task 7 – Planning and Land Development

- a. Review Low Impact Development (LID) plans.
- b. Assist the City with implementation of the LID ordinance.
- c. Conduct BMP verification inspections.
- d. Conduct BMP maintenance inspections.
- e. Develop a BMP tracking database with a GIS component.

8. Task 8 – Construction

- a. Inspect Construction General Permit facilities following required frequencies (i.e., monthly). Inspector should hold a QSP certification.
- b. Perform all necessary follow-up activities.
- c. Develop an ESCP checklist and standard operating procedures for inspections.
- d. Review SWPPPs following the ESCP checklist. Reviewer should hold a QSD certification.

9. Task 9 – Used Oil Recycling Grant

- a. Promote the recycling of used oil and filters with the Household Hazardous Waste collection event.
- b. Submit used oil recycling grant applications and annual reports for each fiscal year.
- c. Conduct used oil recycling survey reports at Certified Collection Centers.
- d. Seek ways to partner with stormwater pollution prevention program, provide school outreach, and participate in local events.
- e. Develop educational materials for distribution and articles to be published in the City's monthly publication.

a. Schedule of Hourly Rates

Principal/Staff Engineer/Director	\$165/hr
Environmental Compliance Manager/Project Engineer	\$135/hr
Field Operations Manager	\$115/hr
Environmental Compliance Specialist and Public Outreach Manager	\$95/hr
Laborer (OSHA 40hr certified)/ Public Outreach Assistant	\$65/hr
State Certified Laboratory Analysis	Cost + 5%
Legal Consultation, Court Appearances/Document review, etc.	\$250/hr
Inspection – Industrial/commercial facilities	\$125/inspection
Inspection – State Industrial General Permit Facilities	\$250/inspection
Inspection – Combined CBR/FOG	\$150/inspection
Inspection – FOG only	\$115/inspection
Subcontracted equipment	Cost + 5%

Prices effective as of January 1, 2015

JLHA does not add charges for overhead items such as administrative copying or mileage in and around the city.



City Council Staff Report

DATE: July 15, 2015

AGENDA ITEM NO: **New Business**
Agenda Item 6-H.

TO: The Honorable Mayor and City Council
FROM: Ron Bow, Director of Public Works/Assistant City Manager
SUBJECT: Award Contract to John L. Hunter & Associates for Storm Water Program Implementation

RECOMMENDATION:

It is recommended that the City Council consider:

1. Awarding the Storm Water Program Implementation contract to John L. Hunter & Associates;
2. Authorizing the City Manager to execute an agreement, in a form approved by the City Attorney, with John L. Hunter & Associates; and
3. Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

This action is 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 §§ 15000, *et seq.*; "CEQA Guidelines") in that it is not a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378. Specifically, this action is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment (CEQA Guidelines § 15378(b)(5)).

EXECUTIVE SUMMARY:

John L. Hunter Associates has provided consultant services to the City since 1995. The proposed contract would allow the company to provide professional services for implementing the City's Storm Water Program.

BACKGROUND:

This consultant has administered the City's Storm Water Program since 1995. The State Water Resources Control Board adopted a new Storm Water permit in 2012 that mandates a series of new requirements including a long-term plan to meet pollutant reduction standards. With John Hunter's recommendation, the City has elected to participate in the City of Los Angeles multi-jurisdiction plan that is highly technical and complex. The plan had been submitted to the State Water Quality Resources Board and is pending approval.

John Hunter's staff has been representing the City in the multi-jurisdiction's bi-monthly meetings to develop this plan; changing consultant midstream can be detrimental. The City requires a consultant firm who is not only familiar with the City's history but has a good working relationship with the State Water Board staff.

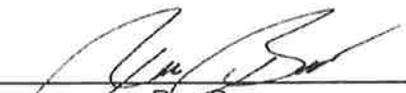
The work to be completed in the contract includes preparation of technical reports, field work to inspect public and private facilities, and project plan reviews in addition to assistance in implementing the new Storm Water permit. Given the consultant's lengthy and successful service to the City, it appears that a request for proposals to retain these services is not required (see Monterey Park Municipal Code § 3.20.070: proposals desirable "except in those cases where a service firm has established such a successful past history of work with the city that it is clearly in the public interest not to negotiate with any other source").

The contract cost will be based on a time and materials basis, providing the services within the Scope of Work at the costs listed in the Rate Schedule (Attachment 1, page 9). The term of the Agreement is for 5 years with an option for an additional 2-year extension

FISCAL IMPACT:

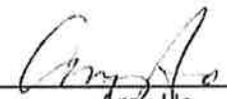
The Storm Water Program contract would be paid for out of refuse funds. The FY2016 budget includes \$104,000 in refuse funds for Storm Water Program related costs and can cover the cost of the contract with John L. Hunter and Associates.

Respectfully submitted by:



Ron Bow
Director of Public Works/
Assistant City Manager

Prepared by:



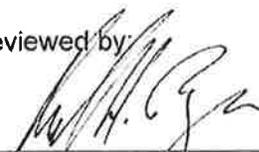
Amy Ho
Principal Management Analyst

Approved by:



Paul L. Talbot
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. Scope of Work

FIRST AMENDMENT TO
AGREEMENT NO. 1841-A BETWEEN
THE CITY OF MONTEREY PARK AND JOHN L. HUNTER & ASSOCIATES

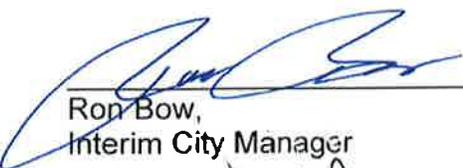
THIS FIRST AMENDMENT ("Amendment") to Agreement No. 1841-A (the "Agreement") is made and entered into this 15TH day of March 2017, by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation existing under the laws of California ("CITY"), and JOHN L. HUNTER & ASSOCIATES ("CONSULTANT").

1. Pursuant to Section ~~8~~²⁵ of the Agreement, the Scope of Services set forth in Section 2 of the Agreement are expanded as set forth in attached Exhibit "A," which is incorporated by reference.
2. Pursuant to Section ~~8~~⁴⁵ of the Agreement, Section 1(C) of the Agreement, CITY agrees to pay CONSULTANT a sum not to exceed TWENTY-FOUR THOUSAND AND FIVE HUNDRED dollars (\$24,500) annually for the additional work as identified in Exhibit A.
3. Except as modified by this Amendment, all other terms and conditions of Agreement No. 1841-A remain the same.

IN WITNESS WHERE OF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

JOHN L. HUNTER & ASSOCIATES

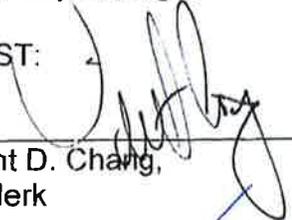


Ron Bow,
Interim City Manager



John L. Hunter,
President

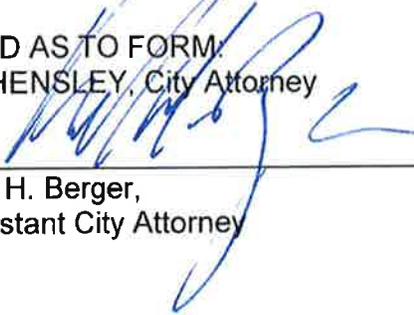
ATTEST:



Vincent D. Chang,
City Clerk

Taxpayer ID No. 33-0127292
Business License No. 38735

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: 

Karl H. Berger,
Assistant City Attorney



February 15, 2017

Tito Haes, Interim Director of Public Works
 City of Monterey Park
 320 W. Newmark Avenue
 Monterey Park, CA 91754

SUBJECT: NPDES Services Addendum

Dear Mr. Haes,

The current PSA between the City and JLHA covers MS4 NPDES and Used Oil services with a not-to-exceed of \$80,000. However, the Used Oil grant allotment increased, which removed funding (approximately \$10,000) from the MS4 NPDES budget. Moreover, the statewide amendment to the Trash TMDL was approved (Exhibit B) after the Scope of Work (Exhibit A) was prepared, resulting in additional costs to comply with the Amendment.

JLHA proposes the following additional services for a not-to-exceed estimate of \$24,500 on a time and materials basis:

Additional Services	Cost Estimate
Account for Used Oil Grant	\$10,000
Trash TMDL Amendment compliance to include installation verification inspections of trash capture devices	\$8,500
Post-construction BMP verification and BMP maintenance inspections (under adopted LID Ordinance)	\$3,500
Quarterly NPDES update meetings with City	\$2,500
Total Estimate:	\$24,500

We appreciate the opportunity to offer our services to the City of Monterey Park. If you have any questions, please contact Michelle Kim at (562) 802-7880 ext. 240 or mkim@jlha.net.

Sincerely,

A handwritten signature in blue ink that reads "John Hunter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Hunter, P.E.

Scope of Work

June 25, 2015

1. Task 1 – Program Assistance

- a. Assist with preparation of Annual Report for submittal to the Regional Board by December 15th each year.
- b. Represent the City at NPDES MS4 and LA Permit Group meetings that affect the City, and provide regular updates.

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- b. Advise the City on their compliance obligations for the EWMP and TMDLs.
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- b. Develop a Progressive Enforcement Policy to meet VI.D.2 of the MS4 Permit.

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- a. Provide assistance with implementing the PIPP requirements listed in the permit.
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- b. Assist the City with implementation of the LID ordinance.
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- c. Develop an ESCP checklist and standard operating procedures for inspections.
- d. Review SWPPPs following the ESCP checklist. Reviewer should hold a QSD certification.

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- a. Promote the recycling of used oil and filters with the Household Hazardous Waste collection event.
- b. Submit used oil recycling grant applications and annual reports for each fiscal year.
- c. Conduct used oil recycling survey reports at Certified Collection Centers.
- d. Seek ways to partner with stormwater pollution prevention program, provide school outreach, and participate in local events.
- e. Develop educational materials for distribution and press release articles to be published in the City's publication.

Exhibit B

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION 2015-0019**

AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR OCEAN WATERS OF CALIFORNIA TO CONTROL TRASH AND PART 1 TRASH PROVISIONS OF THE WATER QUALITY CONTROL PLAN FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA

WHEREAS:

1. The State Water Resources Control Board (State Water Board) adopted the Water Quality Control Plan for the Ocean Waters of California (Ocean Plan) in 1972 and last revised it in 2012.
2. On March 15, 2011, the State Water Board adopted the California Ocean Plan Triennial Review Workplan by Resolution 2011-0013, directing State Water Board staff to review the high priority issues identified in the workplan, including the control of plastic debris and other trash, and make recommendations for any necessary changes to the Ocean Plan.
3. Trash in the State's surface waters is a pervasive problem and adversely affects numerous beneficial uses including, but not limited, to wildlife habitat, marine habitat, preservation of rare and endangered species, fish migration, navigation, and water contact and non-contact recreation.
4. Studies show that trash is predominantly generated on land and then transported to a receiving water body. The main transport pathway of trash to receiving water bodies is through storm water transport.
5. In accordance with Clean Water Act section 303(d), the 2010 Integrated Report identifies seventy-three water segments as impaired for trash or debris in California.
6. Water quality objectives adopted by the nine Regional Water Quality Control Boards (referred to collectively as Regional Water Boards and individually as Regional Water Board) vary for trash. The State Water Board and Regional Water Boards implement trash controls through various means, including storm water permits, adopting and implementing total maximum daily loads (TMDLs), and waste discharge requirements. Waters continue to be impaired by trash, the regulatory control approaches vary, and there is a need for statewide uniformity to control trash.
7. The State Water Board is authorized to revise and adopt water quality control plans in accordance with the provisions of Water Code sections 13240 through 13244 for waters for which water quality standards are required by the federal Clean Water Act. (Water Code § 13170.)

8. The goal of the Amendment to the Ocean Plan and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California (ISWEBE Plan) (collectively referred to as the Trash Amendments or individually as Trash Amendment) is to address the impacts of trash to the surface waters of California through the establishment of a statewide narrative water quality objective and implementation requirements to control trash, including a prohibition against the discharge of trash.
9. The Staff Report developed for the Trash Amendments, titled "Proposed Final Staff Report, including the Substitute Environmental Documentation" is a detailed technical document that analyzes and describes the necessity and rationale for the development of the statewide water quality objective and the implementation plan to control trash.
10. Pursuant to Water Code section 13170, a water quality control plan adopted by the State Water Board supersedes a water quality control plan adopted by a Regional Water Board, to the extent any conflict exists for the same waters. There are no conflicts between the Trash Amendments and any existing water quality control plan.
11. The Trash Amendments apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Los Angeles Regional Water Board where trash or debris TMDLs are in effect prior to the effective date of the Trash Amendments.
12. The water quality objective shall be implemented through the prohibition of discharge and other implementation requirements through permits issued pursuant to section 402, subsection (p), of the Clean Water Act, waste discharge requirements, or waivers of waste discharge requirements.
13. In accordance with Water Code section 13241, in establishing the narrative water quality objective for trash, the State Water Board considered, as discussed more fully in the Staff Report (at Section 9 and Appendix C), the applicable factors in establishing the narrative water quality objective for trash: the past, present, and probable future beneficial uses of surface waters that can be impacted by trash; environmental characteristics of these waters; water quality conditions that could reasonably be achieved through a coordinated control effort, and economic considerations. Adoption of the Trash Amendments is unlikely to affect housing needs or the development or use of recycled water.
14. In developing, considering, and adopting the Trash Amendments, the State Water Board complied with the procedural requirements contained in the regulations applicable to the State Water Board's certified exempt regulatory programs to comply with the California Environmental Quality Act (CEQA) (23 Cal. Code Regs. §§ 3720-3780):
 - a. On June 26, 2007, the State Water Board held a public scoping meeting in San Francisco regarding a potential amendment to the Ocean Plan to address trash and solicited comments from the public and public agencies on the scope of the project, alternatives, reasonably foreseeable methods of compliance, and the content of the environmental analysis to be considered in the development of the project.
 - b. On October 7 and 14, 2010, the State Water Board sought public consultation in Rancho Cordova and Chino, respectively, regarding a statewide policy for controlling trash in waters of the state, and solicited comments on the scope and content of the environmental information to be considered in the development of the project.

- c. The State Water Board convened a Public Advisory Group composed of ten stakeholders representing municipalities, California Department of Transportation, industry, and environmental groups. The Public Advisory Group met on July 26, 2011, August 30, 2011, October 12 and 13, 2011, May 22, 2012, August 13, 2012, and March 6, 2013 to provide comments on, and feedback to, the development of the proposed Trash Amendments and Draft Staff Report.
 - d. In March, April, and May 2013, State Water Board held fourteen focused stakeholder meetings to provide an overview of the development of the proposed Trash Amendments and to receive feedback on key issues prior to the development and distribution of the proposed Trash Amendments and the Draft Staff Report.
 - e. On June 10, 2014, the State Water Board provided notice to members of the public and public agencies of the opportunity to submit written comments on the proposed Trash Amendments and the Draft Staff Report; the written comment period; and the dates for the public workshop and public hearing to receive oral comments and evidence regarding the proposed Trash Amendments.
 - f. During the written public comment period, the State Water Board conducted a public workshop on July 16, 2014, and a public hearing on August 5, 2014, to solicit public comment and testimony regarding the proposed Trash Amendments and Draft Staff Report.
 - g. The State Water Board provided written responses to seventy-six written public comment letters timely received and three written comment letters received after the comment deadline.
 - h. Based on the oral and written comments, the State Water Board revised the proposed Trash Amendments and Draft Staff Report. On December 31, 2014, the State Water Board distributed and posted the proposed Final Trash Amendments and proposed Final Staff Report.
 - i. On February 12, 2015, the State Water Board provided a forty-five day notice to the public that the State Water Board would hold a public meeting to consider the adoption of the proposed Final Trash Amendments and approval of the Final Staff Report.
15. The Staff Report satisfies the substantive requirements applicable to the State Water Board's certified exempt regulatory programs to comply with CEQA.
- a. The Staff Report contains a description of the project, a completed environmental checklist, an identification of any significant or potentially significant adverse impacts of the project; an analysis of reasonable alternatives to the project and mitigation measures; and an environmental analysis of the reasonably foreseeable methods of compliance, including a reasonable range of environmental, economic, and technical factors, population and geographic areas. (23 Cal. Code Regs. § 3777, subds. (a)-(c).)

- b. The State Water Board is the lead agency for the proposed Trash Amendments. In preparing the Staff Report's environmental analysis pertaining to the reasonably foreseeable methods of compliance, the State Water Board is "not required to conduct a site-specific project level analysis of the methods of compliance, which CEQA may otherwise require of those agencies who are responsible for complying with the plan or policy when they determine the manner in which they will comply." (Id. § 3777, subd. (c).). Dischargers that have the Trash Amendment's implementation requirements incorporated into their respective permits will be required to select the specific method or methods to employ to achieve compliance. Project-level analysis is expected to be conducted by the appropriate public agency prior to implementation of project-specific methods of compliance for the proposed Trash Amendments. The environmental analysis in the Staff Report assumes that the project specific methods of compliance would be designed, installed, and maintained following all applicable state and local laws, regulations, and ordinances.
 - c. The Final Substitute Environmental Documentation consists of the Draft Staff Report dated June 10, 2014, the Proposed Final Staff Report, comments and responses to comments on the Draft Staff Report and the proposed Trash Amendments, the environmental checklist, and this resolution. (Id. §§, 3777, 3779.5, subd. (b).)
16. Pursuant to Health and Safety Code section 57004, the Draft Staff Report and proposed Trash Amendments underwent external scientific peer review through an interagency agreement with the University of California. Peer review was solicited on March 10, 2014 and completed on July 14, 2014.
 17. Adoption of the Trash Amendments is consistent with the State Antidegradation Policy (State Water Board Resolution 68-16) and the federal Antidegradation Policy (40 CFR § 131.12).
 18. The Trash Amendments do not become effective until approved by the State Office of Administrative Law (OAL) and the Trash Amendments' narrative water quality objective for trash does not become effective until approved by the United States Environmental Protection Agency (U.S. EPA).

THEREFORE, BE IT RESOLVED THAT:

1. In accordance with California Code of Regulations, title 23, section 3779.5, subdivision (c), and California Code of Regulations, title 14, section 15091, subdivision (a)(2), the State Water Board hereby finds there are potentially significant impacts to air quality, biological resources, cultural resources, geology/soil resources, hazards and hazardous materials, hydrology/water quality, noise and vibration, public services, transportation/traffic, and utilities/ service systems and potentially cumulative significant impacts related to noise and vibration, air quality, transportation and circulation, utilities and service systems, and greenhouse gas emissions by some of the reasonably foreseeable methods of compliance. As discussed in the Staff Report, potentially significant impacts to air quality and potentially cumulative significant impacts related to noise and vibration, air quality, transportation and circulation, utilities and service systems, and greenhouse gas emissions may arise from the installation and maintenance of one or more the different types of the full capture systems and street sweeping. Also as discussed in the Staff Report, potentially significant impacts

to biological resources, cultural resources, geology/soil resources, hazards and hazardous materials, hydrology/water quality, noise and vibration, public services, transportation/traffic, and utilities/ service systems may arise from the installation and maintenance of one or more the different types of the full capture systems. The Staff Report explains that measures are available for each method of compliance that, if implemented, can reduce or eliminate those impacts. Selection of the methods of compliance and mitigation measures are not under the control or discretion of the State Water Board, and to the extent they are within the responsibility and jurisdiction of other public agencies, such public agencies will be required to comply with CEQA in approving the methods of compliance. Such agencies have the ability to implement the mitigation measures, can and should implement the mitigation measures, and are required under CEQA to consider whether to implement the mitigation measures when the agencies undertake their own evaluation of impacts associated with specific activities to comply with the Trash Amendments.

2. The State Water Board hereby approves and adopts the Final CEQA Substitute Environmental Documentation, which was prepared, where appropriate, in accordance with the provisions applicable to the State Water Board's certified exempt regulatory programs, California Code of Regulations, title 23, sections 3777 through 3779.
3. After considering the entire administrative record, including all oral testimony and comments received at the adoption meeting, the State Water Board hereby adopts the Trash Amendments, which are specifically titled the [Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash \(Appendix D of the Staff Report\) and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California \(Appendix E of the Staff Report\)](#).
4. The State Water Board directs State Water Board staff, in consultation with the California Stormwater Quality Association, other interested stakeholders, and the Regional Water Boards, to evaluate whether Treatment Controls TC-10, TC-11, TC-12, TC-22, TC-32, and TC-40, as set forth in the New Development and Redevelopment BMPs Handbook (California Stormwater Quality Association, 2003) meet the requirements for certification as "full capture system" as defined in the Trash Amendments and report on same to the State Water Board within six months of the adoption of the Trash Amendments.
5. The State Water Board directs staff, as part of the Stormwater Strategic Initiative, to evaluate strategies to address generation of trash in "hot spots." Staff, at a minimum, shall consider discharges, including but not limited to, from homeless encampments, high-use beaches as defined under Assembly Bill 411, and parks adjacent to waters of the State.
6. The State Water Board directs State Water Board staff, in consultation with the Ocean Protection Council and other governmental agencies and stakeholders, to assess potential performance measures, including receiving water monitoring, for evaluating the environmental outcomes of Trash Amendments implementation.
7. The State Water Board directs State Water Board staff, in conjunction with the Regional Water Boards, to periodically report to the State Water Board on the status of the implementation of the Trash Amendments, at a minimum within three and seven years following the first implementing permit.

8. The State Water Board directs the Los Angeles Water Board to convene a public meeting within a year of the effective date of the Trash Amendments to reconsider the scope of its trash TMDLs, with the exception of the TMDLs for the Los Angeles River and Ballona Creek watersheds, and to consider an approach that would focus municipal separate storm sewer systems (MS4) permittees' trash control-efforts on high-trash generation areas within their jurisdiction.
9. The Regional Water Boards, within eighteen months of the effective date of the Trash Amendments, and for each NPDES MS4 permittee within their respective region subject to either of the Trash Amendments, shall comply with the time schedules contained therein.
10. The State Water Board, within eighteen months of the effective date of the Trash Amendments, and for each NPDES MS4 permittee subject to either of the Trash Amendments, shall comply with the time schedules contained therein.
11. The Executive Director or designee is authorized to submit the Trash Amendments to OAL and the U.S. EPA for review and approval.
12. The Executive Director or designee is authorized to make minor, non-substantive modifications to the language of the Trash Amendments, if OAL determines that such changes are needed for clarity or consistency, and inform the State Water Board of any such changes.
13. The State Water Board directs State Water Board staff, upon approval by OAL, to file a Notice of Decision with the Secretary for Natural Resources and transmit payment of the applicable fee as may be required to the Department of Fish and Wildlife pursuant to Fish and Game Code section 711.4.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 7, 2015.

AYE: Chair Felicia Marcus
 Vice Chair Frances Spivy-Weber
 Board Member Tam M. Doduc
 Board Member Steven Moore
 Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



 Jeanine Townsend
 Clerk to the Board



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

JAN 12 2016

Tom Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-100

Subject: USEPA Clean Water Act Approval Action on State Trash Water Quality Standards

Dear Mr. Howard:

Pursuant to section 303(c) of the Clean Water Act ("CWA") and 40 C.F.R. Part 131, I am pleased to approve California's groundbreaking water quality standards aimed specifically at curbing water pollution by trash throughout the state.

Section 303(c) of the CWA requires the U.S. Environmental Protection Agency to approve or disapprove new or revised state water quality standards. The standards subject to today's action were adopted by State Water Resources Control Board Resolution 2015-0019 on April 7, 2015 as part of Amendments to the Water Quality Control Plan for Ocean Waters of California to Control Trash (Appendix D of the Staff Report) and Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters and Enclosed Bays and Estuaries of California (Appendix E of the Staff Report) (collectively the "Trash Amendments" or "Amendments"),¹ and approved by the California Office of Administrative Law on December 3, 2015. The standards are in the form of the following narrative water quality criteria (referred to as "water quality objectives" by applicable California law and the Amendments):

For the Ocean Plan: "Trash shall not be present in ocean waters, along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance."

For the Inland Surface Waters and Enclosed Bays and Estuaries Plan: "Trash shall not be present in inland surface waters, enclosed bays, estuaries, and along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance."

¹ The public process leading to Resolution 2015-0019, which included notice of opportunity for public comment, public meetings, and written response to comments, is consistent with the procedural requirements of CWA section 303(c) and its implementing regulations, including 40 C.F.R. §131.20.

Printed on Recycled Paper

The narrative criteria apply to all surface waters of the state.² While existing narrative criteria in the Ocean Plan and individual regional Basin Plans refer only in general and varied terms to trash-related pollutants (such as floatables, foam, and sediments), these criteria define “trash” as “[a]ll improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.” As noted in the State Board’s Final Staff Report for the Trash Amendments, this new definition of trash is meant to be inclusive: it encompasses both “litter” in the California Government Code and “waste” in the California Water Code and has no size limitation. Its coverage ranges broadly from plastic bags and bottles, expanded styrene, cigarette butts, cardboard, green waste, to smaller forms of trash such as preproduction plastic pellets.

Together, the water quality criteria for trash approved by EPA today³ mark California’s - and the Nation’s - first articulation of a uniform water quality standard to address the far reaching impacts of trash of all types as a specific pollutant on a statewide scale. This is a milestone development in breadth of scope and clarity of focus towards our collective goal of trash-free waters, especially given California’s considerable size, population, and coastline. With EPA’s approval action, these narrative water quality criteria take effect for CWA purposes and are to be implemented and complied with through the National Pollutant Discharge Elimination System (NPDES) permits - the chief federal point source pollution control mechanism.

The Trash Amendments further couple the trash criteria with a comprehensive program of implementation built on the substantial experience developed at regional and local levels, especially the Los Angeles Region. Although this implementation program is not part of today’s Section 303(c) approval action, it is worth highlighting here.

Much trash is generated on land and transported to waterways, riverbeds, shorelines, seafloor, and oceans via storm drains. The implementation program tackles this problem by prohibiting the discharge of trash through tailored and practical land-based controls and making them enforceable and reportable NPDES storm water permit requirements for municipal separate storm sewer systems, the California Department of Transportation, and industrial, commercial and construction activities. Under this scheme, California’s municipalities and other applicable storm water permit holders must comply with the prohibition either by installing full trash capture systems in high trash-generating areas, or by demonstrating full capture system equivalency with a combination of trash capture devices and institutional and structural controls, such as increased street sweeping, educational outreach, and low impact or multi-benefit development. Rigorously implemented, these measures will advance statewide consistency in meeting the narrative trash criteria.

² The exceptions are waters within the Los Angeles Water Quality Control Board with existing total maximum daily loads for trash.

³ EPA has initiated consultation on this approval action with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7(a)(2) of the Endangered Species Act and retains the discretion to revise the approval in the unlikely event that the consultation results in the need for further EPA action.

Trash has widespread adverse effects on aquatic and marine habitats and life, public health, navigation, commerce, and recreation. The enormity of trash accumulating in our oceans has made marine debris a pressing global environmental challenge. I commend the State Board for its leadership in making the Trash Amendments a statewide regulatory mandate and a national model, and your staff for their tireless fact-finding and public engagement work in the years leading to the Amendments. I look forward to our continued cooperation to rid our rivers, lakes and marine environments of trash.

Sincerely,



Jared Blumenfeld

cc: Felicia Marcus, Chair, State Board
Rik Rasmussen, Division of Water Quality, State Board

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections: 3008

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

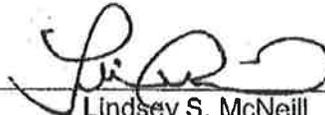
OAL Matter Number: 2015-1016-05

OAL Matter Type: Regular (S)

On April 7, 2015, the State Water Resources Control Board (SWRCB) adopted Resolution 2015-0019, which approved an "Amendment to the Water Quality Control Plan for Ocean Waters of California to Control Trash" and "Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries" to provide a consistent regulatory approach to reduce trash in state waters. The amendments include six primary elements: a narrative water quality objective, a prohibition of discharge, corresponding applicability, implementation provisions, a time schedule, and monitoring and reporting requirements.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: December 2, 2015



Lindsey S. McNeill
Attorney

For: DEBRA M. CORNEZ
Director

Original: Thomas Howard
Copy: Katherine Faick



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-G.

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: Garfield and Graves Traffic Signal Improvements – Authorization to Advertise

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution approving the design and plans for the Garfield and Graves Traffic Signal Improvements and authorizing solicitation of bids; and
2. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Staff has prepared bid specifications for the Garfield and Graves Traffic Signal Improvements project and is requesting the City Council's authorization to advertise the project for construction bids.

BACKGROUND:

As part of its on-call engineering services contract, KOA was tasked with preparing plans, specifications, and estimates for the Garfield and Graves Traffic Signal Improvements project. The project includes installation of left-turn phasing in the Northbound and Southbound directions of Garfield Avenue at the intersection of Graves/Grandridge as well as improvements to bring crosswalks and ADA ramps into compliance with appropriate standards. Plans and specifications are now complete and ready to advertise.

FISCAL IMPACT:

The project was funded in the FY 2018-19 Adopted Budget in the amount of \$250,000 in Prop C Funds (0166).

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The Project results 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.

Respectfully submitted by:



Mark A. McAvoy
Director of Public Works/
City Engineer

Prepared by:



Frank A. Lopez
Assistant City Engineer

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. Resolution

ATTACHMENT 1
Resolution

RESOLUTION NO.

A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE GARFIELD AND GRAVES TRAFFIC SIGNAL IMPROVEMENT PROJECT PURSUANT TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT

THE CITY COUNCIL RESOLVES AS FOLLOWS:

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

- A. The City Engineer, or designee, approved bid specifications for the Garfield and Graves Traffic Signal Improvements Project ("Project").
- B. The City Engineer reviewed the completed design and plans for the Project and opines that the plans are complete and the Project may be bid.
- C. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2. *Environmental Assessment.* The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project results 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. *Design Immunity; Authorization.*

- A. The design and plans for the Project 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 Project construction commenced.
- C. The approval granted by this Resolution conforms to 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.

**City of Monterey Park
Resolution No. XXXX
Page 2 of 2**

- E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.
- F. The City Manager, or designee, may solicit bids for the Project in accordance with applicable law.

SECTION 4. *Project Payment Account.* For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish an account allocating funds from the appropriate fiscal year budget to pay for the Project ("Project Payment Account"). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 5. The City Clerk is directed to certify the adoption of this Resolution.

SECTION 6. This Resolution takes effect immediately upon its adoption.

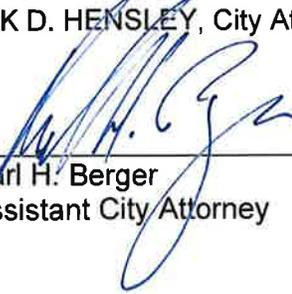
PASSED, APPROVED AND ADOPTED this 17th of June 2020.

Hans Liang, Mayor
City of Monterey Park

ATTEST:

Vincent D. Chang, City Clerk
City of Monterey Park

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: 

Karl H. Berger
Assistant City Attorney



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-H.

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: Parcel Map No. 82024 (217 N Nicholson Avenue) – Approval of Parcel Map

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution approving Parcel Map No. 82024 and authorize the City Manager to execute Subdivision Improvement Agreement for Parcel Map No. 82024 in a form approved by the City Attorney; and
2. Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

On March 13, 2018, the Planning Commission found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 32 categorical exemption (Infill Development). The findings and conclusions made by the Planning Commission are incorporated into the attached Resolution by reference.

EXECUTIVE SUMMARY:

Tentative Map No. 82024 was approved by the Planning Commission on March 13, 2018 (via Resolution No. 04-18); the tentative map was due to expire on March 13, 2020. On March 2, 2020, the applicant timely filed a one-year time extension to record the parcel map – this request was approved by the City Council on April 15, 2020 (via Resolution No. 12148). The parcel map was reviewed by the City's consultant surveyor, Boghossian & Associates, for mathematical accuracy; survey analysis; title information; and compliance with the Subdivision Map Act, Conditions of Approval and applicable Monterey Park Municipal Code provisions. Because not all public improvements are complete, the developer, Bai Qi Du and Jian Li, trustees of the Du Living Trust, must enter into a Subdivision Improvement Agreement (secured with appropriate bonds) in order for the Parcel Map to be approved.

BACKGROUND:

The project is located at 217 N. Nicholson Avenue, on the west side of North Nicholson Avenue. The site is bounded by residential areas. The development is a three-unit condominium development.

The developer commenced grading activity but has not yet finished constructing the public improvements. The public improvements include construction of a new curb, gutter, sidewalk, driveway aprons in the street right-of-way; planting trees; parkway landscaping; and irrigation system installation along the frontage of the site. Additionally, all on-site utility services will be placed underground. The developer is eager to record the parcel map. To ensure completion of these improvements, the developer must enter into a subdivision improvement agreement. . The developer posted sufficient securities to secure construction of all on-site and off-site improvements, as follows:

	Faithful Performance	Labor and Materials
Public Improvement Bond	\$10,052.00	\$5,026.00
Grading Bond	\$7,280.00	N/A

FISCAL IMPACT:

The approval of this map has no fiscal impact on the City beyond the additional property tax and sales tax this development will generate.

Respectfully submitted by:

Prepared by:



Mark A. McAvoy
Director of Public Works /
City Engineer



Vivian Chen
Civil Engineering Associate

Approved by:



Ron Bow
City Manager

Reviewed by:



Natalie C. Karpeles
Deputy City Attorney

Attachments:

- 1. Resolution
- 2. Subdivision Agreement
- 3. Parcel Subdivision Map

ATTACHMENT 1
Resolution

RESOLUTION NO.

A RESOLUTION APPROVING PARCEL MAP NO. 82024 FOR A THREE-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 217 NORTH NICHOLSON AVENUE

The City Council of the City of Monterey Park does resolve as follows:

SECTION 1: The City Council finds and declares that:

- A. On March 13, 2018, the Planning Commission approved a tentative parcel map for a three-unit condominium project at 217 North Nicholson Avenue (Tentative Map No. 82024). The time period for the tentative map was extended by the City Council for one year via Resolution No. 12148, adopted April 15, 2020;
- B. The developer now requests that a Parcel Map be recorded for the development; and
- C. The City reviewed the Project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines").

SECTION 2: *Environmental Assessment.* The Planning Commission found that the Project was categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§ 15315 and 15332 as a Class 32 categorical exemption (Infill Development). Approving the Parcel Map is part of the Project reviewed by the Planning Commission on March 13, 2018. The findings and conclusions made by the Planning Commission are incorporated into this Resolution by reference.

SECTION 3: *Parcel Map Findings.* Based upon the entirety of the record, including, without limitation, the staff report, the City Council approves Parcel Map No. 82024 for the following reasons:

- A. The Parcel Map substantially conforms with Tentative Map No. 82024; and
- B. The Parcel Map substantially conforms to the MPMC and Subdivision Map Act (Government Code §§66410, *et seq.*).

SECTION 4: *Delegation of Authority; Reservations.*

- A. In accordance with MPMC § 20.20.050, the City Engineer may take appropriate action to make technical corrections to the Parcel Map and, thereafter, the City Clerk may forward the Parcel Map to the Los Angeles County Recorder's Office for recordation.

- B. Before providing the Parcel Map to the City Clerk, the City Engineer must (in addition to ensuring that the Parcel Map meets all technical requirements of the MPMC and Subdivision Map Act) verify that the developer provided the City with (1) a subdivision improvement agreement, in a form approved by the City Attorney, to ensure the construction of all public improvements at the development; and (2) a form of security approved by the City Attorney to guarantee performance under the subdivision improvement agreement.
- C. The City manager is authorized to execute the subdivision improvement agreement referenced in this Section.

SECTION 5: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 6: This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 7: The City Clerk is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

PASSED AND ADOPTED this ____ day of _____, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By: 

Natalie C. Karpeles, Deputy City Attorney

ATTACHMENT 2
Subdivision Agreement

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City Clerk
City of Monterey Park
320 W Nemrark Ave
Monterey Park, CA 91754

No fee per Government Code § 6103

SUBDIVISION IMPROVEMENT AGREEMENT

MAP NO. 82024

THIS AGREEMENT ("Agreement") is made and entered into this 3rd day of June 2020, by and between the CITY OF MONTEREY PARK, a general law city and municipal corporation ("CITY") and BAI QI DU AND JIAN LI, Trustees of the Du Living Trust dated, June 12, 2013 ("SUBDIVIDER").

The Parties agree as follows:

1. **RECITALS.** This Agreement is made with reference to the following facts and objectives:

- A. SUBDIVIDER presented CITY with a final subdivision map on land identified as Map No. 82024 ("Map").
- B. SUBDIVIDER requested that CITY approve the Map before construction and completion of improvements including, without limitation, grading and public utility facilities ("Improvements") which are part of or appurtenant to the subdivision ("Subdivision") identified on the Map. The Improvements must be constructed in accordance with plans and specifications on file with CITY.
- C. This Agreement is entered into in accordance with the Subdivision Map Act ("Act") and applicable ordinances adopted by CITY including, without limitation, as codified in the Monterey Park Municipal Code ("MPMC").

2. **CONSTRUCTION OF IMPROVEMENTS.** At its sole cost and expense, SUBDIVIDER agrees to furnish the equipment, labor and materials necessary to complete the Improvements on the Map set forth in attached Exhibit "A," which is incorporated by reference, and such other improvements required by CITY regulations

and/or the City Council when approving the Map. All of the above work, together with appurtenances, contingencies and engineering costs, are more particularly shown on the improvement plans for the Map. In addition, SUBDIVIDER agrees that because of Resolution No. 04-18, that it will construct and maintain the improvements identified in Exhibit "A," in the manner set forth in Public Works Permit No. PW 18-00282 which is incorporated by reference.

3. **ESTIMATED COST OF IMPROVEMENTS.** The parties agree that the estimated cost of grading and offsite improvement work is \$27,401.00.

4. **COMPLETION.** SUBDIVIDER must complete all Improvements within 24 months after recording the Map or within such further time as may be granted by the City Council.

5. **COMPLETION BY CITY.** Should SUBDIVIDER fail to complete the Improvements within the time for completion, CITY, at its option, may enter onto SUBDIVIDER's property to complete the Improvements at SUBDIVIDER's cost.

6. **WARRANTY OF IMPROVEMENT PLANS.** SUBDIVIDER warrants that the plans and specifications for the Improvements comply with the map approval and the master plan for the Subdivision previously approved by CITY's Planning Commission and the City Council, together with all conditions made a part of such approval(s). SUBDIVIDER further warrants that the plans and specifications can be relied upon to accomplish the improvement work covered by this Agreement in a good, workmanlike manner and in accordance with accepted construction practices. Should the plans and specifications at any time before final acceptance of the Improvements prove to be inadequate in any respect, SUBDIVIDER agrees to make such changes deemed necessary by CITY to accomplish improvement work in a good, workmanlike manner and in accordance with accepted construction practices. SUBDIVIDER further agrees to make or cause to be made such engineering, soils and other reports as may be required by CITY.

7. **CITY NOT LIABLE FOR PLANS AND SPECIFICATIONS.** CITY is not an insurer or surety for the design or construction of the Subdivision. And no CITY official, officer, or employee is liable or responsible for any claim arising during construction of the Subdivision or Improvements, unless it can be shown that such person specifically directed that the Subdivision or Improvement be accomplished in a manner contrary to the wishes and desires of SUBDIVIDER, and SUBDIVIDER filed a written objection with the City Engineer before commencing such work or Improvement.

8. **WARRANTY OF WORK.** SUBDIVIDER warrants that the Improvements will be constructed in a manner consistent with CITY's specifications and the residentially reasonable industry standards. Should any Improvement fail to comply with this warranty or any other provision of this Agreement within one year after CITY's final acceptance, SUBDIVIDER must, without delay and without cost to CITY, repair, replace or reconstruct any defective or otherwise unsatisfactory part or parts of the

Improvements. Should SUBDIVIDER fail to comply with this warranty or any other provision of this Agreement for 30 days after receipt of written notice from the City or should the exigencies of the case require repairs or replacements to be made before SUBDIVIDER can be notified, CITY may, at its option, make the necessary repairs or replacements or perform the necessary work and SUBDIVIDER must pay to CITY the actual cost of such repairs plus 15% for CITY's administrative overhead costs. This Section is not a waiver of any other right CITY may have for correcting faulty workmanship or defective materials.

9. REPAIRS AND REPLACEMENTS. Until the CITY's acceptance of any public improvements hereunder, SUBDIVIDER must replace/repair, as appropriate, all pipes and monuments shown on the Map destroyed or damaged by SUBDIVIDER's actions and to replace/repair, as appropriate, any property damaged or destroyed by SUBDIVIDER. Any such repair or replacement must be completed in accordance with the Permits.

10. CITY'S RIGHT OF ENTRY. SUBDIVIDER grants City a license to enter SUBDIVIDER's property to inspect the improvements constructed by SUBDIVIDER and to ensure compliance with this Agreement.

11. CONTRACT SECURITY.

- A. Concurrently with the execution of this Agreement, SUBDIVIDER must furnish:
 - i. A surety bond in an amount equal to at least 100% of the estimated cost of improvements as security for the faithful performance of this Agreement;
 - ii. A separate surety bond in an amount equal to at least 50% of the contract price for said improvements as security for the payment of all persons performing labor and furnishing materials in connection with this Agreement.

12. MAINTENANCE BONDS.

- A. Except as to the Street, the bonds referred to in Section 11 will not be released until a surety bond guaranteeing the warranty requirements of Section 8 in the amount of at least ten percent of the sum shown in Section 3 is filed with CITY. The maintenance bond will be released one year from the date of final acceptance of the Improvements.

13. PERFORMANCE BY CITY OR SURETY.

- A. Should SUBDIVIDER fail to construct the improvements in the manner and at such locations as specified within the time requirements of this

Agreement, or if SUBDIVIDER is not carrying out the intent of this Agreement, CITY may serve written notice upon SUBDIVIDER and the surety on SUBDIVIDER's faithful performance bond demanding satisfactory compliance with this Agreement.

- B. Should CITY serve such written notice, CITY may do any one, or combination of, the following:
 - i. Serve written notice upon the surety on its faithful performance bond demanding satisfactory compliance with this Agreement. In such event the surety must, within five days, assume control and construct the Improvements as SUBDIVIDER's successor;
 - ii. CITY may construct the improvements itself, or by contract, at SUBDIVIDER's expense on a time a materials basis. In such event, CITY may take possession of and utilize in completing improvement construction, materials, appliances, and other property belonging to SUBDIVIDER as may be on the site of the work without liability to CITY. SUBDIVIDER's surety will be liable to CITY for any excess cost of damages incurred by CITY.
- C. Nothing in this Section waives, or serves as a limitation upon, any additional remedy CITY may have under this Agreement or applicable law.

14. SURETY BOND TO INCLUDE LETTER OF CREDIT. The term "surety bond" also includes such other acceptable security, such as letters of credit or cash deposit agreements issued by responsible financial institutions, which are approved by the City Attorney. The term "surety" includes the issuer of any letter of credit or cash deposit agreement, which is acceptable to CITY as security for the performance of this Agreement. Sureties must be admitted to do business in California.

15. BEST MANAGEMENT PRACTICES. SUBDIVIDER agrees to use best management practices ("BMPs"), as that term is defined under applicable law including, without limitation, the Monterey Park Municipal Code, in constructing the improvements anticipated by this Agreement. SUBDIVIDER's failure to comply with the terms of this Section constitutes a material breach of this Agreement.

16. OWNERSHIP OF DOCUMENTS. All documents, data, studies, drawings, maps, models, photographs and reports prepared by SUBDIVIDER under this Agreement are CITY's property. SUBDIVIDER may retain copies of said documents and materials as desired, but must deliver all original documents regarding public improvements to CITY upon CITY's acceptance of the public improvements and written request.

17. INDEPENDENT CONTRACTOR. CITY and SUBDIVIDER agree that SUBDIVIDER will act as an independent contractor and will have control of all work and the manner in which it is performed. SUBDIVIDER will be free to contract for similar service to be

performed for other employers while under contract with CITY. SUBDIVIDER is not an agent or employee of CITY and is not entitled to participate in any pension plan, insurance, bonus or similar benefits CITY provides for its employees. Any provision in this Agreement that may appear to give CITY the right to direct SUBDIVIDER as to the details of doing the work or to exercise a measure of control over the work means that SUBDIVIDER will follow the direction of CITY as to end results of the work only.

18. CASH CHARGES. SUBDIVIDER must pay to CITY in cash such subdivision fees that are established by ordinance or by the City Council in conferring approval or extension of time to the Subdivision.

19. INDEMNIFICATION.

- A. SUBDIVIDER indemnifies and holds CITY harmless from and against any claim, action, damages, costs (including, without limitation, attorney’s fees), injuries, or liability, arising out of this Agreement, or its performance. Should CITY be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of this Agreement, or its performance, SUBDIVIDER must defend CITY (at CITY’s request and with counsel satisfactory to CITY) and indemnify CITY for any judgment rendered against it or any sums paid out in settlement or otherwise.
- B. For purposes of this section “CITY” includes CITY’s officers, officials, employees, agents, representatives, and certified volunteers.
- C. The Parties agree that this section will survive the termination of this Agreement.
- D. The requirements as to the types and limits of insurance coverage to be maintained by SUBDIVIDER, and any approval of such insurance by CITY, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by SUBIDIVIDER pursuant to this Agreement, including, without limitation, to the provisions concerning indemnification.

20. INSURANCE.

- A. Before commencing performance under this Agreement, and at all other times this Agreement is effective, SUBDIVIDER must 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 (combined single)</u>
Commercial general liability:	\$2,000,000

Professional Liability \$2,000,000

Workers compensation statutory requirement

- B. Commercial general liability insurance must meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies must be endorsed to name 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 CITY will be excess thereto. Such endorsement must be reflected on ISO Form No. CG 20 10 11 85 or 88. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon 30 days prior written notice to CITY.
- C. Professional liability coverage will be on an "occurrence basis" if such coverage is available, or on a "claims made" basis if not available. When coverage is provided on a "claims made basis," SUBDIVIDER will continue to renew the insurance for a period of three years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover SUBDIVIDER for all claims made by CITY arising out of any errors or omissions of SUBDIVIDER, or its officers, employees or agents during the time this Agreement was in effect.
- D. SUBDIVIDER must furnish to CITY duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement and such other evidence of insurance or copies of policies as may be reasonably required by CITY from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) must reflect that the insurer will provide 30 day notice of any cancellation of coverage. SUBDIVIDER will 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.

21. NOTICES.

- A. All notices given or required to be given pursuant to this Agreement will be in writing and may be given by personal delivery or by mail. Notice sent by mail will be addressed as follows:

The City
City of Monterey Park
320 W. Newmark Ave
Monterey Park, CA 91754

To Subdivider
Bai Qi Du and Jian Li,
Trustees of the Du Living Trust
2225 South 6th Avenue,
Arcadia, CA 91006

- B. When addressed in accordance with this paragraph, notices will be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices will be deemed given at the time of actual delivery.
- C. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this paragraph.

22. **COMPLIANCE WITH LAW.** SUBDIVIDER will comply with all laws applicable to this Agreement including, without limitation, federal, state, and local laws requiring permitting and licenses. All such compliance will be at SUBDIVIDER's own cost.

23. **CONSTRUCTION.** The language of each part of this Agreement will be construed simply and according to its fair meaning, and this Agreement will never be construed either for or against either party.

24. **SEVERABLE.** If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

25. **CAPTIONS.** The captions of the paragraphs of this Agreement are for convenience of reference only and will not affect the interpretation of this Agreement.

26. **WAIVER.** Waiver of any provision of this Agreement will not be deemed to constitute a waiver of any other provision, nor will such waiver constitute a continuing waiver.

27. **GOVERNING LAW.** This Agreement has been made in and will be construed in accordance with the laws of the State of California and exclusive venue for any action involving this Agreement will be in Los Angeles County.

28. **AUTHORITY/MODIFICATION.** This Agreement is subject to and conditioned upon approval and ratification by the Monterey Park City Council. This Agreement is not binding upon CITY until executed by the City Manager. The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this Agreement and to engage in the actions described herein.

This Agreement may be modified by written agreement. CITY's City Manager may execute any such amendment on behalf of CITY.

29. BINDING UPON SUCCESSORS. The terms of this Agreement constitute a burden and benefit upon the Property. Accordingly, this Agreement will be recorded and the term will run with the Property and become binding upon SUBDIVIDER's heirs, successors and assigns.

30. ENTIRE AGREEMENT. This Agreement constitutes the sole agreement between SUBDIVIDER and CITY respecting the maintenance of the Property's common areas and correctly sets forth the obligations of SUBDIVIDER and CITY. There are no other understandings, terms or other agreements expressed or implied, oral or written.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK,
a municipal corporation.

DU LIVING TRUST, dated
June 12, 2013

Ron Bow, City Manager

Bai Qi Du, Trustee

City Council Approval: _____

ATTEST:

Vincent D. Chang, City Clerk

Jian Li, Trustee

APPROVED AS TO FORM:
MARK D. HENSLEY, CITY ATTORNEY

By: _____
Natalie C. Karpeles, Deputy City Attorney

EXHIBIT A

Map No. 82024

All improvements marked are included:

- (X) Public street improvements including grading, paving, curbs, gutter, sidewalks, ADA curb ramps, traffic control devices, street name signs, street lights, street landscaping, and appurtenances, as set forth in plans entitled "Grading and Drainage Plan," prepared by Calland Engineering Inc., approved as PW 18-00282.
- (X) Domestic water supply system, including service laterals, fire hydrants, and appurtenances.
- (X) Lot grading including land clearing, earth moving compaction, import or export of soil, and appurtenances.
- (X) Off-street landscaping including trees, bushes, shrubs, turf, irrigation system, and appurtenances.

ATTACHMENT 3
Parcel Subdivision Map

1 PARCEL
13,664 SQ. FT.

SHEET 1 OF 2 SHEETS

PARCEL MAP NO. 82024

IN THE CITY OF MONTEREY PARK
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF LOT 55 OF RAMONA
ACRES, AS PER MAP RECORDED IN BOOK 10, PAGE 19 OF
MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID
COUNTY,
FOR CONDOMINIUM PURPOSES

SUBDIVIDER'S STATEMENT:

WE HEREBY STATE THAT WE ARE THE SUBDIVIDERS OF THE LANDS INCLUDED WITHIN THE
SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE
CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

Bai Qi Du
BAIQI DU (SUBDIVIDER)

Jian Li
JIAN LI (SUBDIVIDER)

RECORD OWNER

RECORD OWNER: BAIQI DU AND JIAN LI, TRUSTEES OF THE DU LIVING TRUST DATED JUNE
12, 2013.

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE
IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS
ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS

ON FEB. 28, 2020, BEFORE ME Michael Chu, A
NOTARY PUBLIC, PERSONALLY APPEARED BAIQI DU AND JIAN LI WHO PROVED TO ME
ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE
SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY
EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR
SIGNATURES ON THE INSTRUMENT, THE PERSONS, OR THE ENTITY UPON BEHALF OF
WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE Michael Chu

MY PRINCIPAL PLACE OF BUSINESS IS
LOS ANGELES COUNTY

NAME: MICHAEL CHU

MY COMMISSION NO. 2163843

MY COMMISSION EXPIRES: Sept. 28, 2020

CONDOMINIUM NOTE:

THIS SUBDIVISION IS APPROVED AS A CONDOMINIUM PROJECT FOR 3 UNITS, WHEREBY THE
OWNERS OF THE UNITS OF AIR SPACE WILL HOLD AN UNDIVIDED INTEREST IN THE
COMMON AREAS WHICH WILL, IN TURN, PROVIDE THE NECESSARY ACCESS AND UTILITY
EASEMENTS FOR THE UNITS.

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE
BEEN MADE THAT ARE REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND
66493 OF THE SUBDIVISION MAP ACT.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ _____
HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE
COUNTY OF LOS ANGELES AS SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL
ASSESSMENTS COLLECTED AS TAXES ON THE LAND SHOWN ON MAP OF PARCEL MAP
NO. 82024 AS REQUIRED BY LAW.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY _____ DATE _____
DEPUTY

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A TRUE
AND COMPLETE FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION IN OCTOBER,
2014, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL
ORDINANCE AT THE REQUEST OF BAIQI DU ON JUNE 1, 2015. I HEREBY STATE THAT THIS
PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP;
THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED
OR WILL BE SET IN THOSE POSITIONS WITHIN TWENTY-FOUR MONTHS FROM THE FILING DATE
OF THIS MAP; THAT THE MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY
TO BE RETRACED.

FEBRUARY 26, 2020
DATE

Jack C. Lee
JACK C. LEE LS B407



CITY ENGINEER'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT IT CONFORMS
SUBSTANTIALLY TO THE TENTATIVE MAP AND ALL APPROVED ALTERATIONS THEREOF;
THAT ALL PROVISIONS OF LOCAL SUBDIVISION ORDINANCES OF THE CITY OF
MONTEREY PARK APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP
HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THIS MAP IS
TECHNICALLY CORRECT WITH RESPECT TO CITY RECORDS.

MARK A. McAVOY, CITY ENGINEER DATE _____
CITY OF MONTEREY PARK
R.C.E.: 68361 EXPIRES: 9-30-2021

CONTRACT CITY SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP; THAT IT COMPLIES WITH ALL
PROVISIONS OF STATE LAW APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE
MAP; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT IN ALL
RESPECTS NOT CERTIFIED BY THE CITY ENGINEER.

GEORGE G. BOGHOSSIAN & ASSOCIATES, INC.
Paul R. Charlton 3-11-20 DATE
PAUL R. CHARLTON
R.C.E. 27759
EXPIRES 3/31/2022



CITY TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF
THE CITY OF MONTEREY PARK TO WHICH THE LAND INCLUDED IN THE WITHIN SUBDIVISION
OR ANY PART THEREOF IS SUBJECT, AND WHICH MAY BE PAID IN FULL, HAVE BEEN PAID IN
FULL.

CITY TREASURER - CITY OF MONTEREY PARK DATE _____

CITY CLERK'S CERTIFICATE:

I, _____ CITY CLERK OF THE CITY OF MONTEREY PARK DO HEREBY CERTIFY
THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE COUNCIL AT A REGULAR MEETING
THEREOF, HELD ON THE _____ DAY OF _____, 20____ AND THAT
THEREUPON SAID COUNCIL DID, BY AN ORDER DULY PASSED AND ENTERED, APPROVED SAID
MAP.

VINCENT D. CHANG DATE _____
CITY CLERK - CITY OF MONTEREY PARK

PLANNING DIRECTOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED TENTATIVE
MAP AS APPROVED BY THE CITY OF MONTEREY PARK PLANNING COMMISSION ON NOVEMBER
10, 2015 AND ALL CONDITIONS OF APPROVAL HAVE BEEN MET.

PLANNING DIRECTOR - CITY OF MONTEREY PARK DATE _____
CITY OF MONTEREY PARK

SCALE 1" = 30'

SHEET 2 OF 2 SHEETS

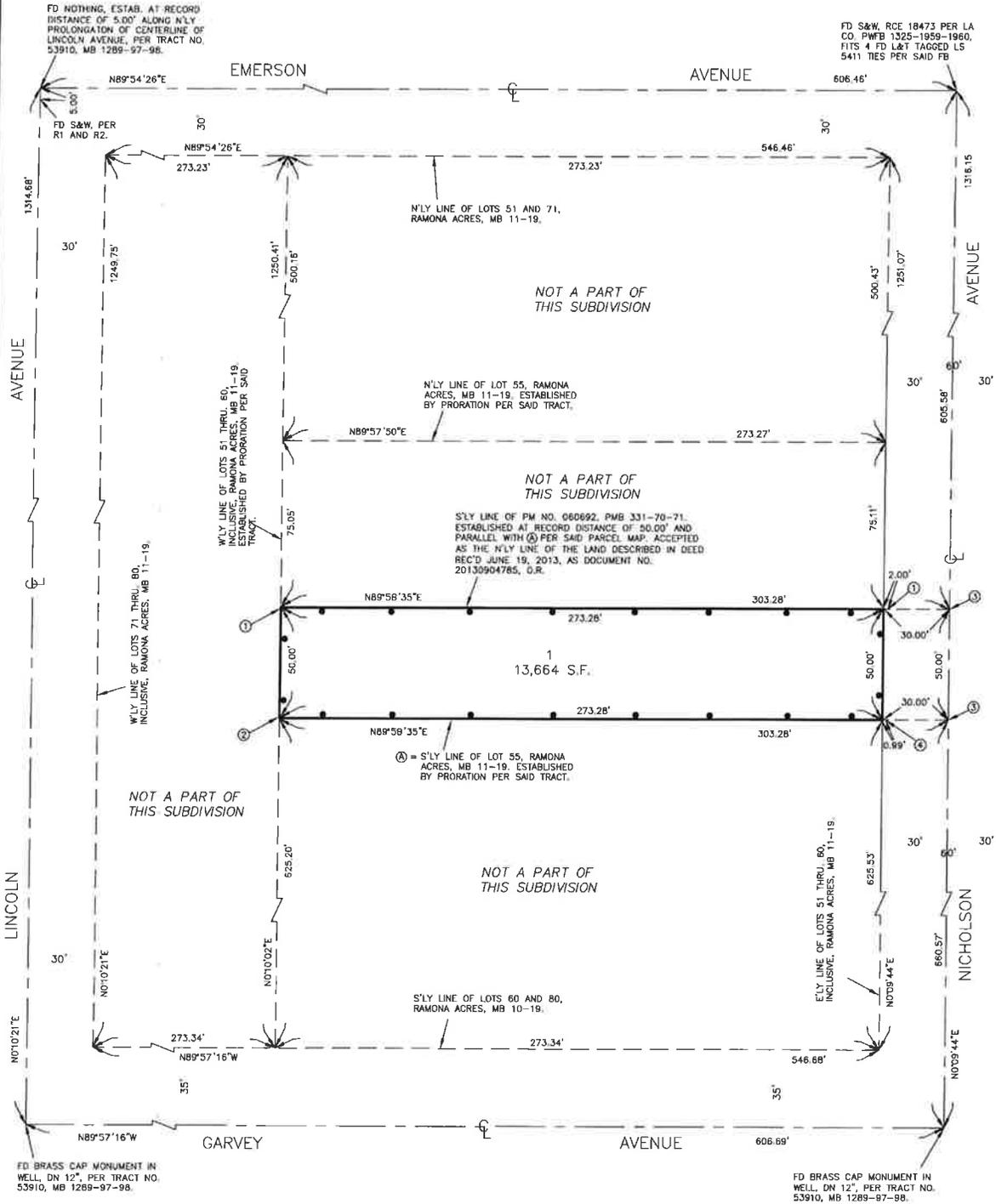
PARCEL MAP NO. 82024

IN THE CITY OF MONTEREY PARK
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

FOR CONDOMINIUM PURPOSES

LEGEND

INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.



MONUMENT NOTES:

- ① L&T, TAGGED LS 8407 TO BE SET.
- ② 1" IP, TAGGED LS 8407, FLUSH, TO BE SET
- ③ S&W, STAMPED LS 8407 TO BE SET
- ④ FD L&T, TAGGED LS 9548, NO REFERENCE

REFERENCE NOTES:

- R1: PM NO. 060692, PMB 331-70-71
- R2: TRACT NO. 53910, MB 1289-97-98

BASIS OF BEARINGS:

THE BEARING N0°09'44"E OF THE CENTERLINE OF NICHOLSON AVENUE AS SHOWN ON PARCEL MAP NO. 060692, PMB 331, PAGES 70 AND 71 OF PARCEL MAP WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Public Hearing to consider draft Land Use Element (LUE) of the General Plan.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a Resolution amending the Land Use Element;
- (5) Directing the City Attorney, or designee, to prepare appropriate documents to place a proposition on the ballot for the November 2020 election seeking voter ratification of the City Council's actions; and
- (6) Taking such additional, related, action that may be desirable.

SUMMARY:

On June 3, 2020, the draft Land Use Element ("LUE") from the October 28, 2019 meeting was presented to the City Council for review. Along with the draft LUE, the June 3rd staff report summarized the events and reasons that caused the draft LUE to be brought back to the City Council for consideration. The June 3rd staff report also provided a list of the items discussed by the City Council between the October 28, 2019 and December 5, 2019 meetings. Those items were incorporated for voter consideration as Measure II in the March 2020 elections. However, Measure II was not adopted by the voters.

The attached draft LUE does not include the changes requested by the City Council between October 28, 2019 and December 5, 2019, such as the Housing Overlay to Corporate Center.

On June 3rd, the City Council asked for additional discussion on two items: (1) the height limitations for the Market Place; and (2) distance requirements regarding emergency shelters (aka homeless shelters).

Regarding the former, draft Figure LUE-4 (attached) could be added to the draft LUE to show a height allowance of 80 feet on buildings within the Market Place. This was something that the previous City Council considered and added to the LUE on December 5, 2019. It was also part of Measure II.

As to emergency shelters, it is recommended that the City Council consider simply adding a policy to the LUE which is substantially worded like this:

“It is the City’s objective to ensure that those who are in need can access emergency shelters within the City of Monterey Park that are developed in accordance with applicable law and in a manner that protects public health and safety including, without limitation, sensitive receptors such as K-12 schools.”

If approved by the City Council, it would be added to the LUE as Policy 6.5. The reason for this recommendation is: (A) California law requires the Housing Element, not the LUE, to address emergency shelters. The City Council has not yet considered the Housing Element; it is scheduled to be considered on or about 2021. Considering the placement of emergency shelters now, rather than as part of the Housing Element, could create conflict between these two elements in the General Plan; and (B) because the LUE, not the Housing Element, requires voter approval, it seems best (considering the defeat of Measure II) to only use the LUE that was vetted by the GPAC, Planning Commission and City Council in the Fall of 2019. Making potentially controversial changes to that version of the LUE (based upon the March 2020 election experience) could create another opportunity for voters to reject a ballot measure in November 2020. A voter approved LUE is crucial to the City’s efforts to implement its Business Recovery Program and help restart the local economy.

To avoid any potential complications, the City Council should consider the question of placing emergency shelters after an assessment of available locations for emergency shelters in relationship to their proximity to schools and residences. At that point, the City Council could make necessary amendments to the Monterey Park Municipal Code to implement the Housing Code with reference to the LUE’s objectives.

At this time, staff is seeking further direction on the draft LUE and whether to place it on the November 2020 ballot for voter consideration. All ballot propositions should be placed onto the ballot by the end of July 2020.

CEQA (California Environmental Quality Act):

On December 5, 2019, the City Council certified the Final Focused Environmental Impact Report and adopted Mitigation Measures, Findings of Facts and Statement of Overriding Consideration for the Land Use Element. Since no substantive changes have been made to the Land Use Element since December 5, 2019 no additional CEQA analysis or recirculation is required for the attached draft Land Use Element. An environmental review statement that the Certified Environmental Impact Report’s project description includes the Planning Commission recommended document is attached.

ALTERNATIVE CONSIDERATIONS:

None.

FISCAL IMPACT:

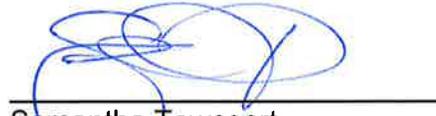
No foreseeable costs associated with this staff report.

Respectfully Submitted by:



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

Prepared By:

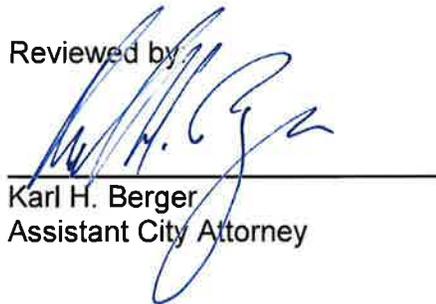


Samantha Tewasart
Senior Planner



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Draft Monterey Park General Plan Land Use Element (from October 28, 2019, plus two items added by the City Council)
- Attachment 3: Environmental Review Statement
- Attachment 4: City Council Staff Report dated October 28, 2019
- Attachment 5: City Council Staff Report dated November 20, 2019
- Attachment 6: City Council Staff Report dated December 5, 2019
- Attachment 7: City Council Staff Report dated June 3, 2020

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION AMENDING THE PREVIOUSLY ADOPTED MONTEREY PARK LAND USE ELEMENT TO THE GENERAL PLAN SUBJECT TO VOTER RATIFICATION.

The City Council of the City of Monterey Park does resolve as follows:

SECTION 1. The City Council finds and declares that:

- A. Government Code §§ 65300-65302 require the City to adopt and maintain a General Plan that contains certain elements, describes its long-term goals, and develops policies and programs to achieve those goals. By statute, a General Plan is required to be updated “periodically”;
- B. On December 5, 2019, the City Council adopted a new LUE which was subsequently placed on the ballot for voter consideration as Measure II;
- C. On March 3, 2020, a General Municipal Election was held; Measure II was not approved by voters;
- D. The City is currently proposing an amendment to the LUE (the “Project”) adopted by the City Council on December 5, 2019. The Project is the LUE reviewed by the City Council on October 28, 2019 and does not include changes requested by the City Council between October 28, 2019 and December 9, 2019;
- E. The Project is consistent with the September 24, 2019 Planning Commission adopted Resolution No. 15-19 recommending that the City Council approve the proposed project;
- F. The City reviewed the Project’s environmental impacts under 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”);
- G. Notice of Public Hearing before the City Council were duly given and published in the time, form and manner as required by law; and
- H. On June 17, 2020 the City Council held a public hearing regarding the Project. This Resolution, and its findings, is adopted based upon the evidence set forth in the entire record including, without limitation, documentary and testimonial evidence; the staff report; and such additional information set forth in the entire administrative record that is too voluminous to reference, but is on file with the City Clerk’s office.

SECTION 2. *Factual Findings and Conclusions.* The City Council finds that the following facts exist and makes the following conclusions:

**CITY COUNCIL
RESOLUTION NO.
PAGE 2 OF 4**

- A. In 2018 the City Council directed staff to begin comprehensive updates to the Monterey Park General Plan; the first element to be considered is the Land Use Element (LUE).
- B. The City proactively engaged the public regarding the focused update to the General Plan including: (1) creating the General Plan Advisory Committee (GPAC); (2) conducting stakeholder interviews; (3) creating a public website for the Project; (4) circulating a community survey; (5) polling participants of the Cherry Blossom Festival regarding land use alternatives; (6) hosting a public meeting to present the General Plan's technical findings; and (7) holding an environmental scoping meeting.
- C. On September 24, 2019, the Planning Commission adopted Resolution No. 15-19 which recommended that the City Council adopt a new LUE.
- D. On October 28, 2019, the City Council considered the LUE recommended by the Planning Commission. Thereafter, the City Council made changes that were incorporated into the LUE adopted by the City Council on December 5, 2019. That LUE required ratification by the voters in the City of Monterey Park.
- E. Between October 28, 2019 and December 5, 2019, the City Council conducted a public hearing to consider changes to the LUE proposed by the GPAC and Planning Commission.
- F. The LUE attached as Exhibit "A," and incorporated by reference, is the LUE recommended by the Planning Commission with any, minor, changes made by the City Council on June 17, 2020 ("2020 LUE"). The 2020 LUE contains a thorough and adequate treatment of land use, economic, environmental and development issues within the realm of the planning period.
- D. The 2020 LUE is internally consistent and would not be a detriment to the public interest, health, safety, convenience, and welfare of the City.
- E. The 2020 LUE encourages appropriate land uses, preservation of neighborhood character and natural resources, infill of vacant land area, new multi-family residential development, provision of urban services and utilities, pedestrian facilities and enhancement of the property tax base.

SECTION 3. Environmental Assessment. The City Council makes the following environmental findings:

- A. On December 5, 2019, the City Council certified the Final Focused Environmental Impact Report and adopted Mitigation Measures, Findings of Facts and Statement of Overriding Consideration for the LUE. Since no substantive changes have been made to the Land Use Element since December 5, 2019, no additional CEQA analysis or recirculation is required for the 2020 LUE. An environmental review statement that the Certified Environmental Impact

**CITY COUNCIL
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PAGE 3 OF 4**

Report's project description includes the Planning Commission recommended document was prepared.

SECTION 4. *Actions.* The City Council adopts the 2020 LUE, subject to voter ratification on November 3, 2020.

SECTION 5. *Reliance on the Record.* Each and all of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the 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.

SECTION 6. *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts were made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7. *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

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

SECTION 9. The City Clerk is directed to mail a copy of this Resolution to any person requesting a copy.

SECTION 10. This Resolution becomes effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED this June 17, 2020.

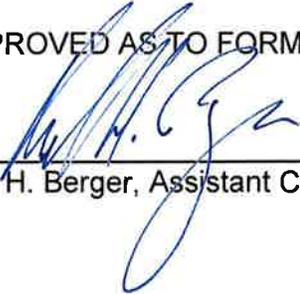
Hans Liang, Mayor

**CITY COUNCIL
RESOLUTION NO.
PAGE 4 OF 4**

ATTEST:

Vincent D. Chang, City Clerk

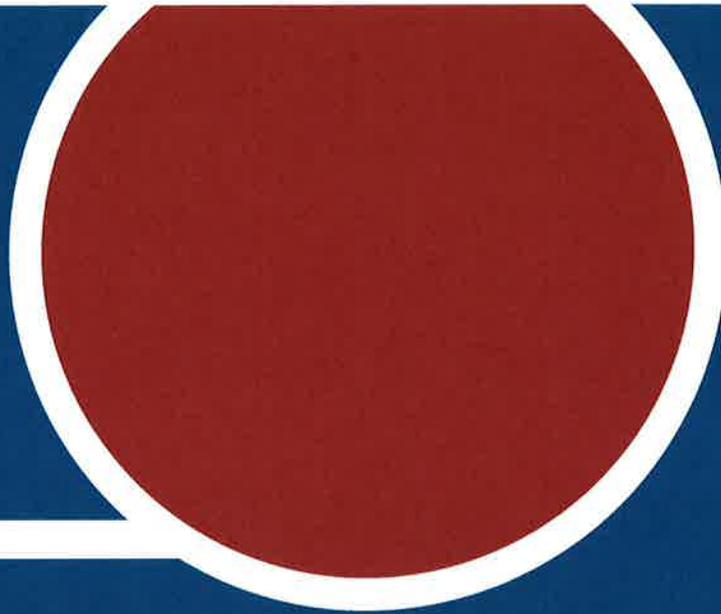
APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

ATTACHMENT 2

Draft Monterey Park General Plan Land Use Element (from
October 28, 2019)



MONTEREY PARK

Land Use and Urban Design Element

OCTOBER 28, 2019





MONTEREY PARK

Land Use and Urban Design Element

City of Monterey Park
320 West Newmark Ave.
Monterey Park, CA 91754

www.montereypark.ca.gov

Revised for City Council Hearing
October 28, 2019

acknowledgements

The City would like to thank everyone involved including those who served in an official capacity as acknowledged below.

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Mayor Pro Tem

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The Natelson Dale Group, Inc.

Economics

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- b. Planning Area

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- b. Land Use Designations
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- a. Citywide
- b. Residential
- c. Commercial
- d. Mixed Use
- e. Innovation/Technology
- f. Corporate Center
- g. Public Facilities
- h. Open Space

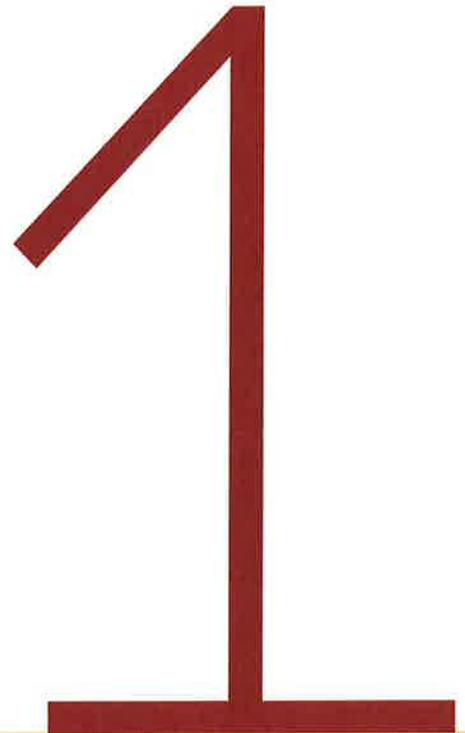
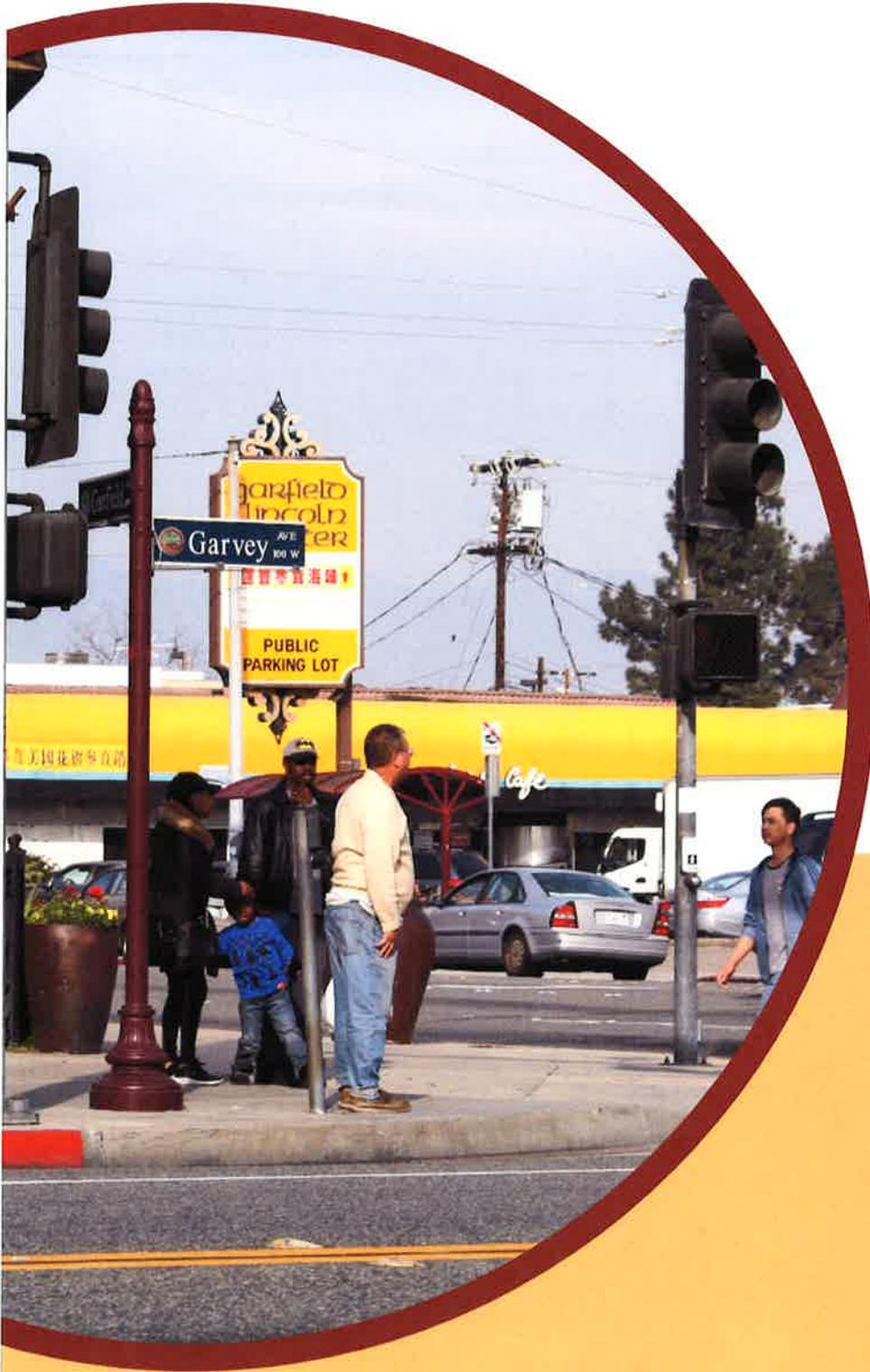
Implementation Plan

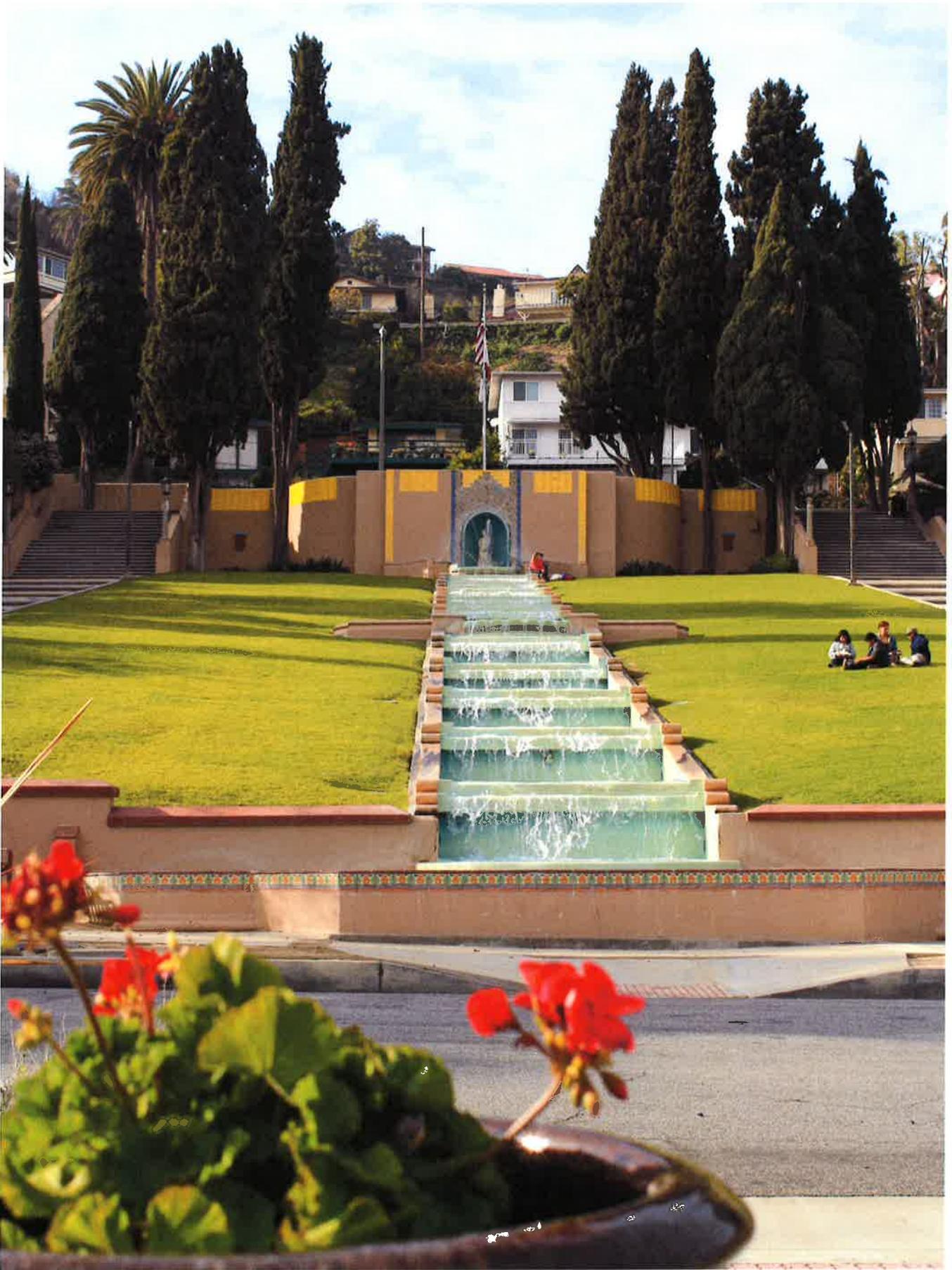
“My Monterey Park will continue to grow in its vibrancy and diversity. I see Monterey Park as a model for neighboring cities and as an introduction to the San Gabriel Valley for our Los Angeles friends to the west. ”

- Monterey Park resident



INTRODUCTION





01

INTRODUCTION

The types and physical distribution of land uses in Monterey Park—the residential neighborhoods, business district, parks, and community gathering places—affect the quality of life and local experiences for residents, people who work here, and visitors. By carefully crafting the interrelationship of uses and the urban form, we can create distinct places that encourage interaction, promote community pride, and support successful enterprises critical to economic development.

This Land Use and Urban Design Element sets forth a resident-inspired vision to guide growth and development through the year 2040 by designating the future use and reuse of land within the City of Monterey Park and adjacent lands within the City's designated sphere of influence, the unincorporated community of South San Gabriel. This element establishes long-range goals for the physical development of the community, both in terms of land use type and intensity, as well as urban character and form. The element also provides the framework for all other General Plan elements, since the way land is used in Monterey Park affects:

- The design of the circulation system (Mobility Element);
- How the City pursues new business activity (Economic Development Element);
- Where new housing development occurs (Housing Element);
- How the City provides urban services to residents and businesses (Safety and Community Services Element);

- How open space and similar resources are allocated for many purposes: parks, environmental resource protection, and passive recreation, among others (Resources Element);
- The ability of the City to achieve its sustainability, resiliency, and healthy community goals (Sustainable Community and Healthy Community Elements).

Foremost, this element supports the community's desire to protect those features of Monterey Park that distinguish the city: its diverse residential neighborhoods, the cherished parks, and business districts that attract people from throughout the region and beyond to unique restaurants and shops. At the same time, the goals and policies look toward the need to ensure the City's long-term fiscal health, accommodate housing demands for all household income levels, and respond to the rapidly evolving ways in which people shop and spend leisure time.

California planning law requires that the Land Use Element designate "the proposed general distribution and general location and extent of the uses of the land" for a variety of purposes [Government Code Section 65302(a)]. Through maps and text, this element defines the distribution and intensity of development of residential neighborhoods, commercial and employment districts, mixed-use environments, parks and other open spaces, and governmental and institutional uses of property in Monterey Park. In particular, the Land Use Policy Map and Regulating Plan present graphical representations of land use policy.

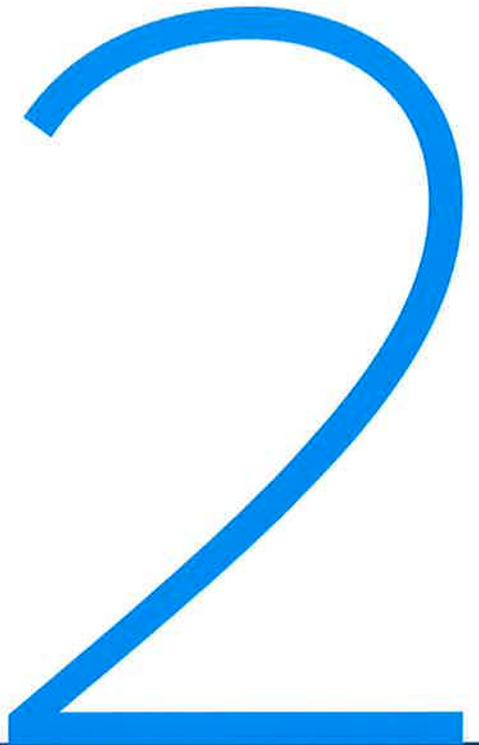
**“In looking to the future,
Monterey Park will
have more mixed-use
development, improved
alternative transportation
options, and varied
entertainment amenities.**

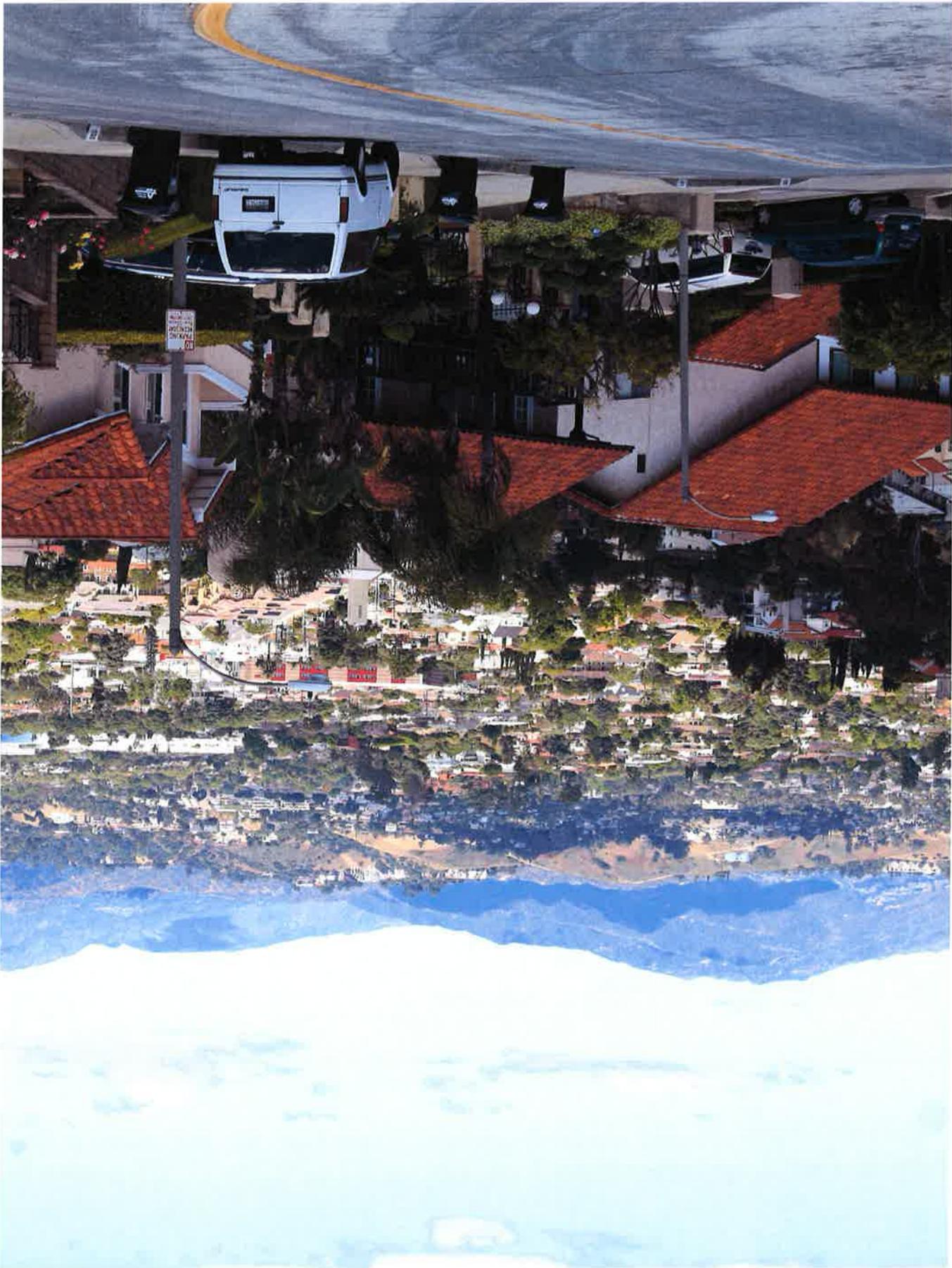
**This city will become a
major jobs center.”**

- Monterey Park resident



CONTEXT





02

CONTEXT

REGIONAL

Monterey Park lies seven miles east of downtown Los Angeles, at the western edge of the San Gabriel Valley. Several freeways connect the City to downtown and destinations throughout Los Angeles County and beyond: the Pomona Freeway (SR-60) on the south, the San Bernardino Freeway (I-10) to the north, and the Long Beach Freeway (I-710) to the west. Regional arterial roads traversing the City include Garvey Avenue, Atlantic Boulevard, and Garfield Avenue. And for people who opt to use transit to get around, the Metro light rail system and bus lines serve Monterey Park directly, as does the Montebello bus lines.

The hilly terrain that distinguishes Monterey Park from its neighboring cities creates distinct neighborhoods and districts, including neighborhoods offering panoramic views of downtown and the San Gabriel Valley. These neighborhoods—and Monterey Park as a whole—are largely built out, with development opportunities limited to a few scattered vacant parcels and the redevelopment of aging or underperforming properties. To encourage new housing, new

businesses, and reinvestment, Monterey Park has increased allowable development intensities in its commercial districts and embraced mixed-use developments. This traditionally suburban community offer districts of urban-scale living and commerce amid the beloved neighborhoods of single-family homes. The region has transformed but continues to support diverse lifestyle choices for all.

THE PLANNING AREA

The City of Monterey Park encompasses approximately eight square miles (3,980 acres), and the sphere of influence area covers 289 acres. California law defines a sphere of influence as the probable physical boundary and service area of a local agency, as determined by the Local Agency Formation Commission (LAFCO) (Gov't. Code §56076). Together, these are the 4,270-acre Planning Area; see Figure LU-1 (Planning Area). While the City has no formal authority within the sphere of influence, it is empowered by the State to consider and proactively plan for areas that bear relation to the City's future.

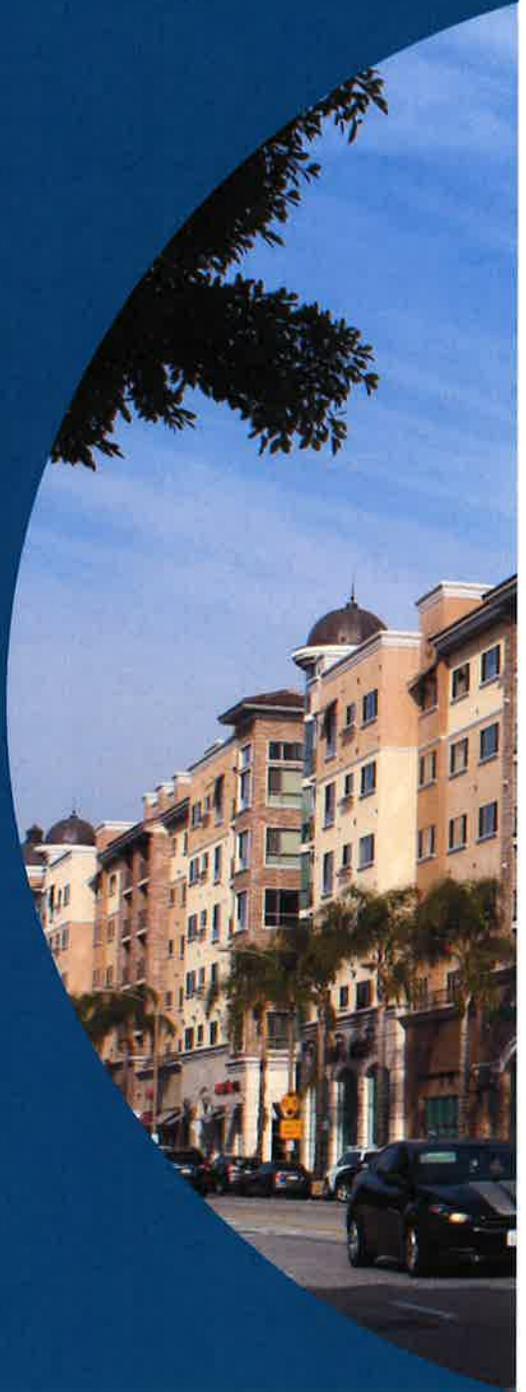
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**“My favorite place in
Monterey Park?**

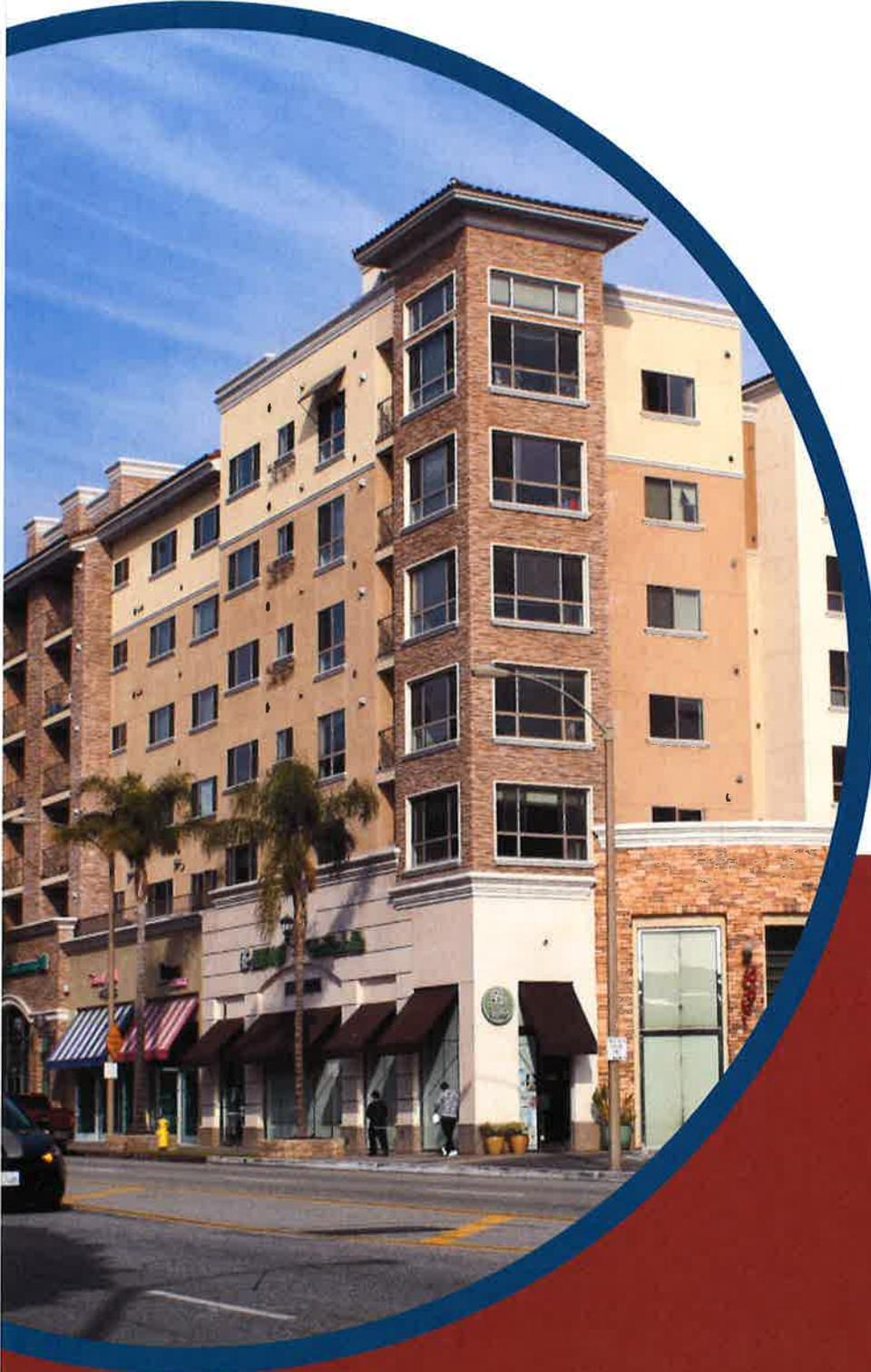
My neighborhood.

My neighbors.”

- Monterey Park resident



MONTEREY PARK 2040



3



03

MONTEREY PARK 2040

CHALLENGES

Through a comprehensive public engagement process, community members identified challenges.

Built Out and Inadequate Lots. Monterey Park has limited vacant land available for new development. Narrow and shallow lots and multiple property ownership along commercial corridors (i.e., Garvey Avenue and of Atlantic Boulevard) create hurdles for larger, cohesive development projects.

Unimproved Older Buildings. Older buildings with tired facades and outdated systems (plumbing, ventilation) are common along the commercial corridors. Many buildings have not been improved for quite some time and, therefore, do not encourage the highest and best use tenants. As the buildings age, the properties will continue to attract marginal tenants, resulting in reduced sales tax revenue.

Lackluster Streetscape. Streetscapes lack character and placemaking elements that create a sense of place and identity. Wayfinding signage is limited; gateways are poorly defined or absent. The paucity of street trees along some corridors creates a less desirable walking experience.

Lack of Commercial Diversity. Monterey Park is a regional draw for authentic Asian food; however,

restaurant diversity is lacking. As a result, residents seek restaurant alternatives elsewhere. Similarly, Monterey Park lacks general merchandise retail. Many residents leave Monterey Park to do basic shopping, thus increasing vehicles miles traveled and reducing sales tax revenue to fund community services and facilities.

Inadequate Parking. Some neighborhoods and commercial districts do not have enough off-street parking, which creates crowded street conditions. Commercial parking may spill over into surrounding neighborhoods. Parking inavailability can lead to increased congestion and vehicle exhaust as drivers circle local streets seeking available parking.

Cost and Shortage of Housing Options. The high cost of housing—and lack of land to build new housing—concerns many residents, particularly because their adult children cannot afford to purchase a home in the community. New and different housing types aimed at younger adults and families are desired.

Design Preference Toward Vehicles. Driving is the preferred transportation option. The large single-family neighborhoods, hillsides, and lack of street grid in some areas create an environment that makes walking difficult.

BIG IDEAS MOVING FORWARD

The Land Use and Urban Design Element proposes a number of big ideas for land use change over time that reflect community goals, address land use challenges, and move the City toward achieving its full potential.



Strategic Development Opportunity. Allow for increased development opportunities along corridors and districts, where access to freeways and arterial roadways optimize economic development potential.

Attract Quality Employment Opportunities. Pursue technology, professional, managerial, and tourism industries that can translate to higher-quality employment opportunities.



Protect Low-Density Residential Neighborhoods. Create buffers between established low-density residential neighborhoods adjacent to higher-intensity development. Identify transition areas where potentially higher building heights will directly abut low-density residential neighborhoods. In the transition areas, integrate design approaches that step down building heights toward the homes, increase building setbacks, and incorporate landscaped buffers to address potential privacy, shade and shadow, noise, and

Pedestrian-Friendly Environments and Outdoor Spaces.

Improve streetscape and building frontages—and specifically building store-front transparency—to create vibrant places for the pedestrian experience. Create unique urban public spaces that allow people to socially connect and gather in outdoors spaces. Outdoor dining spaces, comfortable outdoor “living rooms,” flexible courtyards and plazas, and innovative use of streets and sidewalks create exciting and unique destinations.



Environmentally Friendly Design. Promote sustainable building and site design approaches that minimize resource consumption and protect the environment. Approaches include using green building strategies, creating pedestrian-friendly environments to reduce vehicles trips, and integrating renewable energy approaches to minimize greenhouse gases and to sustain limited resources over the long term.



Build on Tourism and Hospitality.

Maximize hospitality uses—such as restaurants and hotels—in key areas of the city. Encourage restaurant and ancillary commercial uses along Corporate Drive to complement long-established professional office uses.



Flexible Zoning Options. Emphasize adjusting implementation tools to ensure that flexible zoning options allow for greater development opportunities for developing places that allow mixed-use development, housing, and emerging business types.



“My favorite places in Monterey Park are all the mom-and-pop eateries. Whether it’s going to my trusty usual places or trying new restaurants, our community of small businesses and our food scene make Monterey Park special. We stand out from other nearby cities because of this sort of small-town charm.”

- Monterey Park resident



UNDERSTANDING LAND USE TERMS



4



04

UNDERSTANDING LAND USE TERMS

The following terminology is used to describe planning strategies and design features applicable to public spaces and private development.

FLOOR AREA RATIO (FAR)

Floor Area Ratio (FAR) is a ratio of the gross floor area permitted on a site divided by the total net area of the site. Intensity is measured in FAR and typically describes nonresidential uses.

DWELLING UNITS PER ACRE (DU/AC)

Dwelling units per acre (du/ac) refers to the maximum number of dwelling units allowed per acre of developable land. Density is measured in du/ac and only applies to residential uses.

DENSITY AND INTENSITY

Density and intensity are quantitative measures used to describe the degree to which land can be used and developed, see Figure LU-2 (Density and Intensity).

FIGURE LU-2

DENSITY AND INTENSITY

Residential Density

Dwelling Units per Acre

Multi-unit apartments or condominiums

- 16 to 30 dwelling units per acre
- 2 to 4 stories



Townhomes

- 8 to 16 dwelling units per acre
- 1 to 2 stories



Single-unit residential

- up to 8 dwelling units per acre
- 1 to 2 stories

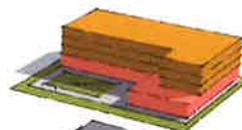


Nonresidential Intensity

Floor-Area Ratio (FAR)

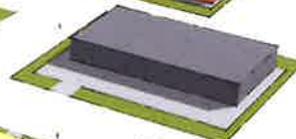
Mixed Use

- 2.00 FAR
- 3 to 4 stories



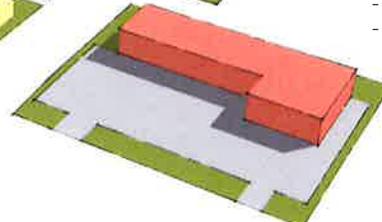
Innovation/Technology

- 0.65 FAR
- 1 to 2 stories



Commercial

- 0.35 FAR
- 1 to 2 stories





HEIGHT

The maximum allowable height (measured in feet) of a building.

This element establishes maximum building heights rather than maximum number of stories. Using building heights provides design flexibility — particularly for a building’s architectural detail — while maintaining consistent urban form. For example, a mixed-use building with a maximum FAR of 1.5 and maximum height of 50 feet might be built as either a three- or four-story building, depending upon how the architect designs each story. A building’s massing, placement, and orientation dictate its relationship to a street to a greater extent than the number of building stories.

PUBLIC REALM

The public realm comprises the streets, squares, parks, green spaces, and other outdoor places which are available, without charge, for everyone to use.

URBAN FORM

Urban form refers to the configuration of a place’s physical components (buildings and structures, street and infrastructure patterns and networks).

URBAN DESIGN

Urban design focuses on spatial relations within the public realm and how the built environment affects social interaction and communication. This includes site design (block size, building placement, massing, and orientation), street design (sidewalk widths, building frontages, and pedestrian amenities such as benches, street trees, and lighting), and building design (architectural character).

DEVELOPMENT POTENTIAL

Development potential is influenced by factors such as parcel size, building-to-land value ratio, environmental constraints, land use, and how extensive a property is developed.



GOALS AND POLICIES

Consistent with the overall City vision, this Element’s goals and policies aim to preserve long-established residential neighborhoods and community assets. Either applied citywide or to a specific land use designation or focus area, the goals and policies integrate land use with urban design strategies to achieve consistent and predictable development patterns, high-quality design, and long-term viable growth.

- **A GOAL** sets general direction or vision. It is an ideal future end related to the public health, safety, and general welfare of people living in, working in, and visiting Monterey Park. A goal is a general expression of community values and may, therefore, be abstract in nature. Thus, a goal is generally not quantifiable or time dependent.
- **A POLICY** is a specific statement that guides decision-making and is carried out by implementation measures. A policy indicates the City’s commitment to a course of action. A policy is based on and helps implement the goals and the larger vision.

LAND USE DESIGNATION

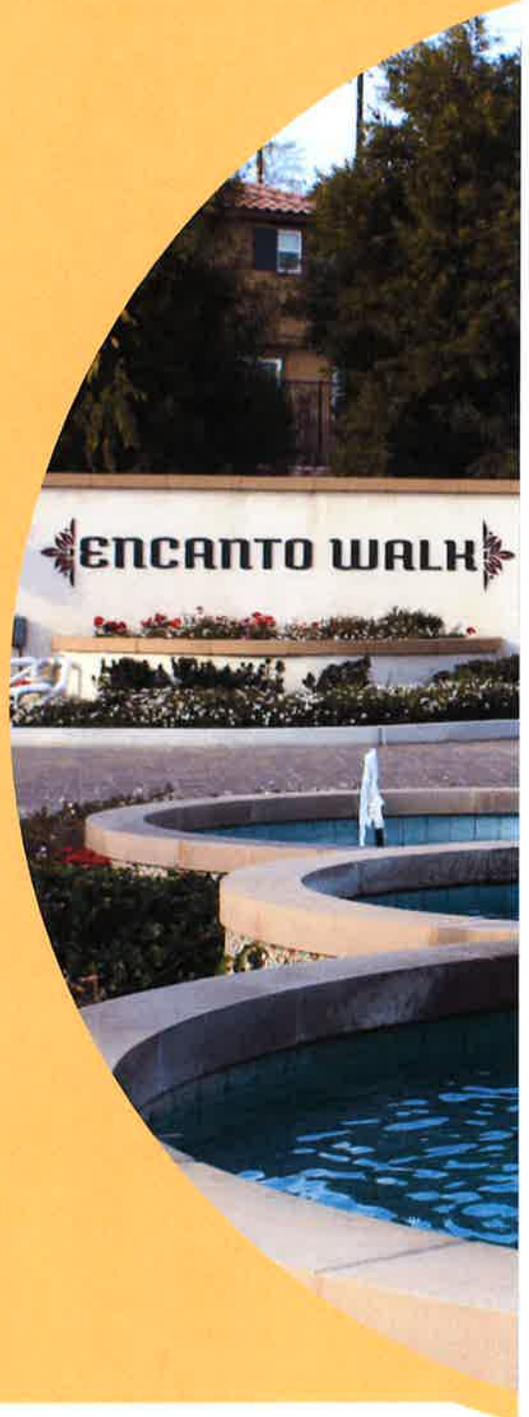
A land use designation describes the type of activity allowed to occur on a parcel of land, which in turn dictates how a parcel and/or building will be occupied.

FOCUS AREA(S)

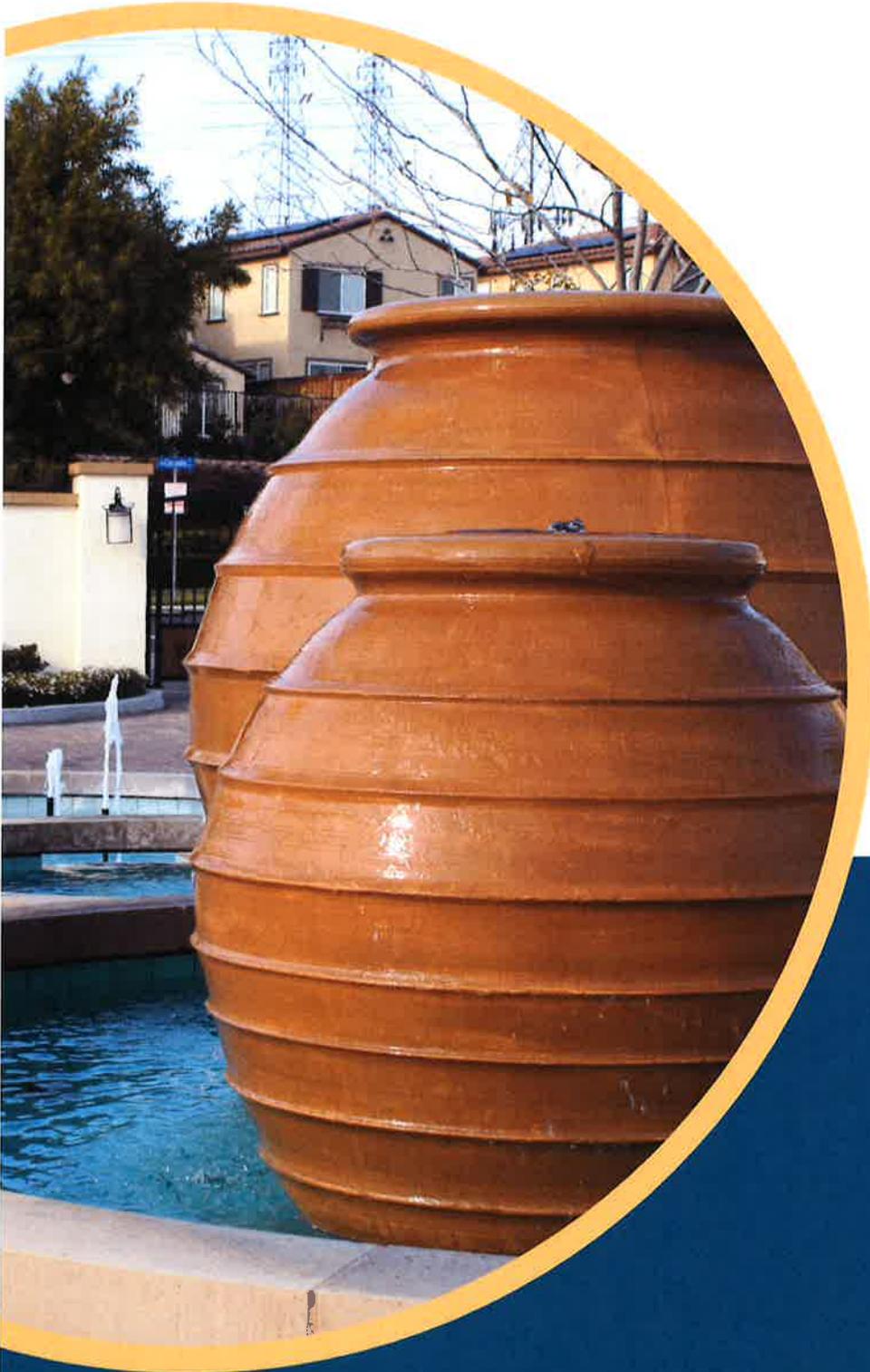
Monterey Park’s land use patterns are well established. Residential neighborhoods are the predominant land use, with single-family homes representing approximately three-quarters of the residences. Given the overarching goal of preserving the integrity of these neighborhoods, this element identifies Focus Areas in which development activity will occur to create new business opportunities and provide housing in mixed-use projects and districts.

“My vision for Monterey Park? A family-oriented community with great schools, parks, multi-cultural activities, shops, and restaurants.”

- Monterey Park resident



LAND USE PLAN



5

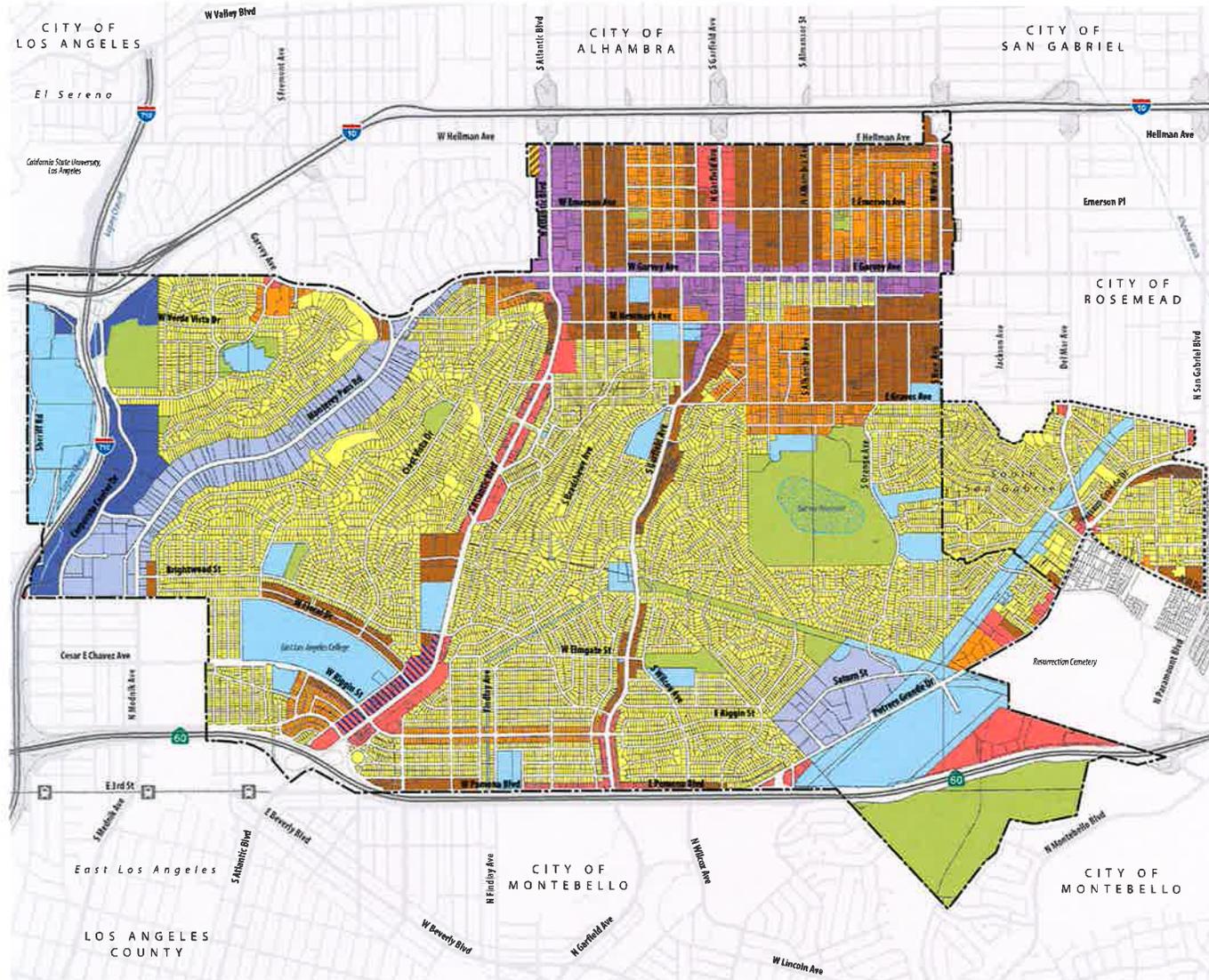


05

LAND USE PLAN

To achieve the desired balance of uses, thus achieving community goals regarding housing, economic development, parks, and education, the City will make land use decisions in conformance with the Land Use Policy Map and the associated Regulating Plan. The Land Use Policy Map (Figure LU-3) locates land use designations throughout

the Planning Area. The map's land use designation categories, their primary uses, and development intensities/densities are shown on Table LU-1 (Land Use Designations). Focus Area's densities/intensities and maximum heights are shown in the Regulating Plan (Figure LU-4).



**FIGURE LU-3:
LAND USE POLICY MAP**

- Land Use Designations**
- Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Commercial
 - Mixed Use
 - Corporate Center
 - Innovation/Technology
 - Public Facilities
 - Open Space
 - Housing Overlay I
 - Housing Overlay II

- Base Map Features**
- Monterey Park Boundary
 - Sphere of Influence Boundary
 - Metro Gold Line and Stations
 - Watercourses and Channels
 - Garvey Reservoir

Note: Also see Regulating Plan

October 2019
Sources: City of Monterey Park and MIG, 2019.



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TABLE LU-1: LAND USE DESIGNATIONS

LAND USE		DEVELOPMENT LIMITS
Residential Designations and Uses		Density Range
Low Density	<p>Primary Use: One residential unit per lot, with private open space</p> <p>Other Permitted Uses: Schools, public assembly uses, public utilities, home occupations, and similar uses per zoning regulations</p>	<p>0-8.0 units/acre</p> <p>Approximate population density = 25 persons/acre</p>
Medium Density	<p>Primary Uses: Attached or detached residential units, with private and common open space</p> <p>Other Permitted Uses: Schools, public assembly uses, public utilities, community care facilities, home occupations, and similar uses per zoning regulations</p>	<p>8.1-16.0 units/acre</p> <p>Approximate population density = 61 persons/acre</p>
High Density	<p>Primary Uses: Attached or detached residential units, with private and common open space</p> <p>Other Permitted Uses: Schools, public assembly uses, public utilities, community care facilities, home occupations, and similar uses per zoning regulations</p>	<p>16.1-30.0 units/acre</p> <p>Approximate population density = 184 persons/acre</p>

Commercial and Business Designations and Uses	Intensity/Heights
<p>Commercial</p>	<p>Primary Uses: Broad range of retail and service commercial uses, hospitality, entertainment, medical, and professional offices</p> <p>Other Permitted Uses: Schools, public assembly uses, public utilities, community care facilities, and similar uses per zoning regulations</p>
<p>Corporate Center</p>	<p>Primary Uses: Professional offices, hospitality, entertainment, and medical</p> <p>Support Uses: Retail and service commercial uses</p> <p>Other Permitted Uses: Schools, public assembly uses, public utilities, community care facilities, and similar uses per zoning regulations</p>
<p>Innovation/Technology</p>	<p>Primary Uses: Research and development, light manufacturing, service commercial, professional offices, entertainment, and breweries/wineries/distilleries</p> <p>Other Permitted Uses: Trade and technical schools, public utilities, and similar uses per zoning regulations</p> <p>Prohibited Uses: Warehousing, freight terminals, vehicle storage, and heavy manufacturing</p>

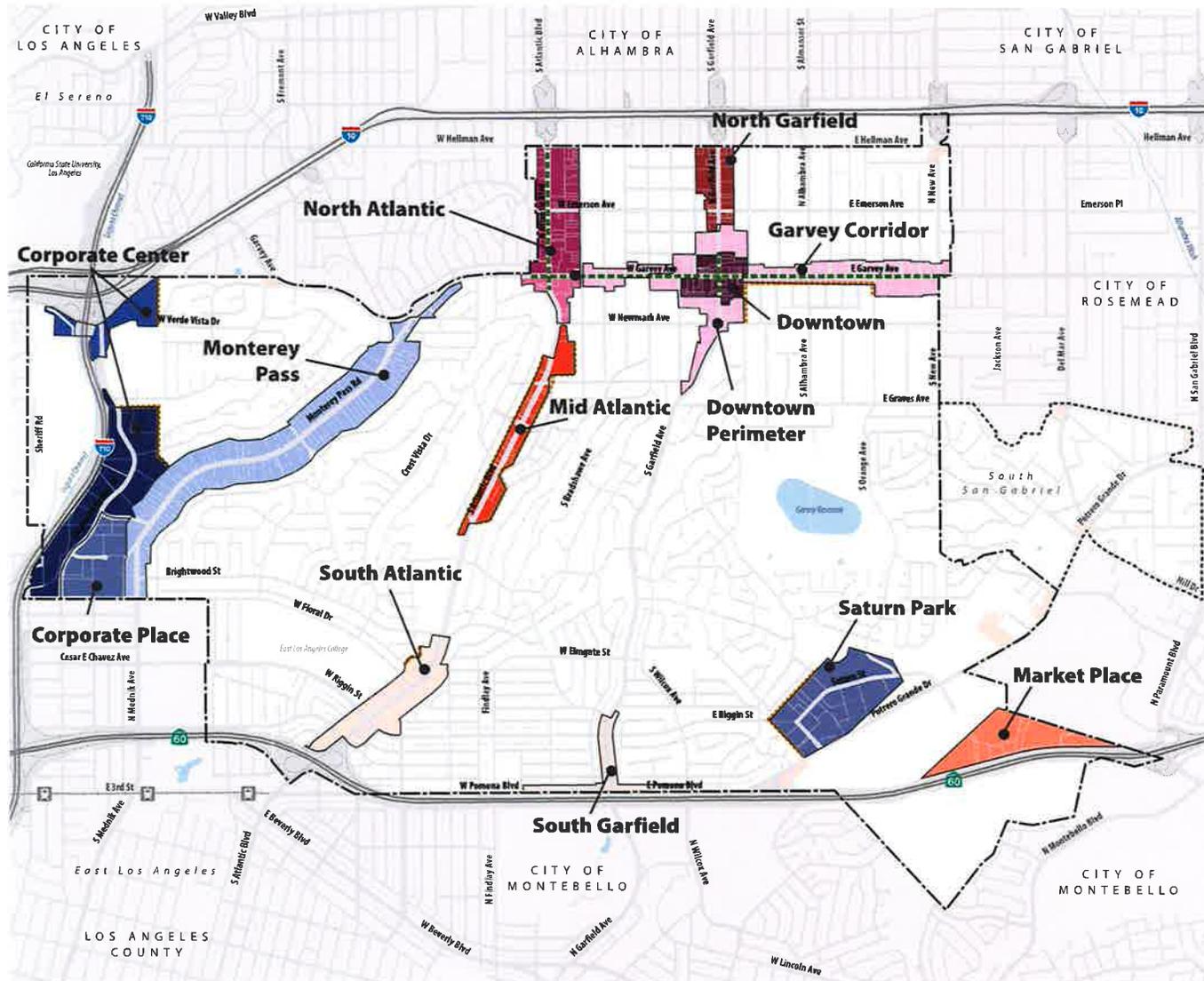
Mixed Use Designation and Uses	Density/Intensity/Heights
<p>Mixed Use</p> <p>Primary Uses: Broad range of retail and service commercial uses, hospitality, entertainment, medical, professional offices, and residential uses</p> <p>Residential permitted as stand-alone use, except where ground-floor commercial uses are required as indicated on Figure LU-4 (Regulating Plan)</p> <p>Other Permitted Uses: Schools, public assembly uses, public utilities, community care facilities, and similar uses per zoning regulations</p>	<p>As indicated on Figure LU-4 (Regulating Plan)</p> <p>No density maximum to provide flexibility in unit types and sizes.</p>

Public Facilities and Open Space Designations and Uses		Intensity/Heights
Public Facilities	<p>Primary Uses: Public buildings, childcare centers for City-supported programs, community gardens, public utility facilities, utility easements, reservoirs and wells, public schools, and similar uses of a public-serving nature</p> <p>Other Permitted Uses: Within utility easements, private nurseries and open space uses per zoning regulations</p>	<p>0.75 FAR maximum</p> <p>Maximum building height as specified in zoning regulations</p>
Open Space	<p>Primary Uses: Parks and City-owned recreational facilities, community gardens, golf courses, and resource conservation areas</p> <p>Other Permitted Uses: Public utility facilities and historic landfills</p>	<p>0.35 FAR maximum</p> <p>Maximum building height as specified in zoning regulations</p>
Overlay Designation and Uses		Density/Height
Housing Overlay	<p>Permitted Uses: In addition to uses permitted in the underlying land use designation, attached residential uses</p>	<p>As indicated on Figure LU-3 (Land Use Policy Map)</p>



Monterey Park 2040

FIGURE LU-4:
REGULATING PLAN



- Maximum Intensity**
- Commercial**
- 0.65 FAR/35 FT
 - 0.65 FAR/50 FT
 - 1.50 FAR/50 FT
 - 1.50 FAR/60 FT
- Corporate Center**
- 2.00 FAR/60 FT
 - 4.00 FAR/125 FT
- Innovation/Technology**
- 0.65 FAR/35 FT
 - 1.00 FAR/50 FT
- Mixed Use**
- 1.50 FAR/50 FT
 - 2.00 FAR/50 FT
 - 2.00 FAR/75 FT
 - 2.50 FAR/75 FT
- Focus Areas
- - - Active Frontage Requirement
- Residential Transition Area
- Base Map Features**
- Monterey Park Boundary
 - Sphere of Influence Boundary
 - Metro Gold Line and Stations
 - Water Courses
 - Waterbodies

October 2019
Sources: City of Monterey Park, Los Angeles County, 2019



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IMPLICATIONS OF LAND USE POLICY

As properties within the focus areas change over time from one use to another, land uses and intensities will gradually shift to align with the intent of this Land Use and Community Design Element. If Monterey Park is developed in accordance with the Land Use and Urban Design Element and at the intensities and densities permitted, then the Planning Area is anticipated to have 26,298 dwelling

units, 15.5 million square feet of nonresidential use, and 80,581 residents as shown in Table LU-2 (Land Use Plan Buildout).

(Please note other assumptions were made on the expected intensities of development to calculate the total number of dwelling units, population, non-residential building square feet, and employment.)

TABLE LU-2: LAND USE PLAN BUILDOUT

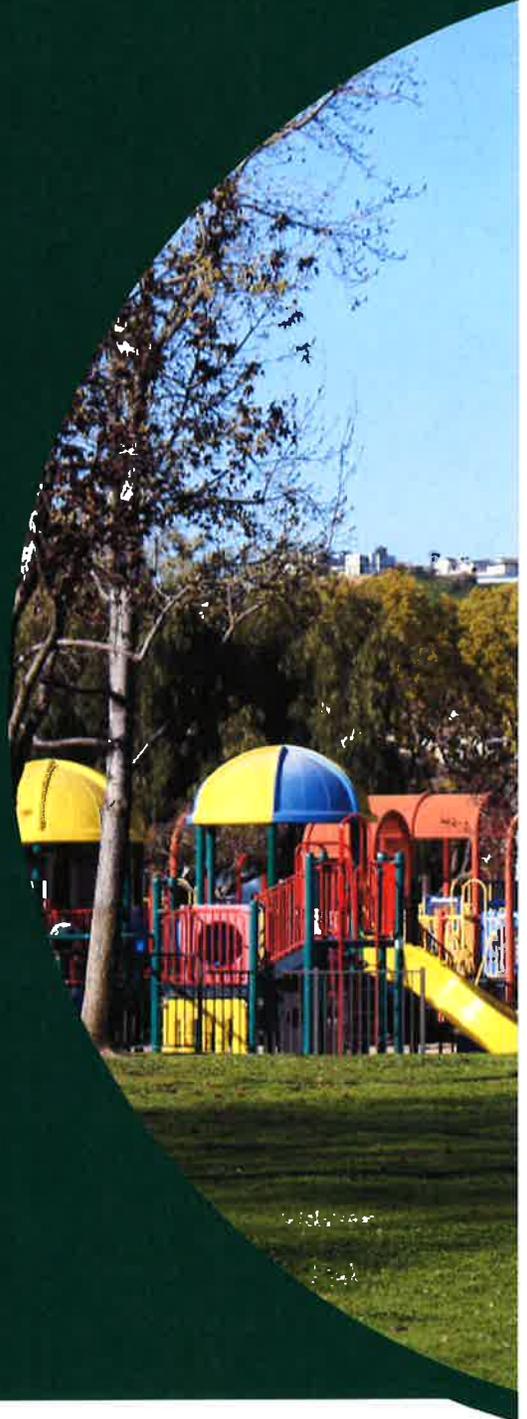
Type		Monterey Park		Sphere of Influence		Planning Area	
		Baseline (2019)	Proposed (2040)	Baseline (2019)	Proposed (2040)	Baseline (2019)	Proposed (2040)
Dwelling Units	Single-Unit	12,219	12,039	1,269	1,429	13,488	13,468
	Multi-Unit	8,746	12,582	248	248	8,994	12,830
	Total	20,965	24,621	1,517	1,677	22,482	26,298
Population		64,240	75,442	4,648	5,139	68,888	80,581
Non-residential Building Square Feet.¹		14,179,900	15,426,450	37,950	68,100	14,217,860	15,494,550
Employees		31,532	34,206	58	113	31,590	34,320
Lodging Rooms		727	1,334	-	-	727	1,334
Students		43,234	48,211	-	-	43,234	48,211

Note: 1) Non-residential building: commercial, office, medical and hospital, and industrial buildings.

Source: City of Monterey Park and Land Use and Community Design Element update GIS data, California Department of Finance, and Southern California Association of Governments, 2018 and 2019.

“Monterey Park is and will continue to be a city rich with cultural heritage, sustainable infrastructure, and parks that provide places for people to enjoy the outdoors and participate in community life at farmers’ markets, at free concerts, and along biking and walking trails.”

- Monterey Park resident



GOALS AND POLICIES





06

GOALS AND POLICIES

CITYWIDE GOALS AND POLICIES

GOAL 1 Commercial districts that allow a variety of retail, service, and entertainment uses and that accommodate flexibility over time

Policy 1.1 **Flexibility.** Ensure zoning regulations provide flexibility regarding allowed uses.

Policy 1.2 **Local Businesses.** Advocate for and support local businesses and small business owners.

Policy 1.3 **Economic Development.** Maintain a proactive economic development program that promotes the benefits of Monterey Park for both local businesses and national and international companies.

Policy 1.4 **Commercial Corridors.** Invest in commercial corridors by establishing a continuity of streetscapes that define the public realm, are scaled to the pedestrian experience, and reflect the City's cultural identity through public art, architectural character, and materials.

GOAL 2 Dynamic mix of businesses, uses, and employment that sustain a strong local economy and contributes to a fiscally sustainable tax base

- Policy 2.1** **Flexibility.** Provide flexible and clear development standards to allow commercial, professional, industrial, institutional, and hospitality businesses and uses to expand and thrive economically.
- Policy 2.2** **Business Growth.** Facilitate the growth of a diverse business sector resilient to change over time and compatible with a broad range of skills and workers.
- Policy 2.3** **Innovation.** Create a culture of innovation and growth, encouraging emerging businesses to attract high-quality jobs.

GOAL 3 Distinctive, complete residential neighborhoods that enhance the quality of life and promote a healthy community

- Policy 3.1** **Quality Neighborhoods.** Maintain the quality and character of residential neighborhoods.
- Policy 3.2** **Diversified Housing.** Diversify housing options with the goal of establishing new opportunities for persons of varied incomes, ages, lifestyles, interests, and family needs – providing for aging in place and multi-generational cohabitation.
- Policy 3.3** **Established Housing.** Maintain and enhance the established housing stock.
- Policy 3.4** **Strategic Housing Opportunities.** Strategically facilitate multi-unit housing opportunities in proximity to transit facilities, mixed-use areas, and employment and education centers.
- Policy 3.5** **Improvement Prioritization.** Prioritize siting new public facilities and public spaces using creative use of land and streets, and facilitate new infrastructure improvements within a disadvantaged neighborhood.
- Policy 3.6** **Public Space.** Create an interconnected system of inviting, safe, and accessible public spaces that serve residents and visitors.
- Policy 3.7** **Safe and Sanitary.** Pursue code enforcement efforts that simultaneously work to enhance the visual quality of residential neighborhoods and to ensure safe, decent, and sanitary housing for all residents.
- Policy 3.8** **Physical Activity.** Provide access to recreational facilities, including parks, trails, greenways, open spaces, and community centers that allow opportunities for physical activities for all ages and abilities.

GOAL 4 A built environment that is resilient and promotes health and wellness

- Policy 4.1** **Climate Change.** Adapt to and mitigate the effects of climate change.
- Policy 4.2** **Sustainable Practices.** Balance development with the preservation of environmental assets and the natural beauty of the area through sustainable practices in site planning, landscaping, construction, maintenance, and operations.
- Policy 4.3** **Environmental Burden.** Prevent and reduce disproportionate environmental burdens and compounding health risks affecting low-income and minority populations.
- Policy 4.4** **Freeway Buffer Greening.** Integrate greening buffers and maximize tree canopies within neighborhoods directly adjacent to SR-60 freeway to help improve air quality.
- Policy 4.5** **New Development.** Ensure new development is planned in areas that can sustain it long term – considering air quality, health indicators of residents, infrastructure networks and services, and socio-economic factors.
- Policy 4.6** **Active Transportation.** Prioritize and integrate active transportation strategies into the built environment that increase walking, bicycling, and transit modes of travel, with a focus on improving first and last mile connectivity.

GOAL 5 A community that is equitable and inclusive

- Policy 5.1** **Equitable Access.** Expand equitable access to community resources that improve quality of life. Community resources include cultural and natural amenities, health care services, education, commercial services, parks and recreation, and healthy foods.
- Policy 5.2** **Services and Amenities.** Facilitate safe, convenient, and affordable access to basic services and community-based amenities.
- Policy 5.3** **Community Involvement.** Engage residents, property owners, business owners, and organizations in the advanced and current planning processes.
- Policy 5.4** **Translation.** Ensure residents are engaged in languages that allow for their participation in community events and community engagement activities.

RESIDENTIAL

DENSITIES

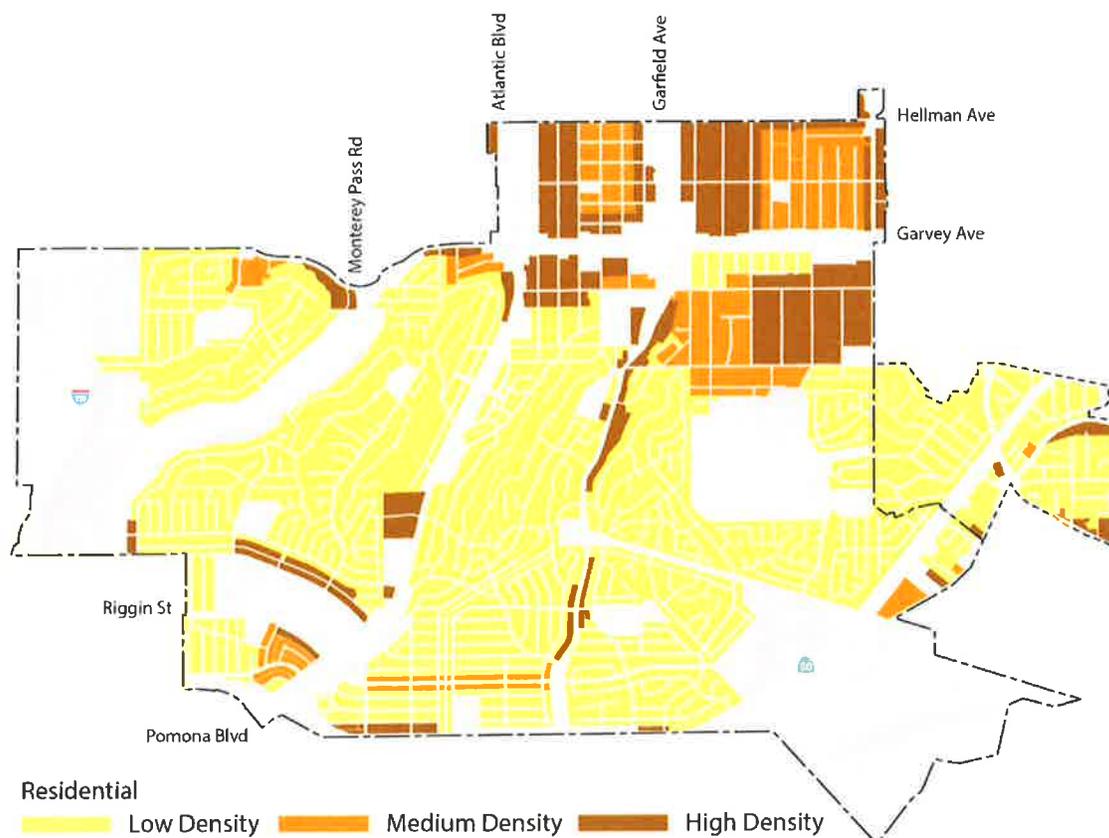
LOW DENSITY
DU/AC: 0.0-8.0

MEDIUM DENSITY
DU/AC: 8.1-16.0

HIGH DENSITY
DU/AC: 16.1-30.0

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.



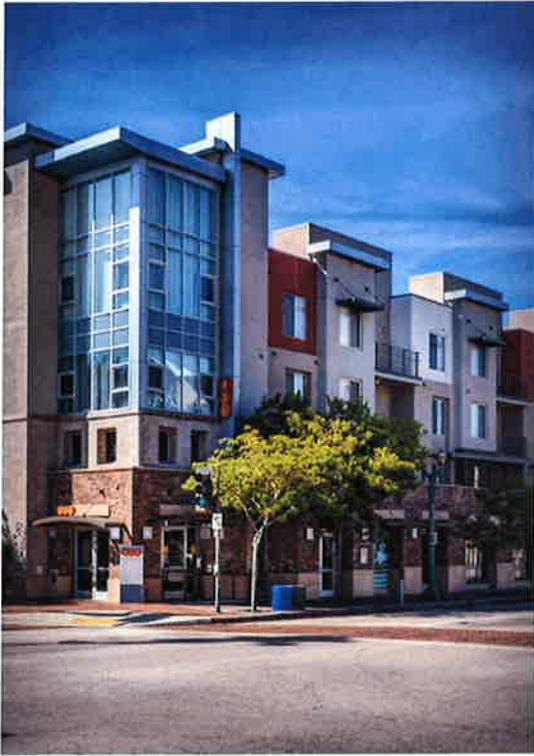


The three residential land use categories reflect long-established development patterns and densities in Monterey Park. Monterey Park residents treasure their neighborhoods. During the public engagement process that produced this element, residents repeatedly expressed the importance of preserving and improving neighborhood character. To a large extent, this sentiment means maintaining long-established densities and scale of development in the neighborhoods and accommodating new housing largely in mixed-use districts. Thus, the goals and policies are focused on maintaining the qualities that define Monterey Park’s many neighborhoods.

Many single-family homes in the City were constructed in the 1950s and 1960s. Maintenance levels vary from block to block. A key goal will be to encourage renovation and

maintenance that improve neighborhoods house by house.

In the Medium-Density and High-Density neighborhoods, housing types may consist of rowhouses, townhouses, stacked flats, and similar housing types, with the scale of development guided by the maximum permitted density and development standards set forth by the zoning regulations. Where new development is proposed, the City looks for design features that create quality living environments for residents: well-located and functional open spaces, common areas that encourage interactions among residents, parking facilities that are easily accessible and attractively designed, good pedestrian access and circulation, and use of building materials that weather well.



GOAL 6 Accommodating all household sizes and income levels with a variety of housing types

Policy 6.1 **Standards.** Maintain zoning standards for Low Density neighborhoods to allow only detached single-unit homes.

Policy 6.2 **First-Time Homeowners.** Encourage the construction of housing that can accommodate the needs of younger people and families seeking to buy their first home.

Policy 6.3 **Accessory Dwelling Units.** Adopt accessory dwelling unit regulations and policies that can accommodate evolving housing needs and preferences.

Policy 6.4 **Affordable Housing Units.** Support policies that facilitate and incentivize the development of affordable housing units, such as inclusionary housing requirements and development bonus programs.



GOAL 7 Enhanced neighborhood character

- Policy 7.1** **Complete Neighborhoods.** Ensure neighborhoods are “complete” neighborhoods by integrating schools, childcare centers, community centers, infrastructure, green spaces and parks, and other public amenities into each neighborhood.
- Policy 7.2** **Identity.** Foster a sense of community and facilitate engagement by encouraging residents to take pride in their neighborhoods and form neighborhood groups that address issues affecting the area where they live.
- Policy 7.3** **Protection.** Protect neighborhoods from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment.
- Policy 7.4** **Sensitive Design.** Require that new additions, renovations, and infill development be sensitive to neighborhood context and building form and scale (for example, upper stories, detached garages, setbacks, enhanced front entrances).
- Policy 7.5** **Transition.** Require high-density or mixed-use developments to transition sensitively to adjacent lower-density residential uses.
- Policy 7.6** **Home Occupations.** Encourage home occupations that have minimal traffic, parking, or other impacts to neighbors and neighboring uses.
- Policy 7.7** **Compatibility.** Strengthen neighborhood identity with new development that is architecturally compatible with surrounding structures.
- Policy 7.8** **Safety.** Address safety concerns associated with people living in illegal garage conversions or unpermitted accessory units.



GOAL 8 High-quality residential design

Policy 8.1

Streetscapes. Provide and maintain high-quality public streetscapes in all neighborhoods.

Policy 8.2

Street Relationship. Encourage new development to create direct a clear visual relationship between residences and public streets, while minimizing driveways, parking areas, and garage doors in front yard spaces.

Policy 8.3

Street Frontage. Encourage building forms that create coherent and consistent street frontages on blocks that emphasize the visibility of entrance doors, porches, stoops, and/or entrance patios.

Policy 8.4

Site Frontages. Require building and site frontages that define public streets with high-quality architecture and landscape design, including small-scale architectural elements and plane changes.

Policy 8.5

New Development. Require new development to provide engaging, well-landscaped outdoor spaces that invite and support outdoor activities.

Policy 8.6

Parking. Minimize the street presence and visibility of parking facilities from public streets and neighboring properties.



GOAL 9 Increase in homeownership

Policy 9.1 **Homeownership.** Create homeownership opportunities by encouraging development of smaller scale, for-sale residential units such as condominiums, townhomes, and duplexes.

Policy 9.2 **Cooperative Homeownership.** Explore opportunities for cooperative homeownership programs such as a condominium conversion program that transfers ownership from apartment complex owners to the renters of that apartment complex.

COMMERCIAL



DENSITIES & INTENSITIES

GENERAL COMMERCIAL
FAR: 0.65
HEIGHT: 35 FEET

MARKET
FAR: 0.65
HEIGHT: 50 FEET

SOUTH ATLANTIC*
FAR: 0.65
HEIGHT: 35 FEET

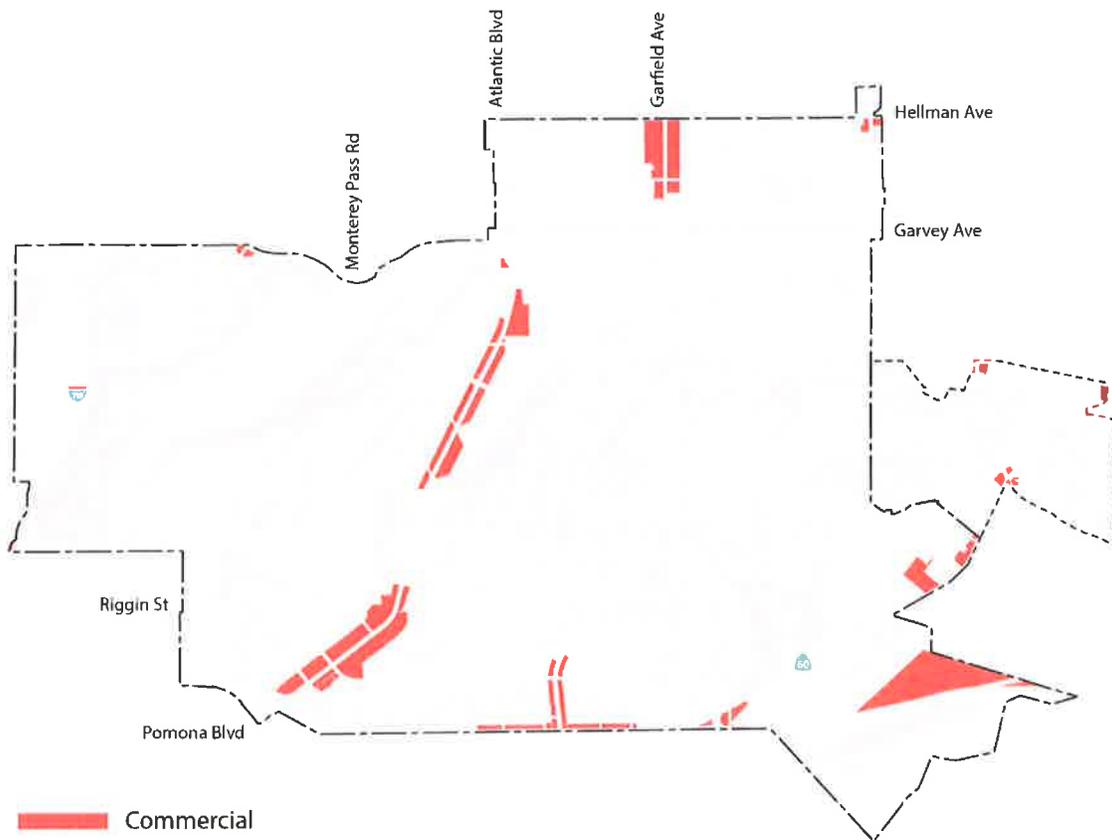
SOUTH GARFIELD
FAR: 0.65
HEIGHT: 35 FEET

MID ATLANTIC
FAR: 1.50
HEIGHT: 50 FEET

NORTH GARFIELD
FAR: 1.50
HEIGHT: 60 FEET

*Housing Overlay Applies. See Figure LU-3.

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.

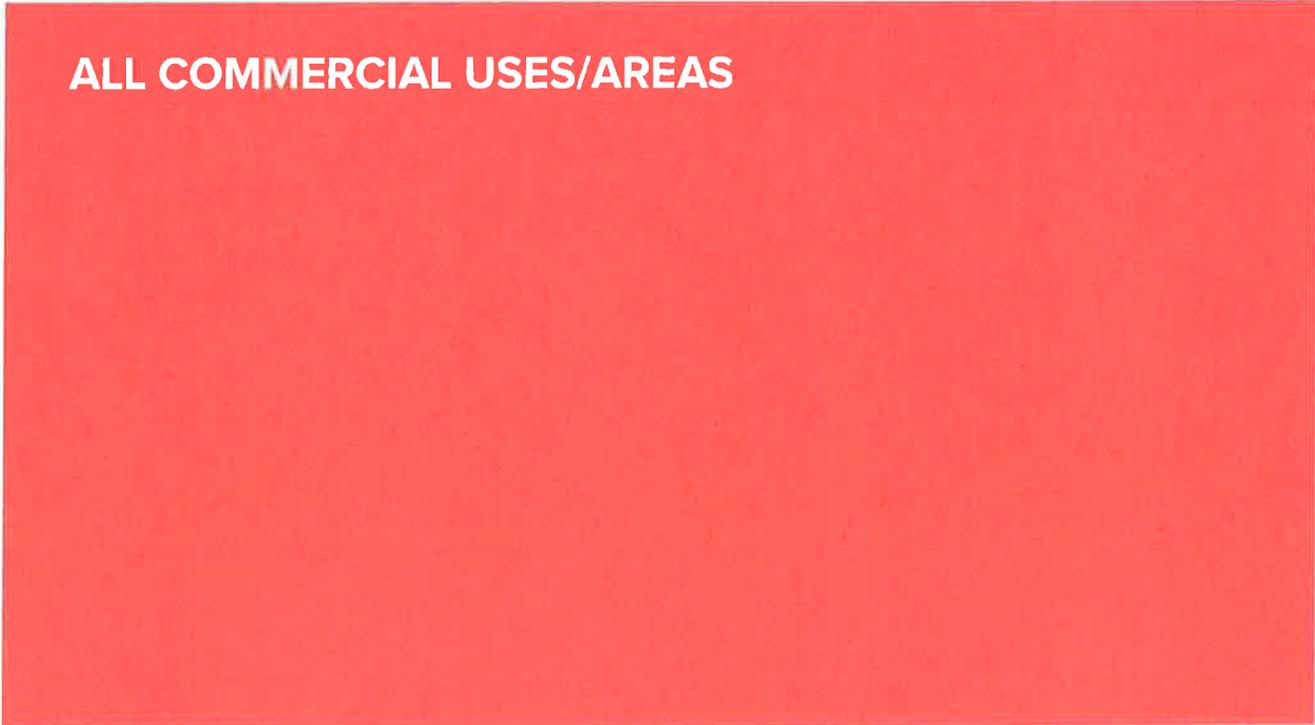


Commercial districts are located primarily along the City's major thoroughfares: Atlantic Boulevard, South Garvey Avenue, and Garfield Avenue. With the opening of the Market Place regional center along SR-60 in 2017, new large-format retail stores and national restaurants added variety to the commercial mix.

A healthy, balanced mix of home-grown businesses and national chains provides variety for shopping, dining, socializing, accessing services—like getting a haircut or visiting an architect's office—and entertainment. This diversity also creates more assurance of economic stability

for Monterey Park as the economy ebbs and flows. Also, by establishing flexible areas for small and large businesses alike, the City is better prepared for continually evolving changes in how people buy goods and receive services. The land use plan allows for varied development intensities, as shown on Figure LU-4 (Regulating Plan).

Branding each of the commercial districts with signage and unique streetscapes will help market businesses both locally and to visitors, including—importantly—foreign visitors.





GOAL 10 Commercial districts that allow a variety of retail, service, and entertainment uses and that accommodate flexibility over time

- Policy 10.1** **Flexibility.** Ensure zoning regulations provide flexibility regarding allowed uses.
- Policy 10.2** **Local Businesses.** Advocate for and support local businesses and small business owners.
- Policy 10.3** **Economic Development.** Maintain a proactive economic development program that promotes the benefits of Monterey Park for both local businesses and national and international companies.
- Policy 10.4** **Commercial Corridors.** Invest in commercial corridors by establishing a continuity of streetscapes that define the public realm, are scaled to the pedestrian experience, and reflect the City's cultural identity through public art, architectural character, and materials.

ALL COMMERCIAL USES/AREAS

GOAL 11 Transition and compatibility of new commercial development with and to adjacent residential districts

Policy 11.1 **Privacy.** Ensure new commercial developments address privacy issues relative to any abutting residential neighborhoods.

GOAL 12 High design quality in all new commercial developments and rehabilitation projects

Policy 12.1 **Compatibility.** Require new, infill, and rehabilitation projects in commercial districts be compatible with existing contexts in terms of site design, scale, building design, materials, and architectural approaches.

Policy 12.2 **Comprehensive Design.** Provide for comprehensive design review of new commercial development.

Policy 12.3 **Undergrounding of Utilities.** Strive to place utilities underground in conjunction with new development projects and/or as comprehensive undergrounding programs within commercial districts.

GOAL 13 Identifiable, unique commercial districts

Policy 13.1 **Streetscape.** Establish well-defined streetscape treatments for each commercial district.

Policy 13.2 **Wayfinding.** Use a comprehensive, city-wide wayfinding program to identify Monterey Park's commercial areas.



FOCUS AREA: MARKET PLACE

GOAL 14 The Market Place as a regional destination for diverse shopping, dining, and entertainment experiences

- Policy 14.1** **Flexibility.** Ensure that zoning regulations applicable to the Market Place properties provide focus for the uses the City looks to attract while providing flexibility to accommodate emerging new uses and markets over time.
- Policy 14.2** **Traffic.** Work with property owners and property managers to address and manage traffic associated with the Market Place so that visitors avoid traveling through adjacent residential neighborhoods.
- Policy 14.3** **High Design Quality.** Insist upon high design quality and landscape treatments upon establishment and over time.
- Policy 14.4** **Transit Access.** Advocate for alignment of the Gold Line east extension that places a station adjacent to the Market Place.



FOCUS AREA: SOUTH ATLANTIC

GOAL 15 A commercial district that meets local commercial needs, caters to students and employees at East Los Angeles College, and takes advantage of proximity to the Gold Line Atlantic Station

Policy 15.1 **Commercial.** Allow for commercial uses focused on daily shopping and service needs while continuing to accommodate long-established regional-serving uses, such as automobile dealerships, at appropriate locations.

Policy 15.2 **Pedestrian Movement.** Require that new development and rehabilitation of existing centers and buildings accommodate safe pedestrian movement from sidewalks and within internal parking lots.

Policy 15.3 **Streetscape Improvements.** Use urban design and streetscape improvement strategies to create an identifiable and pleasant travel path for pedestrians from Atlantic Station to the South Atlantic commercial district.

Policy 15.4 **Landscaping.** Ensure new development incorporates and maintains attractive on-site landscaping.

GOAL 16 Limited new and unique housing as part of mixed-use developments

Policy 16.1 **Housing Overlay.** Allow housing as part of mixed-used development projects along the west side of Atlantic Boulevard as designated by the Housing Overlay on Figure LU-3 (Land Use Policy Map). Housing may be incorporated into projects as either stand-alone buildings (not fronting on Atlantic Boulevard) or as second story and above over commercial uses.

FOCUS AREA: SOUTH GARFIELD

GOAL 17 An attractive, village-like neighborhood commercial district with lower-intensity retail, office, and service-oriented businesses that cater to surrounding residential neighborhoods and Gold Line transit users

Policy 17.1 **South Garfield Village.** Regulate land uses and development and guide public realm enhancements in accordance with the South Garfield Village Specific Plan.

Policy 17.2 **Accommodate Pedestrians.** Pursue roadway, sidewalk, crosswalk, and traffic control improvements that well accommodate pedestrian traffic in the district.

Policy 17.3 **Incentives.** Provide incentives for local businesses to establish and thrive in the district.





FOCUS AREA: MID ATLANTIC

GOAL 18 A commercial corridor for businesses of all types, with public realm improvements that work to reduce vehicle speeds to enhance the visibility of and access to businesses along Mid Atlantic

- Policy 18.1** **Zoning.** Ensure zoning regulations accommodate office, service-oriented, retail, dining, and medical-related uses.
- Policy 18.2** **Mix of Uses.** Encourage a mix of uses that have operating hours that extend past 5:00 in the evening.
- Policy 18.3** **Land Assembly.** Use land assembly strategies and incentives to promote compatible infill development.
- Policy 18.4** **Streetscape.** Enrich the streetscape with themed lighting, benches, and trees. Consider using excess street width and adjacent public right-of-way to create parklets, greenspace, and places for public art.
- Policy 18.5** **Mobility.** Improve pedestrian and vehicular mobility and safety with urban design interventions such as additional mid-block crossings, designated pedestrian walkways through surface parking lots, and shortened street crossings.
- Policy 18.6** **Design Inspirations.** Draw from the Cascades fountain, historical structures and historical influences, and landscaping within the public realm as inspirations for public space design treatments, site design and architecture, and landscaping. Use these inspirations to create a cohesive public realm plan for Mid Atlantic.
- Policy 18.7** **Land Use Transitions.** Remain sensitive to the adjacency of low-scale residential neighborhoods by providing appropriate transitions such as parking lots and landscaped areas as buffers and step-down building approaches.

FOCUS AREA: NORTH GARFIELD

GOAL 19 A district centered on intensive medical and office uses, with lower-scale buildings housing varied commercial uses

Policy 19.1 **Healthcare Facilities.** Encourage the concentration of established and proposed healthcare facilities and their related uses.



MIXED USE



DENSITIES* & INTENSITIES
GARVEY CORRIDOR FAR: 1.50 HEIGHT: 50 FEET
DOWNTOWN PERIMETER FAR: 1.60 HEIGHT: 50 FEET
NORTH ATLANTIC FAR: 2.00 HEIGHT: 75 FEET
DOWNTOWN FAR: 2.50 HEIGHT: 75 FEET

*No density maximum to provide flexibility in unit types and sizes.

A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.





Mixed-use development is characterized by pedestrian-friendly environments that integrate residential, commercial, cultural, and institutional uses. Mixed-use development works to create vibrant, compact, walkable environments, with shorter pedestrian connections between living, working, learning, and recreational destinations. In Monterey Park, the Mixed Use designation allows a combination of compatible retail, entertainment,

office, residential, hotel, civic, cultural, and recreation uses that establish authentic physical environments. Mixed-use developments will incorporate social gathering places for the community and foster economic vitality. This variety of uses creates spaces for people to live, work, play, learn, and shop without getting into their cars to get from place to place.





GOAL 20 Dynamic pedestrian-oriented mixed-use districts that provide vibrant uses, spaces, buildings, and experiences

- Policy 20.1** **Diversified Uses.** Attract diversified uses, including urban housing options, a mix of cultural and entertainment uses, a variety of businesses and restaurants, and places for people to connect.
- Policy 20.2** **Pedestrian Activity and Experiences.** Create pedestrian-friendly activity and experiences by requiring active uses on the ground floor, with storefronts providing ample window space along street frontages.
- Policy 20.3** **Attractive Streetscape.** Create attractive streetscape environments by using thematic design that integrates landscaping, street furniture, outdoor dining, lighting, wayfinding signage, public art, and other amenities and improvements.
- Policy 20.4** **Mixed-Use Compatibility.** Promote design solutions and construction techniques to ensure that new development is compatible with established uses, taking into account noise and other pre-existing conditions.

ALL MIXED USES/AREAS

- Policy 20.5** **Transition.** Transition mixed-use areas that border low-density residential neighborhoods to minimize visual and shade impacts by stepping down building heights, creating landscape buffers, and creating larger setbacks.
- Policy 20.6** **Parking.** Develop parking management strategies for mixed-use corridors that include shared parking lots and structures and park-once-and-walk districts to provide adequate and convenient parking for customers and employees.
- Policy 20.7** **Enhanced Character.** Incentivize property owners to renovate and improve tired and outdated buildings along mixed-use corridors to improve their aesthetic appearance, create readily identifiable places, utilize cohesive architectural design, and enhance the streetscape character.
- Policy 20.8** **Meeting the City and Community Needs.** Encourage a diverse mix of uses that are innovative, competitive, entrepreneurial, local, and sustainable, thereby promoting economic development, increasing City revenues, expanding job growth, increasing property values, and meeting residents' and visitors' desires and needs.
- Policy 20.9** **Housing.** Accommodate a variety of housing options, including medium- and high-density apartments and condominiums, live/work units, and mixed-use buildings with a residential component.
- Policy 20.10** **Undergrounding of Utilities.** Strive to place utilities underground in conjunction with new development projects and/or as comprehensive undergrounding programs within mixed-use districts.



FOCUS AREA: DOWNTOWN

Downtown is the urban core of Monterey Park, located at the intersection of Garvey and Garfield Avenues. Downtown's urban form is compact in character, with more intense infill development and pedestrian connections to the Civic Center and Barnes Park, the Garvey Avenue corridor, and medical uses along Garfield Avenue.

GOAL 21 A vibrant urban core that accommodates high-quality residential, entertainment, commercial, hospitality, civic, and public spaces

- Policy 21.1** **Community Focal Point.** Establish Downtown as the anchor for local businesses, public amenities, and public space experiences.
- Policy 21.2** **Destination.** Create a destination that includes uses and spaces for public gathering areas, community events, and local activities.
- Policy 21.3** **Pedestrian Connections.** Create pedestrian connections from Downtown to the Civic Center, Garvey Corridor, and Garfield Avenue medical uses using urban design and landscaping approaches.
- Policy 21.4** **Identity.** Strengthen the identify and character of Downtown through design, landscaping, public art, branding, and signage using consistent themes.
- Policy 21.5** **Wayfinding.** Establish a wayfinding program to assist in identifying location of Barnes Park, Monterey Park Bruggemeyer Library, the Garfield Medical Center, and other surrounding landmarks and uses.



FOCUS AREA: NORTH ATLANTIC

Located at the northern boundary of the City along Atlantic Boulevard, the North Atlantic mixed-use district serves a gateway that combines hospitality, retail and commercial services, culture and arts, entertainment, and residential uses. Development along this corridor is urban and compact and, while Atlantic Boulevard is a heavily traveled vehicular corridor, encourages people to walk and frequent businesses and uses on both sides of the corridor.

GOAL 22 A vibrant, urban gateway that integrates commercial, hospitality, entertainment, and residential uses

- Policy 22.1 Gateway Identity and Urban Design.** Establish a focal northern gateway into Monterey Park that welcomes visitors and identifies the district as a key destination. Incorporate gateway signage, wayfinding, and landscaping to create a sense of arrival. Extend similar treatments within the district to identify the district visually.
- Policy 22.2 Tourism and Entertainment.** Expand upon mixed-use activities that support tourism and complement economic success, vibrancy, and livability, with a special focus on hospitality, cultural events and institutions, retail, public spaces, and arts and entertainment.
- Policy 22.3 Encourage Activity.** Encourage the development of uses that are active in the evenings and on weekends, such as restaurants, commercial services, retail stores, and performance spaces.
- Policy 22.4 Active Streetfront.** Require new development fronting Atlantic Boulevard to be clearly oriented toward the street, with buildings near the front lot line and parking either underground or to the rear of a lot.
- Policy 22.5 Design Approaches.** Require design approaches that provide for façade articulation vertically and horizontally, transition appropriately to abutting lower-scale residential uses in residential zones, incorporate pedestrian-oriented design on the ground floor (such as ample windows and inviting entrances), make use of plazas, and incorporate interesting roof forms.



FOCUS AREA: DOWNTOWN PERIMETER

The Downtown Perimeter encompasses properties around the urban core, extending to the Civic Center and Barnes Park and north and south along Garfield Avenue. The goal is to extend the mixed-use character of the Downtown core but at lower development intensities and to allow stand-alone residential uses.

GOAL 23 A Downtown core-adjacent district of high-quality residential, commercial, civic, and public spaces

- Policy 23.1** **Integration of Civic Center with Mixed-Use District.** Allow for a mix of compatible residential and commercial uses that connect the Civic Center to the Downtown Core.
- Policy 23.2** **Transitions.** Ensure development within the Downtown Perimeter transitions in scale to the adjacent low-density residential neighborhoods.



FOCUS AREA: GARVEY CORRIDOR

The Garvey Corridor, stretching from Atlantic Boulevard to New Avenue, is a lower-intensity mixed-use corridor that emphasizes commercial businesses on the ground floor, integration of residential and/or office uses on the upper floors, and restaurants, retail services, and convenience goods for residents and visitors. New development is encouraged to provide opportunities for people to live and work in the same building. Many of the single-story buildings will transition to multi-story buildings, with interfaces to adjacent low-density residential neighborhoods respected by increased building setbacks and rear building forms that step down toward the neighborhoods. Incentives and procedural enticements are provided to encourage consolidating smaller lots to allow for complete developments.

To address parking needs at a district level, the City envisions construction of one or more public parking garages at central locations, thus allowing visitors to park once to patronize numerous businesses (and to have employees park, thus freeing up spaces adjacent to business for less mobile visitors).

GOAL 24 A modest-intensity, pedestrian-friendly, mixed-use corridor that provides active street frontage with a mix of retail, commercial services, restaurants, and residential uses

- Policy 24.1** **Active Street Front.** Encourage pedestrian activity along Garfield Avenue by requiring active street frontage commercial uses, buildings, and entrances oriented to the street and sidewalks, outdoor dining, and transparent building frontages.
- Policy 24.2** **Balance.** Encourage pedestrian-oriented specialty retail shops offering quality goods, a diverse range of restaurants, and service businesses. Attract a balance of locally owned businesses and franchise or corporate enterprises.
- Policy 24.3** **Incentives for Lot Consolidation.** Develop financial and procedural incentives for property owners to consolidate smaller lots for larger development projects.
- Policy 24.4** **Building Façade Renovations.** Encourage the renovation and updating of older building façades.
- Policy 24.5** **Parking.** Promote a variety of parking opportunities that take advantage of alleyways

and parking structures that promote park-once-and-walk strategies.

Policy 24.6 **Transition.** Maintain established alleyways and use landscaped buffers, building step-downs, and setbacks to transition mixed-use buildings to adjoining low-density residential neighborhoods.

Policy 24.7 **Parklets.** Considering using side streets that intersect Garvey Avenue for adding parklets to expand outdoor dining options and add public gathering and urban green spaces.



INNOVATION/ TECHNOLOGY USES



INTENSITIES

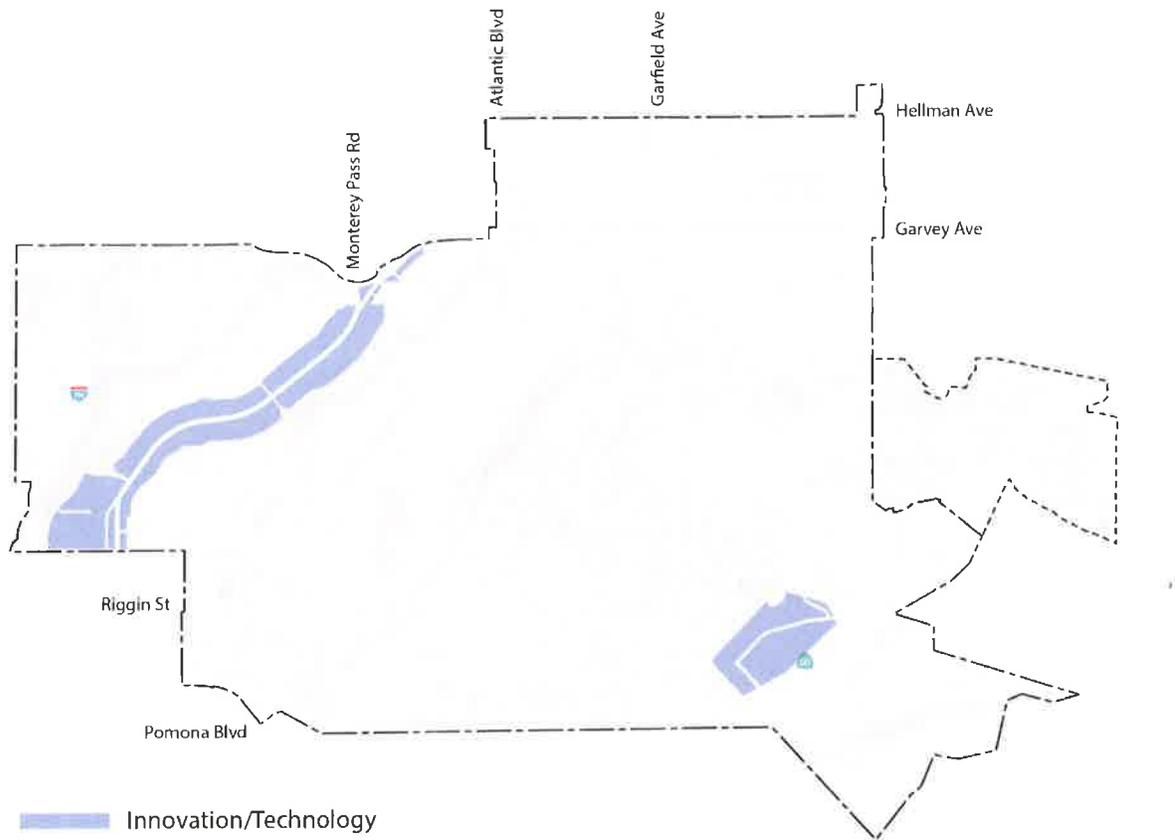
MONTEREY PASS
FAR: 0.65
HEIGHT (FT): 35

SATURN PARK
FAR: 1.00
HEIGHT (FT): 50

CORPORATE PLACE
FAR: 1.00
HEIGHT (FT): 50

A list of all land-use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.





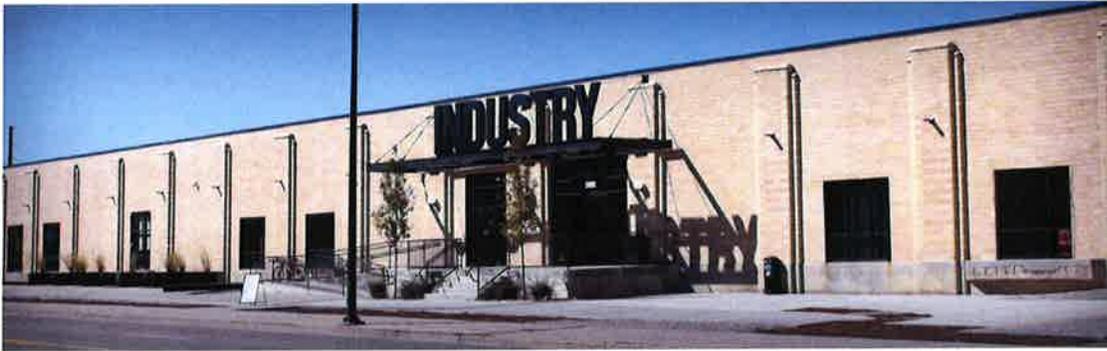
Technology will continue to evolve rapidly, changing how people work and do business. The City aims to accommodate and encourage new businesses that promote innovation and advances in technology, creating places for high-skilled and knowledge workers. The Monterey Pass Road corridor and Saturn Park district (on Saturn Street) provide prime properties, easy access to arterial roadways and freeways, and locations near housing perfect for new, clean technology, and creative industries.

The Monterey Pass Road corridor and Saturn Park district historically have been areas where a range of industrial businesses—including intensive manufacturing operations—have thrived. However, in Saturn Park, uses transitioned in the latter 1990s to lighter industrial and office enterprises in response to public concerns about the proximity of heavy industrial uses to residential neighborhoods. Along Monterey Pass Road, warehousing, trucking, and auto repair uses increased because of the distance from neighborhoods and relatively easy freeway access. While these uses have provided service-oriented jobs, the City is interested in attracting industries that offer higher-paying jobs and attract people of diverse interests, incomes, and talents who wish to both live and work in

Monterey Park.

Properties along Monterey Pass Road and south of Davidson Drive between Monterey Pass Road and Corporate Center Drive have interesting and unique industrial buildings that can be retrofitted for creative office, research and development, and even commercial space such as breweries. The City’s goal is to phase out trucking-intensive uses in favor of more environmentally sensitive businesses. Also, the City aims to improve the physical appearance of the corridor with increased landscaping, improved signage, identity lighting, and other public realm interventions. Finally, to provide for better interaction among land uses along the corridor, the City will provide better accommodations for pedestrians and cyclists and limit cut-through traffic, as described in the Mobility Element.

Saturn Park will continue to function as a business park, focused on office-type and research and development uses, with supportive commercial businesses. Private reinvestment in properties will be encouraged through higher development intensity allowances. In turn, the City will require greater attention to landscaping, creative site design, and building quality.



GOAL 25 Monterey Pass Road as a prime location for new technology-oriented, creative industry, and emerging trends businesses

Policy 25.1 **Zoning.** Ensure that zoning regulations applicable to the Monterey Pass Road corridor permit the range of uses necessary to achieve land use goals. Prohibit uses that conflict with those goals, including prohibition of warehousing and trucking-related uses.

Policy 25.2 **Amortization.** Consider limited use of amortization provisions in the zoning ordinance to eliminate businesses incompatible with long-term land use objectives for the Monterey Pass Road corridor.

Identity. Create a distinct

Policy 25.3 physical identity for the Monterey Pass Road Innovation/Technology district.

Policy 25.4 **Market.** Market the premier location of the Monterey Pass Road Innovation/Technology district relative to its proximity to California State University Los Angeles and East Los Angeles College for incubator businesses and public/private partnerships and investments.



GOAL 26 Saturn Park as a destination business park for high-quality service industry, research and development, and emerging industry jobs

Policy 26.1 **Zoning.** Ensure that zoning regulations applicable to Saturn Park permit the range of uses necessary to achieve land use goals. Prohibit uses that conflict with the goals.

Policy 26.2 **Market.** Market the Saturn Park district as a premier location in the San Gabriel Valley for emerging technology businesses.

Policy 26.3 **Identity.** Create a distinct physical identity for the Saturn Park district.

CORPORATE CENTER USES



INTENSITIES

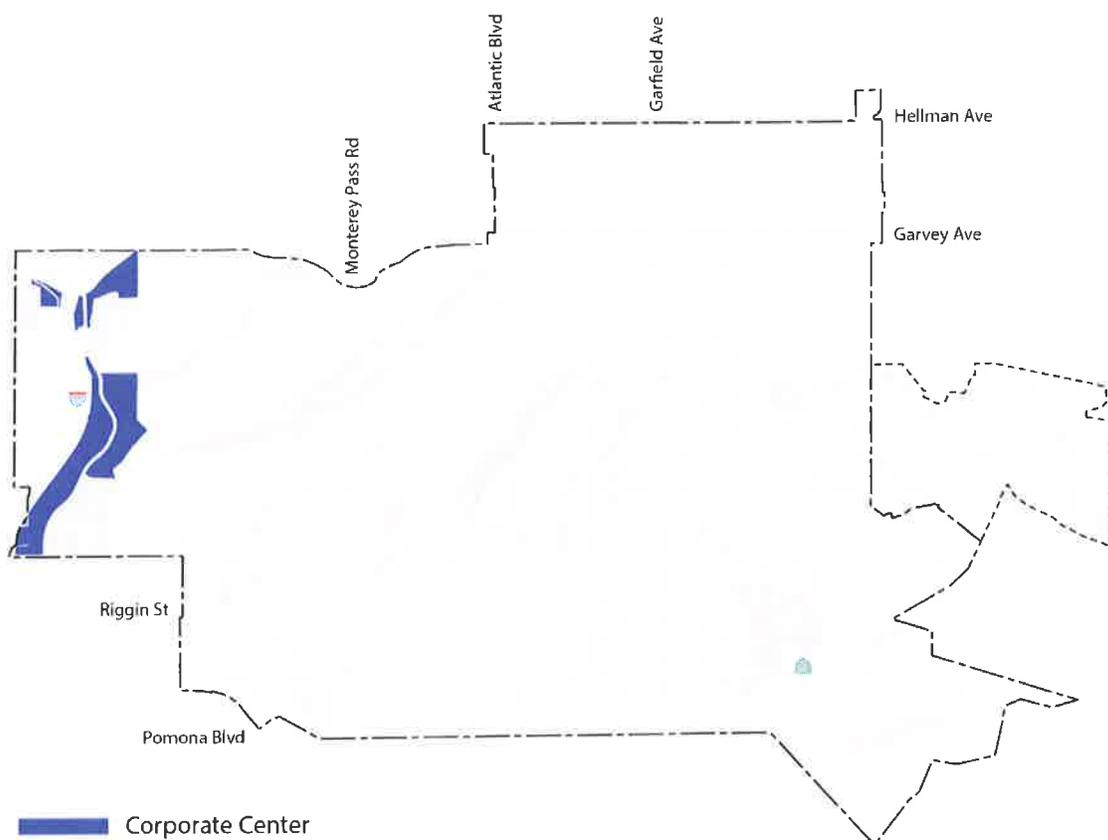
CORPORATE CENTER N
FAR: 2.00
HEIGHT (FT): 60

CORPORATE CENTER S
FAR: 4.00
HEIGHT (FT): 125



A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.





Corporate Center Drive winds along the west side of Monterey Park, parallel to I-710 and up a steep south-to-north grade that terminates at Ramona Boulevard, adjacent to the City-owned Monterey Park Golf Club. The hilly terrain provides tremendous views to the west. City land-use policy has long recognized that topography in this area and its relative separation from the rest of Monterey Park provide opportunity to allow more intense, high-rise development approaches. Also, City-owned properties adjacent to the golf course offer sites for hospitality businesses that can take advantage of views and proximity to I-710 and I-10. With downtown Los Angeles a short drive west along I-10 and California State University Los Angeles just across the freeway, the Corporate Center Drive district is well located to offer a market for corporate office, hotel, and support uses.

This district is divided into two subdistricts to reflect

location-appropriate FAR and building height limits. The district will continue to provide places for higher intensity office uses, as well as hotels, conference facilities, and ancillary restaurant and retail businesses. Building intensities will be allowed consistent with Figure LU-4 (Regulating Plan).

Regarding the golf course-adjacent properties, the City's aim is to maximize revenue-generating businesses that attract tourist and business visitor dollars.

New investment consisting of taller buildings may incorporate multi-story parking structures. Design standards will require design approaches that well integrate parking facilities into overall site design and architectural treatments. Ample landscaping will be required. Where multi-story structures abut residentially zoned properties, project design will make use of increased setbacks and building tiering and stepbacks to

ALL CORPORATE CENTER USES

GOAL 27 Corporate Center corridor as a premier regional location for high-rise office, hospitality, and complementary uses

- Policy 27.1** **Zoning.** Ensure that zoning regulations applicable to Corporate Center properties permit the range of uses necessary to achieve land use goals. Prohibit uses that conflict with those goals.
- Policy 27.2** **Market.** Market the premier location of the Corporate Center district relative to its proximity to downtown Los Angeles, California State University Los Angeles, and East Los Angeles College for corporate headquarters, research and development facilities, hotels, conference facilities, and related uses.
- Policy 27.3** **Maximize Use of City Properties.** Actively seek users for City-owned properties adjacent to the Monterey Park Golf Club that maximize use of the properties and generate reliable revenue streams.



PUBLIC FACILITIES



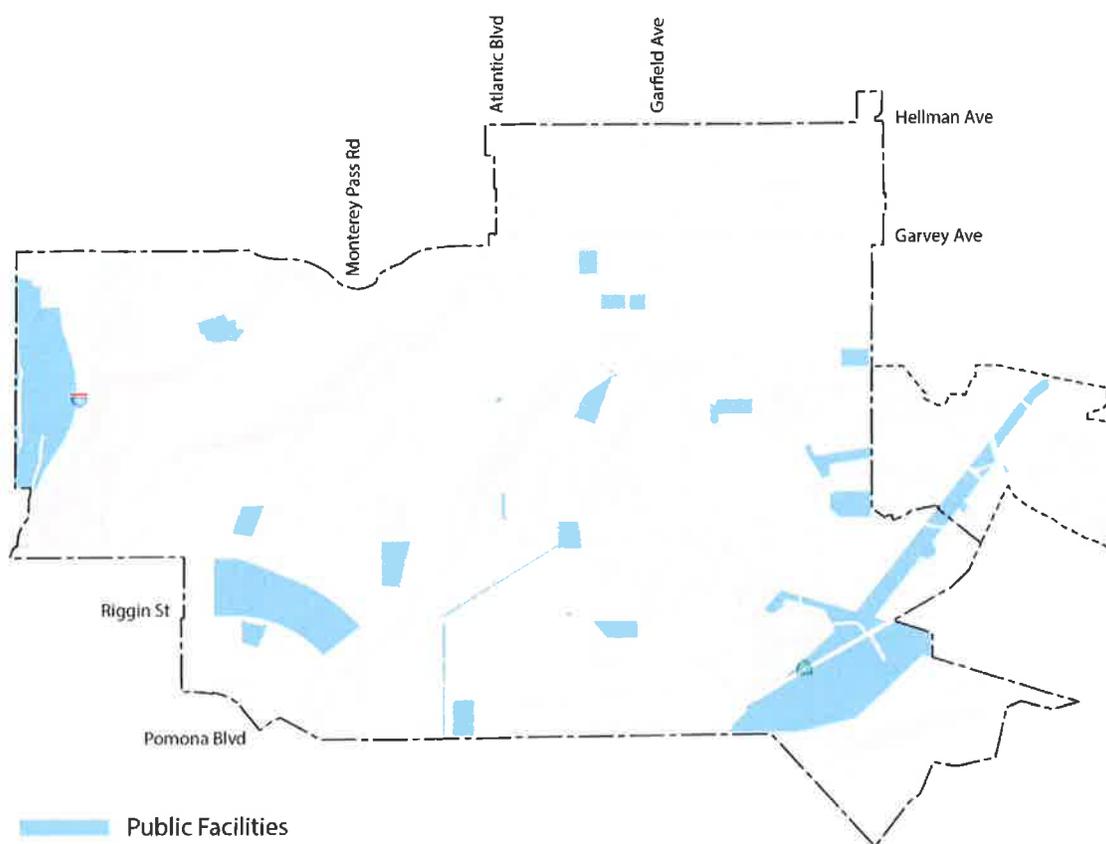
INTENSITIES

All Public Facilities
FAR: 0.75
HEIGHT (FT): Per Zoning



A list of all land use designated DENSITIES & INTENSITIES is provided in Table LU-1.





The Public Facilities designation encompasses government, civic, cultural, public school, and infrastructure uses that support community needs. Monterey Park has well-used community facilities and a library that provide important places for gathering and education. Programs at these facilities contribute significantly to community life; residents have expressed the importance of upgrading these facilities in response to heavy use.

Regarding public schools, four distinct school districts serve City students, which is unusual, as well as a bit chaotic and confusing for residents. Often home values can be affected by the school district's quality, which in turn affects neighborhood quality. While the land use plan recognizes the location of established schools, it does not and cannot address the influences of school district boundaries. However, the City is supportive of efforts to consolidate districts or redraw district boundaries.



GOAL 28 State-of-the-art community facilities that support established programs, accommodate future needs, and are accessible to all community members

Policy 28.1 **Functional and Flexible.** Maintain multi-functional, flexible, and complementary space at Monterey Park's community buildings and spaces.

Policy 28.2 **Maximize Use.** Maximize public facility use by sharing with nonprofit organizations, school districts, and community organizations.

Policy 28.3 **New Facilities.** Locate new community facilities in neighborhoods and centers where they will serve populations of the greatest needs. Look for opportunities to create joint-use community space at facilities owned by private organizations such as faith-based groups, service groups, and hospitals.

Policy 28.4 **Library.** Maintain a state-of-the-art library collection in an attractive and inviting facility capable of accommodating users of all ages and abilities.



GOAL 29 Utility infrastructure that minimize adverse visual impacts

Policy 29.1 **New Facilities.** Locate and design new capital-intensive potable water storage and distribution facilities, particularly storage tanks, in a manner that minimizes visual, cost, and environmental impacts on the surrounding areas.

Policy 29.2 **Reduce Visual Impact.** Reduce visual impact of aboveground and overhead utilities, including electric lines, by working with local providers to maximize opportunities to place utilities underground.

Policy 29.3 **Utilities Placement.** Continue to require the placement of utilities underground within new development.

Policy 29.4 **Undergrounding.** Strengthen requirements for underground utilities in older sections of the City as part of private redevelopment projects to improve the aesthetic quality of streets and neighborhoods.

Policy 29.5 **Alternative Energy.** Accommodate alternative energy infrastructure as new technology evolves.

OPEN SPACE



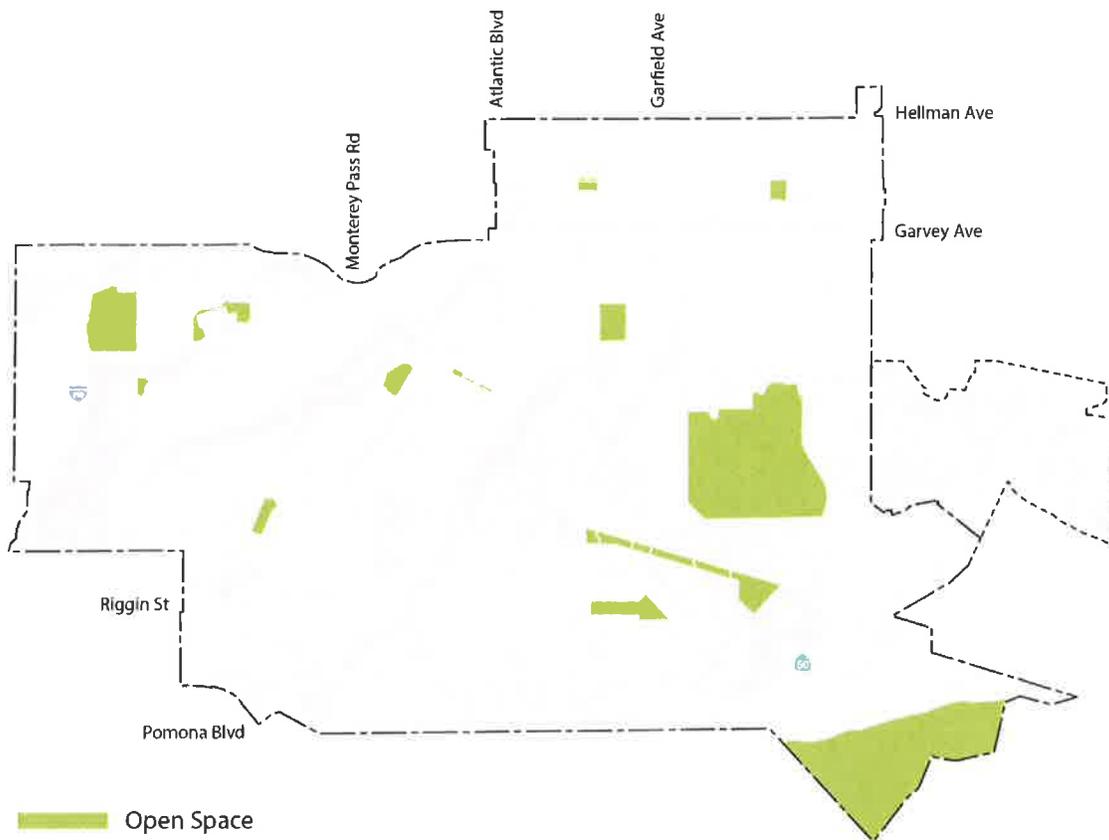
INTENSITIES

All Open Space
FAR: 0.35
HEIGHT (FT): Per Zoning



A list of all land use designated **DENSITIES & INTENSITIES** is provided in Table LU-1.





Natural open spaces and urban recreation areas contribute to a healthy and environmentally sustainable community. While Monterey Park has well-used parks, establishing new green space will be difficult given the community’s built-out character. The General Plan features traditional concepts for open space, as well as innovative open space such as parklets, public right-of way conversions, and urban recreation/plazas/facilities.

Other open spaces include a former landfill and the Monterey Park Golf Club. While the portion of the former landfill north of SR-60 has been remediated and developed as the Market Place commercial center, the 145-acre portion south of SR-60 remains a Superfund site (as designated by the U.S. Environmental Protection Agency)

and is thus unavailable for development or even passive open space use due to extensive contamination. The Monterey Park Golf Club, a City-owned nine-hole facility, is available for general public use.

Given the very limited opportunities to create new open space, focused creative solutions to meet demands of new residents include:

- Creating mini green spaces in conjunction with roadway enhancements
- Creating urban recreation spaces through public plazas and linear greenways
- Supporting urban agriculture and community gardens

GOAL 30 Unique new open spaces to complement the City’s established and well-used park and trails systems

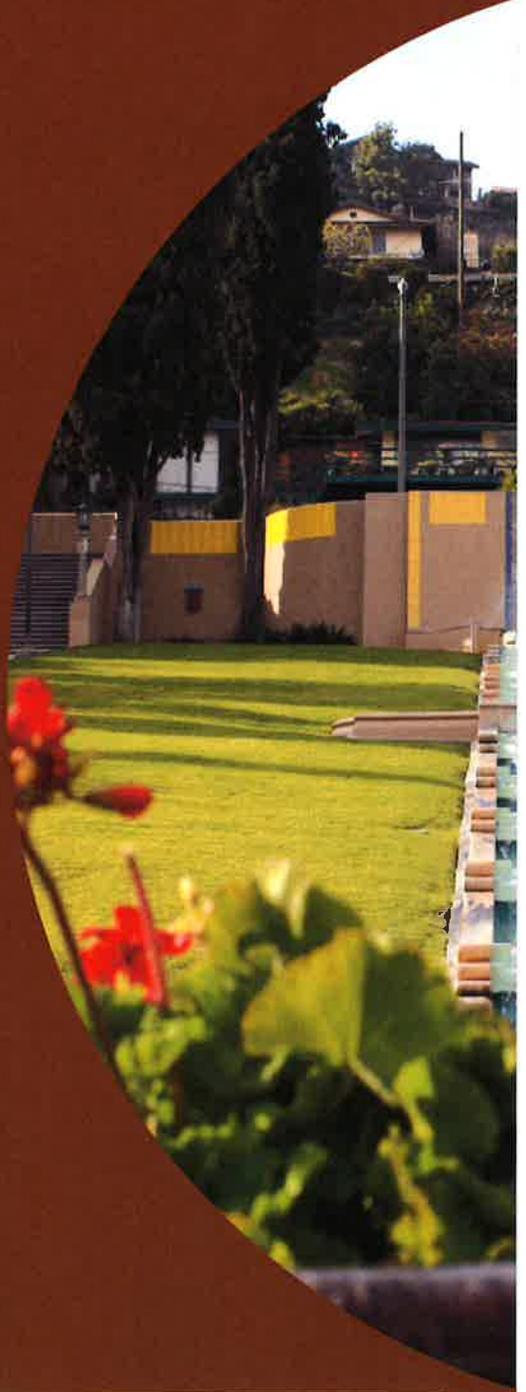
- Policy 30.1** **Trails System.** Create and maintain a system of trails, sidewalks, linear parks, and other connections that provide residents of all abilities with opportunities to exercise, enjoy nature, and access recreation facilities within a five-minute walk from home. Activate and encourage discovery along urban trails.
- Policy 30.2** **Green Space.** Consider the development of new park land or green space through the repurposing of excess street right-of-way.
- Policy 30.3** **Gardens.** Pursue the use of Edison Trails Park for community gardens and urban agriculture.
- Policy 30.4** **Public Spaces.** Develop guidelines for commercial and mixed-use development projects to incorporate accessible plazas, paseos, and other public spaces into project design.
- Policy 30.5** **Community Gathering Spaces.** Design, construct, and program community gathering spaces, plazas, and an outdoor stage/amphitheater in the Downtown Core, Garvey Corridor, North Atlantic, and South Atlantic focus areas.
- Policy 30.6** **Parkland.** Require parkland dedications and/or provision of usable onsite public space for significant development projects involving new residential construction.
- Policy 30.7** **Surplus Land.** Consider the acquisition of surplus land owned by public agencies for future open space.
- Policy 30.8** **Urban Agriculture.** Create urban agriculture areas to encourage property owners of vacant parcels to convert them into community gardens through the incentives made available through the Urban Agriculture Incentive Zones Act (Sections 51040-51042 of Chapter 6.3 of the California Government Code).
- Policy 30.9** **Recreational Space.** Enhance street corridors, parkways, and public property between buildings to serve as green space and functional recreation space (e.g., community gardens, parklets, play spaces, public seating).

GOAL 31 Public places evolve to meet the needs of changing demographics and public interests

- Policy 31.1** **Flexible Design.** Incorporate flexible design characteristics into the renovation of existing and development of new parks and community facilities.
- Policy 31.2** **Environmental Responsibility.** Continue to build, renovate, and maintain parks and community facilities in a manner that is environmentally responsible.

“Now and in the future, our city will offer a comfortable and modern environment with plenty of job opportunities.”

- Monterey Park resident



IMPLEMENTATION PLAN



TABLE LU-2 IMPLEMENTATION PLAN TABLE

Procedures, Permits, Agreements, and Ordinances

PROGRAM 1: AMEND ZONING REGULATIONS

Program Description	<p>Amend the zoning regulations and zoning map to reflect General Plan land use policy and design standards. In particular:</p> <ul style="list-style-type: none"> • Require active storefronts in Mixed Use designated areas • Provide flexibility to accommodate emerging new uses, markets, and business practices over time • Implement development incentives geared toward land assembly • Accommodate transit-oriented districts and uses around future (planned and proposed) Gold Line stations • Match development standards, including maximum densities, intensities, FAR, du/ac, building heights, to General Plan land use designation standards • Include standards that address building massing and front façade transparency • Create standards for transition areas to ensure new development is compatible with established uses • Allow housing as part of mixed-use development projects along the west side of Atlantic Boulevard • Ensure compliance with California law as to affordable housing, density bonuses and inclusionary housing requirements • Allow for urban agriculture, community gardens, and gathering spaces
Related Land Use & Urban Design Element Policies	11, 1.2, 1.5, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.4, 3.7, 6.1, 6.2, 6.4, 7.1, 7.3, 7.4, 7.5, 7.6, 7.7, 9.1, 9.2, 10.1, 10.2, 11.1, 12.1, 14.1, 14.4, 15.1, 16.1, 17.3, 18.1, 18.2, 18.3, 18.7, 19.1, 20.1, 20.4, 20.5, 20.8, 20.9, 22.5, 24.6, 25.1, 26.1, 27.1
Time Frame	After LUE approval
Responsibility	Planning, Community and Economic Development
Funding Source(s)	General Fund

PROGRAM 2: ACCESSORY DWELLING UNIT (ADU) LAW COMPLIANCE

Program Description	Update accessory unit requirements and regulations to comply with current California law.
Related Land Use & Urban Design Element Policies	6.3, 7.8
Time Frame	Short Term
Responsibility	Planning, Building and Safety, Code Enforcement
Funding Source(s)	General Fund

PROGRAM 3: DEVELOPMENT STANDARDS AND GUIDELINES

Program Description	<p>Create and codify development standards and guidelines to direct site and building design in accordance with the Land Use and Urban Design Element. Standards and guidelines should address:</p> <ul style="list-style-type: none"> • Private and public realm standards requirements that reflect a distinctive community character • Pedestrian circulation and safety • Parking • Building materials, massing and orientation • Architectural character, drawing design inspiration from historical influences (i.e. Cascades fountain) • Landscaping and public art • Pedestrian amenities (e.g., benches, trash receptacles, street trees, and lighting)
Related Land Use & Urban Design Element Policies	1.3, 1.4, 1.6, 8.2, 8.3, 8.4, 8.5, 8.6, 10.4, 13.1, 14.3, 15.3, 15.4, 17.2, 18.4
Time Frame	Short Term and Ongoing
Responsibility	Planning
Funding Source(s)	General Fund

PROGRAM 4: AMORTIZATION

Program Description	Conduct an investigation of uses throughout nonresidential designated areas to determine which are inconsistent with the policy direction outlined in sections 2.7 through 2.14 of the Land Use and Urban Design Element. Establish a program for the gradual relocation, or elimination, of specific nonconforming uses.
Related Land Use & Urban Design Element Policies	25.2
Time Frame	Intermediate Term
Responsibility	Planning
Funding Source(s)	General Fund

PROGRAM 5: DEVELOPMENT APPLICATION PROCESS AND DESIGN REVIEW

Program Description	Examine the current plan review, permitting, and design review processes to ensure: <ul style="list-style-type: none"> • Comprehensive review of all new commercial and industrial developmet • Dependable, transparent, and on schedule processing of all applications
Related Land Use & Urban Design Element Policies	12.2
Time Frame	Short Term and Ongoing
Responsibility	Planning
Funding Source(s)	General Fund, Application Fees

PROGRAM 6: PLAN CONSISTENCY

Program Description	<ul style="list-style-type: none">• Repeal the North Atlantic, Mid Atlantic, and Garvey-Garfield specific plans and replace them with zone districts. As needed, develop streetscape plans for these areas.• Review the Pedestrian Linkages Plan and update as necessary to implement land use and urban design policies.
Related Land Use & Urban Design Element Policies	17.1, 21.3
Time Frame	Short Term
Responsibility	Community and Economic Development
Funding Source(s)	General Fund

Plans and Studies

PROGRAM 7: STREETScape PLAN

Program Description	Create and implement a citywide streetscape plan that: <ul style="list-style-type: none">• Enhances streetscapes with aesthetic treatments that also contribute to the comfort and safety of pedestrians• Creates well-defined, recognizable districts and neighborhoods• Provides consistent design themes• Requires integrated street and pedestrian amenities such as landscaping, street furniture, outdoor dining, lighting, wayfinding signage, public art• Uses the public realm to connect places and districts citywide• Includes durable pedestrian and bicycle facilities including trails, sidewalks, bike lanes, and linear parks• Incorporates design strategies that encourage flexibility and a range of uses and users• Provides residents and visitors with functional and flexible spaces at and around the City's public community buildings and facilities
Related Land Use & Urban Design Element Policies	1.3, 1.4, 1.6, 20.2, 20.3, 22.4, 24.1, 25.3, 26.3, 28.1, 30.1, 30.9, 31.1
Time Frame	Intermediate to Long Term
Responsibility	Planning, Engineering, Public Works
Funding Source(s)	CIP Funds, Grants

PROGRAM 8: ECONOMIC DEVELOPMENT PLAN

Program Description	As part of the City’s ongoing economic development efforts: <ul style="list-style-type: none">• Seek well-known, economically proven hospitality users for City-owned properties within the Corporate Center district• Consider land acquisition as a way to create larger, marketable properties• Promote and market the City’s assets and opportunities• Ensure access between residential and non-residential uses, services, and public facilities
Related Land Use & Urban Design Element Policies	5.1, 5.2, 10.3, 25.4, 26.2, 27.2, 27.3, 30.7, 30.8, 30.5
Time Frame	Ongoing
Responsibility	Planning, Community and Economic Development, City Council
Funding Source(s)	General Fund, BID Funds, Grants

PROGRAM 9: GATEWAY AND WAYFINDING PLAN

Program Description	Develop a citywide gateway and wayfinding plan to: <ul style="list-style-type: none"> • Help identify major activity areas, landmarks, key businesses, and community facilities • Create a sense of arrival • Foster a sense of community and identity • Welcome visitors and increase tourism revenue
Related Land Use & Urban Design Element Policies	13.2, 20.3, 21.4, 21.5, 22.1
Time Frame	Intermediate Term
Responsibility	City Manager, Public Works, Community and Economic Development
Funding Source(s)	General Fund, Grants

PROGRAM 10: PARKING MANAGEMENT PLAN

Program Description	Develop a parking management plan to address: <ul style="list-style-type: none"> • Traffic flow • Parking lot circulation (including landscaping and pedestrian passageways) • Vehicular and pedestrian circulation and safety • New development requirements (including parking needs along Garvey Avenue)
Related Land Use & Urban Design Element Policies	14.2, 15.2, 20.6, 24.5
Time Frame	Short Term
Responsibility	Public Works
Funding Source(s)	General Fund

PROGRAM 11: CLIMATE CHANGE ACTION PLAN

Program Description	Develop a Climate Change Action Plan to address: <ul style="list-style-type: none">• Sustainable development best practices and new development requirements• Reducing environmental burdens, particularly in identified disadvantaged communities• Mitigating urban heat island effect and increased tree canopy coverage• Approaches to decrease vehicle miles traveled and increase active transportation (walking, bicycling)
Related Land Use & Urban Design Element Policies	4.1, 4.2, 4.3, 4.4, 4.5, 4.6
Time Frame	Intermediate Term
Responsibility	Planning
Funding Source(s)	General Fund, Grants

Physical Improvements

PROGRAM 12: EXPAND RECREATIONAL AND OPEN SPACES

Program Description	Encourage active living, physical activity, health, and wellness by creating and maintaining a green network that provides ready access to parks, open space, trails, gardens, plazas, and public spaces.
Related Land Use & Urban Design Element Policies	3.6, 3.8, 28.1, 28.2, 30.1, 30.2, 30.3, 30.4, 30.5, 30.6, 30.7, 31.1, 31.2
Time Frame	Ongoing
Responsibility	Planning, Recreation and Community Services
Funding Source(s)	General Fund, Grants

PROGRAM 13: COMMERCIAL FAÇADE IMPROVEMENT PROGRAM

Program Description	Identify financial incentives that will encourage property and business owners to improve the exterior appearance of their buildings and storefronts.
Related Land Use & Urban Design Element Policies	20.7, 24.4
Time Frame	Intermediate Term and Ongoing
Responsibility	Community and Economic Development
Funding Source(s)	General Fund, Grants, BID Fees, Loans

PROGRAM 14: PARKLET PROGRAM

Program Description	Develop a parklet program that identifies potential locations and the permitting process to allow businesses, property owners, and other groups to install parklets in public rights-of-way.
Related Land Use & Urban Design Element Policies	22.4, 24.1, 24.7
Time Frame	Short Term and Ongoing
Responsibility	Planning, Public Works
Funding Source(s)	General Fund

PROGRAM 15: BUSINESS IMPROVEMENT DISTRICT (BID)

Program Description	Continue to consult with the Business Improvement District to: <ul style="list-style-type: none"> • Promote event programming • Prioritize and fund public and capital improvement projects
Related Land Use & Urban Design Element Policies	20.4, 20.7, 21.1, 21.2, 21.4, 21.5, 22.2, 22.3, 22.4, 24.1, 24.4, 24.7
Time Frame	Ongoing
Responsibility	Community and Economic Development
Funding Source(s)	General Fund, BID Fees

PROGRAM 16: SERVICE PROVIDER COORDINATION

Program Description	Consult and coordinate with local service providers (such as Southern California Edison, AT&T, etc.) to: <ul style="list-style-type: none">• Underground overhead utility lines concurrent with new development• Maximize use of existing public facilities and utilities• Strategically locate new public facilities and utilities to minimize cost, and mitigate visual and environmental impacts• Incentivize alternative energy infrastructure, technology, and use
Related Land Use & Urban Design Element Policies	12.3, 20.4, 29.1, 29.2, 29.3, 29.4, 29.5
Time Frame	Ongoing
Responsibility	Public Works
Funding Source(s)	General Fund, Grants, Development Agreements

Special Programs and Projects

PROGRAM 17: LOT CONSOLIDATION PROGRAM

Program Description	Develop a lot consolidation program that identifies regulatory and financial incentives to encourage lot consolidation to achieve the scale and quality of development envisioned in the Land Use and Urban Design Element.
Related Land Use & Urban Design Element Policies	24.3
Time Frame	Short Term
Responsibility	Community and Economic Development
Funding Source(s)	General Fund

PROGRAM 18: COMPLETE STREETS AND NEIGHBORHOODS

Program Description	<p>Develop and implement a Complete Streets and Neighborhoods program that:</p> <ul style="list-style-type: none"> • Accommodates all modes of travel (e.g. walking, bicycling, scooting, driving) • Integrates schools, childcare and community centers, green spaces and parks, and public amenities <p>Consult with developers and project applicants to require publicly accessible urban public spaces—such as plazas, courtyards, parklets, mini-parks, and similar public spaces—to be integrated into mixed-use projects.</p>
Related Land Use & Urban Design Element Policies	7.1, 18.5, 21.1, 21.2, 22.2, 22.3
Time Frame	Intermediate Term and Ongoing
Responsibility	Planning, Engineering, Recreation and Community Services, Community and Economic Development
Funding Source(s)	General Fund, Grants, Development Agreements

Education and Outreach

PROGRAM 19: ONGOING COMMUNITY EDUCATION AND ENGAGEMENT

Program Description	Encourage diverse participation in local planning and decision-making processes by: <ul style="list-style-type: none"> • Targeting outreach events to accommodate populations that are typically underserved and/or underrepresented • Publishing outreach and meeting materials in English, Spanish, and other languages, as appropriate • Engaging the public early and often throughout planning and design processes
Related Land Use & Urban Design Element Policies	5.3, 5.4, 7.2
Time Frame	Ongoing
Responsibility	City Manager, Planning
Funding Source(s)	General Fund, Grants

PROGRAM 20: EDUCATIONAL BROCHURE OR MANUAL

Program Description	Develop a graphic brochure or manual that includes illustrations and images to identify zoning standards and design approaches that effectively transition the massing and scale of taller buildings adjacent to existing Low Density residential.
Related Land Use & Urban Design Element Policies	20.5, 22.5, 23.2, 24.6
Time Frame	Short Term
Responsibility	Community and Economic Development
Funding Source(s)	General Fund



Monterey Park
2040

320 West Newmark Ave.
Monterey Park, CA 91754
montereypark2040.org

ATTACHMENT 3

Environmental Review Statement



memo pasadena

to **Samantha Tewasart, Senior Planner
City of Monterey Park**

from **Laura Stetson and Lisa Brownfield**

re **August 2019 Final EIR for the focused General Plan Update**

date **June 8, 2020**

The City Council will hold a hearing on June 17, 2020 to consider adoption of the General Plan updated Land Use Element (LUE). The LUE version that the Council will consider is originally dated September 28, 2019. The September 28, 2019 version incorporates the revisions that the Planning Commission recommended be made to the June 2019 public review draft LUE (the subject of Commission hearings). You have asked MIG to confirm that the Final Environmental Impact Report (FEIR) dated August 2019 addresses the September 28, 2019 draft LUE.

The FEIR examined the impacts associated with the adoption and long-term implementation of the land use plan and policies set forth in the June 2019 public review draft LUE. The Planning Commission recommended two revisions to the June 2019 draft LUE, both per City staff request: 1) changing the allowed height within the Market Place planning area from 35 feet to 50 feet and 2) changing the land use designation at 1688 W. Garvey Avenue from Medium Density Residential to Low Density Residential. As part of its action, the Commission also provided staff the authority to correct typographical errors and adjust pagination in the LUE. These revisions are reflected in the September 28, 2019 draft LUE. The City Council, at its June 3, 2020 meeting, suggested the Market Place planning area height be 80 feet.

The Market Place revisions cited above do not change the allowed development build-out within the Market Place planning area; the maximum floor-area ratio (FAR), not building height, controls build-out. FAR was used in the FEIR to estimate build-out and associated impacts. Thus, the FEIR addresses the revision.

The second revision cited above reduces the maximum allowable density on the 1688 W. Garvey Avenue property and thus reduces residential build-out below the level analyzed in the FEIR. The FEIR addresses the revision.

Fixing the typographical errors and adjusting the pagination to make the LUE easier to read do not result in any substantive changes that affect the FEIR analysis.

In summary, the August 2019 FEIR addresses the conditions and build-out assumptions in the September 28, 2019 draft LUE.

ATTACHMENT 4

City Council Staff Report dated October 28, 2019



City Council Staff Report

DATE: October 28, 2019

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: A Public Hearing to consider the draft Land Use Element of the General Plan, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting a Resolution adopting the Land Use Element (subject to voter approval); and certifying the Final Focused Environmental Impact and adopting Mitigation Measures, Findings of Facts and Statement of Overriding Considerations for the Land Use Element;
- (5) Directing the City Manager, or designee, to prepare appropriate documents to place a proposition on the ballot for the previously called March 3, 2020 election seeking voter ratification of the City Council's actions; and
- (6) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act)

The City prepared a draft environmental impact report ("DEIR") pursuant to CEQA Guidelines § 15080. No initial study was conducted nor were any of the CEQA Appendix G checklist topical areas eliminated from consideration of impacts. Consequently, all 20 of these topical areas were analyzed in the DEIR before determining that any impact was insignificant or less than significant. As may be seen, the DEIR identifies several significant and unavoidable impacts.

CEQA permits agencies to certify a final EIR ("FEIR") that discloses significant and unavoidable impacts if it can determine that the benefits of the proposed project outweigh the significant impacts. Significant and unavoidable impacts anticipated as a result of implementation of this Project include air quality, greenhouse gas emissions, noise, and transportation and traffic. While mitigation has been recommended to reduce these impacts, they remain significant and unavoidable for several reasons. Implementation of certain traffic and transportation improvements are outside the City's jurisdiction and the City cannot compel another agency to implement these improvements. The benefits of the proposed Project that should be weighed against

these significant and unavoidable impacts include, without limitation, economic growth and development; promotion of sustainable development; increased employment opportunities for highly skilled workers; reduction in per capita vehicle miles traveled; and the provision of housing. Accordingly, the recommendation is that the City Council adopt a Statement of Overriding Considerations in order to adopt the draft Land Use Element ("LUE").

EXECUTIVE SUMMARY:

In 2018, the City Council commenced the process for updating the Monterey Park General Plan. The first element identified by the City Council for consideration was the Land Use Element ("LUE").

On September 24, 2019, the Planning Commission reviewed the proposed draft LUE, Focused Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations (the "Project"). After considering the Project, the Commission adopted a resolution recommending that the City Council approve the draft documents. The Planning Commission staff report dated September 24, 2019, and the minutes from the September 24, 2019 Planning Commission meeting are attached for reference.

TYPE OF ACTION (LEGISLATIVE)

The recommended action includes a proposed change to the Monterey Park General Plan. In considering such actions, the City Council acts in its discretionary legislative capacity (formulating rules that apply to all future cases). For the LUE, the City Council must find that it complies with California's General Plan regulations including Government Code § 65358(a), namely that the LUE is in the public interest. Additionally, the action of placing the LUE onto the ballot for voter consideration is a legislative act under Elections Code § 9222.

These findings are included with the draft Resolution; the facts upon which these findings rely are also included with the draft documents.

The City Council may approve, modify or disapprove the Project as recommended by the Planning Commission. However, any substantial modifications proposed by the Council, which were not previously considered by the Planning Commission during its hearing(s), must first be referred back to the Planning Commission (Government Code § 65356).

Certification of the FEIR is also considered a quasi-legislative act because the City Council would need to adopt a statement of overriding considerations. This type of statement is interpreted to focus "on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like." Accordingly, the dominant concern of the action is broad and public.

BACKGROUND

In 2018, the City Council began the process for updating the Monterey Park General Plan, which was last updated in 2001. To facilitate this process, the City Council directed that the LUE be updated first. While these updates were initially planned to be completed for the November 2019 election, the cost of placing a proposition on a ballot for that election was prohibitive. Accordingly, the schedule for the LUE consideration was adjusted for the previously called March 3, 2020 election.

Between February and May of 2019, the City participated in various engagement efforts related to amending the LUE including, the formation of the General Plan Advisory Committee, a City Council initiated workshop, seven events for public attendance, a dedicated webpage on the City's website and circulation of a public survey. Following these efforts, an update was provided to the City Council on September 4, 2019. Overall, the City Council did not express concerns about the public outreach process and did not provide further direction.

On September 24, 2019, the Planning Commission considered both the DEIR and the LUE. A complete overview of the information provided to the Planning Commission – including a more in-depth explanation of proposed changes to the LUE – is included as attachments to this staff report.

Following the public hearing, the Planning Commission made the following changes to the draft LUE:

- Designated the parcel located at 1688 West Garvey Avenue from "High Density Residential" to "Low Density Residential;"¹
- Revised the language under the heading Program 11: Climate Change Action Plan Time Frame (on page 99 of the Land Use Element Action Plan) to read "Short and Intermediate."

ALTERNATIVE COMMISSION CONSIDERATIONS:

While separate from the Planning Commission's consideration of the LUE, the Planning Commission also requested that the following items be brought to the attention of the City Council:

- Further analyze whether the proposed zone change for Atlantic Square (from "Commercial" to "Mixed-Use") in the draft LUE would allow for a housing overlay zone;²

¹ From a topographical standpoint, as well as the underlying geologic issues and the proposed geotechnical solutions for development, this parcel is not a good candidate for high density residential. Specifically, development will be constrained due to the steep slopes on the property and the required corrective action to cure historic geotechnical failures on the property – which is anticipated to involve the use of tiebacks. Accordingly, the property should be designated as Low Density Residential and the LUE should be amended to reflect that change in designation.

- An ordinance to formally recognize and designate the Cascades Waterfall, El Encanto, the observatory, and Historical Museum as historical landmarks in the City; and
- Adding policies to vigorously encourage and promote higher quality property maintenance standards

FISCAL IMPACT:

The City Council has authorized \$749,607 for this Project.

Respectfully Submitted by:

Prepared By:



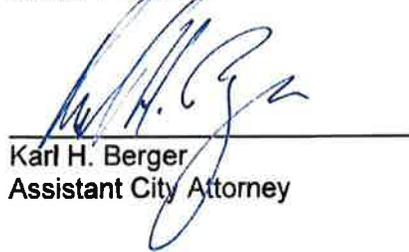
Mark A. McAvoy
Director of Public Works/City
Engineer/City Planner



Samantha Tewart
Senior Planner



Ron Bow
City Manager



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Finding of Facts and Statement of Overriding Considerations
- Attachment 3: Draft Monterey Park General Plan Land Use Element and Focused Environmental Impact Report
- Attachment 4: Letters from TRC Retail to City regarding General Plan Update – (dated September 24, 2019 and October 24, 2019)
- Attachment 5: Planning Commission Staff Report dated September 24, 2019
- Attachment 6: Planning Commission Minutes dated September 24, 2019

ATTACHMENT 5

City Council Staff Report dated November 20, 2019



City Council Staff Report

DATE: November 20, 2019

AGENDA ITEM NO: Old Business
Agenda Item 2-A

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Consideration of a draft Land Use Element (LUE) of the General Plan, Final Environmental Impact Report, and Findings of Fact and Statement of Overriding Considerations.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Adopting a Resolution adopting the Land Use Element (subject to voter approval); certifying the Final Environmental Impact Report; and adopting Mitigation Measures, Findings of Facts and Statement of Overriding Considerations for the Land Use Element; and
- (2) Taking such additional, related, action that may be desirable.

SUMMARY

On October 28, 2019, the City Council considered both the Draft Environmental Impact Report and the LUE. The staff report from that meeting is attached for reference. Following the public hearing, the City Council made the following changes to the draft LUE:

- Reduced the Housing Overlay to the portions of South Atlantic Boulevard, between Avenida Cesar Chavez and Brightwood Street (Figure LUE-3);
- Added a new Housing Overlay to portions of Corporate Center Drive (100 du/ac, 125 feet) (Figure LUE-3 and Table LUE-1); and
- Increased the Market Place height allowance to 80 feet (Figure LUE-4).

These changes were incorporated into the draft LUE for review and consideration. However, with regard to the new Corporate Center Drive Housing Overlay, the record is unclear as to the proposed limits of the Overlay zone in relation to Corporate Center Drive, *e.g.*, whether the Overlay zone will be limited to the east side of Corporate Center Drive, or whether it will include both the east and west sides of Corporate Center Drive. Consequently, staff prepared two maps – Land Use Policy Map 1 (which limits the Overlay zone to the east side of Corporate Center Drive) and Land Use Policy Map 2 (which includes both the east and west sides of Corporate Center Drive into the

Staff Report
Page 2

proposed Overlay zone) – and requests further clarification from Council as to which map accurately depicts Council’s direction.

Respectfully Submitted by:

Prepared By:



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



Samantha Tewasart
Senior Planner



Ron Bow
City Manager



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Findings of Fact and Statement of Overriding Considerations
- Attachment 3: Draft Monterey Park General Plan Land Use Element and Focused Environmental Impact Report
- Attachment 4: City Council Staff Report dated October 28, 2019
- Attachment 5: Land Use Policy Map 1 and Land Use Policy Map 2

ATTACHMENT 6

City Council Staff Report dated December 5, 2019



City Council Staff Report

DATE: December 5, 2019

AGENDA ITEM NO: Public Hearing
Agenda Item 2-A

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Consideration of a draft Land Use Element (LUE) of the General Plan, Final Environmental Impact Report, Findings of Fact, and Statement of Overriding Considerations.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Opening a public hearing and taking testimonial and documentary evidence;
- (2) After the public hearing and considering the evidence submitted during the public hearing, adopt a Resolution adopting the Land Use Element (subject to voter approval); certifying the Final Environmental Impact Report; and adopting Mitigation Measures, Findings of Facts and Statement of Overriding Considerations for the Land Use Element; and
- (3) Taking such additional, related, action that may be desirable.

SUMMARY

On October 28, 2019 and November 20, 2019, the City Council considered both the Draft Environmental Impact Report and the LUE. The staff reports from both meetings are attached for reference. At the November 20, 2019 public hearing, the City Council confirmed the following changes to the draft LUE:

- Reduced the Housing Overlay to the portions of South Atlantic Boulevard, between Avenida Cesar Chavez and Brightwood Street (Figure LUE-3);
- Added a new Housing Overlay to Corporate Center South (90 du/ac, 125 feet) (Figure LUE-3 and Table LUE-1);
- Increased the Market Place height allowance to 80 feet (Figure LUE-4);
- Reduced the floor area ratio (FAR) to 60 percent and height to 40 feet in the Saturn Park area – consistent with 2001 LUE (Figure LUE-4) and revised Policy 25.1 to address hazardous materials; and
- Clarified Policy 20.1 regarding the Downtown area (page 64) and Innovation Technology Uses Focus Area description (page 73) regarding cut-through traffic.

At the November 20th meeting, the City Council considered the draft 6th Cycle Regional Housing Needs Assessment (RHNA) housing numbers allocated to the City by the Southern California Association of Governments (SCAG) Regional Council-approved draft RHNA Allocation Methodology. Based upon that discussion, the City Council directed staff to research adding a Housing Overlay to the Sybil Brand area west of the 710 Interstate Freeway designated as Public Facility and to the Garvey Reservoir property designated as Open Space. According to SCAG, the City was allocated a draft number of 5,221 housing units for the planning period of 2021 to 2019.

After the meeting, staff and the City's consultant (MIG) analyzed the number of housing units that could potentially result from adding a Housing Overlay to the Corporate Center, Sybil Brand, and Garvey Reservoir areas. An Options Matrix table was prepared to summarize the three scenarios, including Option 1: Proposed Land Use Plan plus Housing Overlay I on both sides of Corporate Center Drive, Option 2: Adding Housing Overlay II to Sybil Brand site plus adjacent vacant parcel, and Option 3: Adding Housing II to Garvey Reservoir site.

The Matrix table shows net capacity relative to existing conditions. Option 1 could potentially yield 1,400 units at 90 units per acre resulting in a cumulative net new unit count of 5,236 units. Option 2 could potentially yield 1,410 at 60 units per acre resulting in a cumulative net new unit count of 6,646 units. Option three could potentially yield 3,870 units at 30 units per acre resulting in a cumulative net new unit count of 10,516.

As shown on the Options Matrix table, Option 1 is analyzed in the DEIR; Options 2 and 3 are not.

Three maps have been prepared for the City Council's consideration, including Land Use Policy Map Option 1 (which shows the Overlay zone added to the Corporate Center Drive area), Land Use Policy Map 2, (which shows the Overlay zone added to the Corporate Center Drive and the Sybil Brand areas), and Land Use Policy Map 3 (which shows the Overlay zone added to the Corporate Center Drive, Sybil Brand, and Garvey Reservoir areas).

CEQA (California Environmental Quality Act):

As shown on the Matrix table, Option 1 was analyzed in the General Plan DEIR; Options 2 and 3 are not analyzed. For Option 1, the DEIR assumes 9,971 net new trips. If instead of offices, residential units are built, then approximately 1,400 residential units could be built without requiring additional CEQA analysis. For Option 2, the DEIR assumes no new trips because no changes were proposed to the Sybil Brand area as part of the circulated DEIR. Option 2 would add approximately 10,321 new trips and, accordingly, would require additional CEQA analysis and – likely – recirculation of the DEIR. For Option 3, the DEIR assumed no new trips because no changes were proposed to Garvey Reservoir as part of the circulated DEIR. Option 3 would add approximately 28,328 new trips and certainly require additional CEQA analysis and recirculation of the DEIR.

Respectfully Submitted by:

Prepared By:



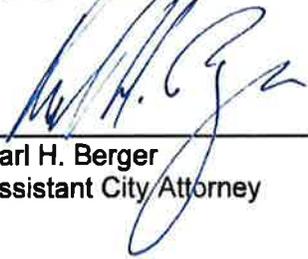
Mark A. McAvoy
Director of Public Works/City
Engineer/City Planner



Samantha Tewasart
Senior Planner



Ron Bow
City Manager



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Draft Resolution
- Attachment 2: Findings of Fact and Statement of Overriding Considerations
- Attachment 3: Draft Monterey Park General Plan Land Use Element and Focused Environmental Impact Report
- Attachment 4: City Council Staff Report dated October 28, 2019
- Attachment 5: City Council Staff Report dated November 20, 2019
- Attachment 6: Options Matrix Table
- Attachment 7: Proposed LUE Plan Options 1, 2, and 3

ATTACHMENT 7

City Council Staff Report dated June 3, 2020



City Council Staff Report

DATE: June 3, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-C

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: Draft Land Use Element (LUE) of the General Plan.

RECOMMENDATION:

It is recommended that the City Council consider:

- (1) Receiving and filing this report; and
- (2) Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City Council adopted a new land use element ("LUE") on December 5, 2019. That LUE was placed on the March 2020 ballot as Measure II for voter approval. Measure II, however, was not adopted by voters and, accordingly, did not become effective.

It is recommended that the City Council consider amending the LUE and placing that version of the LUE on the November 2020 ballot for voter consideration. As explained more fully below, the recommended LUE would reflect the original version that was recommended by the Planning Commission and first considered by the City Council on October 28, 2019. It would not include provisions added by the City Council between October and December 2019 that included various housing overlays to the LUE in reaction to new California law taking effect in January 2020.

Staff reports from the City Council meetings of October 28, 2019; November 20, 2019; and December 5, 2019 are attached (without exhibits) for a comprehensive review of the City's drafting and ultimate adoption of the LUE. Since Measure II was not approved by the voters, however, the City Council should consider amending the LUE as described below. A public hearing to consider such an amendment is noticed for June 17, 2020.

BACKGROUND:

As described in the various staff reports, the City undertook approximately a year long process to develop the LUE for voter consideration. Among other things, the LUE was developed with the advice and supervision of the General Plan Advisory Committee ("GPAC") before it was presented to the Planning Commission or City Council. The version of the LUE recommended by the GPAC and Planning Commission was presented to the City Council at its October 28, 2019 meeting.

After deliberation, the City Council chose to alter the LUE as follows:

- Reduced the Housing Overlay to the portions of South Atlantic Boulevard, between Avenida Cesar Chavez and Brightwood Street (Figure LUE-3);
- Added a new Housing Overlay to Corporate Center South (90 du/ac, 125 feet) (Figure LUE-3 and Table LUE-1);
- Increased the Market Place height allowance to 80 feet (Figure LUE-4);
- Proposed Land Use Plan plus Housing Overlay I on both sides of Corporate Center Drive and Land Use Policy Map Option 1 (which shows the Overlay zone added to the Corporate Center Drive area);
- Reduced the floor area ratio (FAR) to 60 percent and height to 40 feet in the Saturn Park area – consistent with 2001 LUE (Figure LUE-4) and modified Policy 25.1 to address hazardous materials; and
- Clarified Policy 20.1 regarding the Downtown area (page 64) and Innovation Technology Uses Focus Area description (page 73) regarding cut-through traffic.

Those changes to the LUE were approved via Resolution No. 12124 on December 5, 2019. The City Council then placed the LUE on the March 2020 ballot for voter consideration.

Between December 2019 and February 2020, the City conducted a series of informational meetings regarding the March 2020 ballot propositions. As to Measure II, the common item of concern expressed by the public was the housing overlay over the Corporate Center area. Based upon those comments, and the subsequent voter rejection of Measure II, it seems appropriate for the City Council to reconsider its December 2019 actions and revert back to the October 28th version of the LUE.

Included with this Agenda item is the LUE as originally recommended by the GPAC and Planning Commission. This version of the LUE should be considered by the City Council during the public hearing scheduled for June 17, 2020. At that time, the City Council should give direction regarding whether to amend the LUE (as adopted by the City Council on December 5, 2019) and place it on the November 2020 ballot for voter consideration. All ballot propositions should be placed onto the ballot by the end of July 2020 (the statutory deadline is August 7, 2020).

ALTERNATIVE CONSIDERATIONS:

None.

FISCAL IMPACT:

No foreseeable costs associated with this staff report.

Respectfully Submitted by:


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

Prepared By:


Samantha Tewasart
Senior Planner


Ron Bow
City Manager

Reviewed by:


Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Draft Monterey Park General Plan Land Use Element (from October 28, 2019)
- Attachment 2: City Council Staff Report dated October 28, 2019
- Attachment 3: City Council Staff Report dated November 20, 2019
- Attachment 4: City Council Staff Report dated December 5, 2019



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
SUBJECT: Consideration of an Ordinance Amending Monterey Park Municipal Code ("MPMC") 2.04.010 to Change the Regular Meeting Time.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code § 2.04.010 to change the regular meeting time; and/or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

If adopted, the Ordinance would amend the Monterey Park Municipal Code ("MPMC") establishing a new regular City Council meeting time to the first and third Wednesday of each month beginning at 6:00 p.m.

BACKGROUND:

The draft ordinance would amend the MPMC § 2.04.010 regarding regular City Council meeting times from 7:00 p.m. to 6:00 p.m. Special Meetings may be called, as needed, to address any urgent City business. Most recently, agenda items have had to be carried over to the next regular City Council meeting due to the duration of discussion required for each item and the overall length of the meeting. A slightly earlier meeting time will accommodate discussion for agenda items and allow ample time for public comments in effort to address all City business on the agenda.

FISCAL IMPACT:

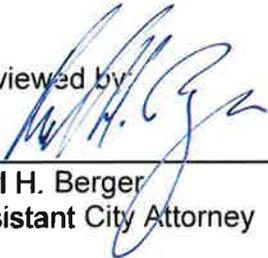
None.

Respectfully submitted and approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. Draft Ordinance

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) § 2.04.010 TO CHANGE THE REGULAR MEETING DAY AND TIME.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. Monterey Park Municipal Code (“MPMC”) § 2.04.010 is amended to read as follows:

“2.04.010 Meetings.

A. Regular meetings of the city council ~~shall~~will be held on the first and third Wednesday of each calendar month at ~~seven~~6:00 p.m. in the city council chambers of City Hall, located at 320 West Newmark Avenue or such location designated on an agenda in accordance with Government Code § 54954. If the date of any such meeting falls on a holiday, the regular meeting ~~shall~~will be held the next succeeding day at the same time and place.

B. Should the City Council wish to conduct a closed session or consider other business items at a regular or special meeting at a time earlier than 6:00 p.m., it may do so if properly noticed on an agenda with the time and place.

C. In periods of emergency or when a large facility is likely to be necessary, the Council may meet as such other place within the corporate limits of the city as the Council may designate by motion or resolution.”

SECTION 2. Environmental Review. The Ordinance is exempt from additional review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, the Ordinance does not constitute a “project” that requires environmental review (see specifically CEQA Guidelines § 15378(b)(2, 5).

SECTION 3. Construction. This Ordinance must be broadly construed in order 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 4. Enforceability. Repeal or supersession of any provision of the MPMC 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 or superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5. 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 the MPMC or other ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

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

SECTION 8. The City Clerk, or his 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 fifteen (15) days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 9. This Ordinance will take effect on the 30th day following its final passage and adoption.

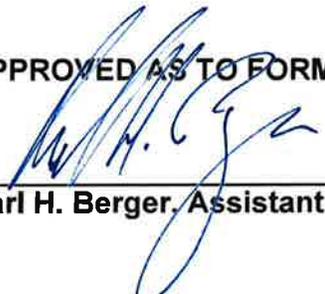
PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL ON _____, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney



City Council Staff Report

DATE: June 17, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-B

TO: The Honorable Mayor and City Council
FROM: Ron Bow, City Manager
SUBJECT: Consideration and possible action regarding implementing a Business Recovery Program for restarting the local economy

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting an uncodified Urgency Ordinance upon 4/5s vote implementing a Business Recovery Program;
2. Introducing and waiving first reading of an uncodified Ordinance implementing a Business Recovery Program; and
3. Taking such additional, related, action that may be desirable.

CEQA:

These Ordinances were 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, these Ordinances are 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, these Ordinances are exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinances may have a significant effect on the environment.

EXECUTIVE SUMMARY:

On March 11, 2020, the City of Monterey Park declared a local emergency because of the COVID-19 Pandemic. It also declared a local emergency on May 31, 2020 because of the community unrest resulting from the death of George Floyd. These national, state, and local emergencies resulted in devastating impacts to the economy including, without limitation, unemployment rates unmatched since the Great Depression. Many economic forecasts predict that the United States already entered into recession. To help assist the restart of the City's local economy, the City Council may wish to consider implementing the proposed Business Recovery Program.

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

DISCUSSION

Since the COVID-19 Pandemic started, the City Council was clear that public health and safety was the City's foremost priority. That resulted in the City reacting to the Pandemic by cancelling public events; closing public facilities, and taking other measures calculated to help ensure that City employees and the general public were not unnecessarily exposed to any spread of the coronavirus. The City is now entering into a second phase for responding to the Pandemic: protection and promotion of the public welfare by helping restart the local economy.

During a series of special meetings in May, the City Council considered the City's budget and financial status for the end of Fiscal Year 2019-20 and the projections for Fiscal Year 2020-21. The City's financial status is grim. FY 2019-20 will end with a potential \$3.1M General Fund shortfall; and the reduction in tax revenue for FY 2020-21 will amount to approximately \$1.8M.

The outlook for the City's local economy, i.e., private businesses, may be even bleaker. Many economists assert that the Nation already entered a recession.² This potential is certainly reflected in the City's budget projections.

To help assist the local economy, the City Manager asked Department Directors to suggest various changes to the City's existing policies that would help "cut through the red tape" in government. Those recommendations were assembled into a "Business Recovery Program" that is now presented to the City Council for consideration. Ordinarily, these policy changes would be provided to the City Council as stand-alone items, i.e., each one of these proposed policy changes would be considered as individual items for the City Council over a series of separate meetings. These, however, are not ordinary times.

If the City Council seeks to provide some immediate relief to local businesses, then it should consider approving the Business Recovery Program as set forth in the attached ordinances. If adopted, the Ordinances will initiate additional policy considerations for the City Council that will be provided at the July 1, 2020 regular meeting. The first part of the Business Recovery Program is described below.

➤ *Land Use/Planning Decisions*

The Business Recovery Program would implement several substantial changes in decision-making regarding proposed developments.

² "A recession is a significant decline in economic activity spread across the economy, lasting more than a few months, normally visible in production, employment, real income, and other indicators." – National Bureau of Economic Research (reporting on the 2007 Great Recession).

- Planning Agency

Currently, the Monterey Park Municipal Code (“MPMC”) delegates land use planning authority to the Planning Commission and Design Review Board (“DRB”). Decisions from those two subordinate commissions may be appealed to the City Council which acts as the final decision-maker. There is no legal requirement, however, for the City Council to delegate such authority; it can act as the City’s Planning Agency by itself. If adopted, the draft Ordinances would cause the City Council act as the Monterey Park Planning Agency.

Now, development projects are frequently delayed for months so that the Planning Commission can consider project applications. Even after the Planning Commission approves a project, that project must still ordinarily obtain the DRB’s approval before the City can issue building permits for a project. This proposal would allow development projects requiring discretionary land use decision-making to go directly to the City Council for consideration.

If the City Council acts as the Planning Agency, months of delay for development projects can be avoided. That is because the City Council’s consideration of a project would be the City’s final decision; there would be no need for a stop at either the Planning Commission or DRB. This would significantly reduce the time period for developers to obtain a final decision regarding proposed projects.

- City Council approved projects

The Business Recovery Program would also allow all projects that were already approved by the City Council to be deemed approved for all purposes. Currently, projects that were appealed to the City Council may still require additional discretionary approvals from, e.g., the DRB, before the City can issue a building permit. This further delays the construction time for projects and costs applicants additional money.

- Self-Certification

A frequent complaint among applicants is the delay in having building plans reviewed and approved by the City. The Business Recovery Program proposes a voluntary 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; 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.

➤ *Public Projects*

Public projects support the local economy by infusing public money into the construction industry. Such projects result in employment of high-paid workers, help suppliers, and otherwise benefit the general public. The Business Recovery Program proposes two substantive changes for public projects: (1) modifications to the informal bid process which also increases the contract signing authority for the City Manager (considered under a separate agenda item); and (2) allowing the City Council to exempt public projects from zoning regulations under certain circumstances. As to the second item, there are circumstances where a public project would require separate land use approvals to be constructed. The most common is a report from the City's Planning Agency that a project complies with the Monterey Park General Plan. That could now be addressed by the City Council acting as the Planning Agency (rather than the Planning Commission). Less frequently, a public project may not completely comply with the City's existing zoning regulations. Under such circumstances, the Business Recovery Program would allow the City Council to exempt the project from zoning regulations.

➤ *Outdoor Dining Permits*

Because of the various COVID-19 related Health Orders governing dining establishments, indoor dining is limited throughout the City. This is a result of the physical distancing requirements; limitations on occupancy (usually a quarter of the approved occupancy load); and personal protection equipment (e.g., masks) needs.

A recommendation incorporated into the Business Recovery Program is for the City to issue outdoor dining permits for businesses. This would allow various sales (such as dining) on public right-of-ways including, for example, sidewalks and public parking lots.

Most scientific data developed during the Pandemic show that outdoor activities – where wind, sunlight, and open spaces interfere with the spread of the coronavirus – significantly reduce the likelihood of exposure to COVID-19. Accordingly, outdoor events assist commercial establishments by increasing patronage while also adhering to Health Order requirements.

If adopted, the Business Recovery Program would allow these permits to be issued administratively by the City Planner. Any decisions by the City Planner could be appealed to the City Council.

➤ *Additional Recommendations*

These Ordinances would adopt the first part of the Business Recovery Program as described above. They would also direct the City Manager to schedule public hearings to consider the following changes to the City's existing land use regulations:

- Parking standards. Among other considerations, whether to allow tandem parking; vehicle lift stations; off-site parking; or an adjustment of parking requirements based upon a parking study completed by licensed professionals.
- Development Agreements. Whether to consider adopting overlay zones that would allow flexibility in development standards via a development agreement.
- Setback Requirements. Whether setback requirements may be varied either administratively or via approval by the Monterey Park Planning Agency.
- Administrative Approval for Alcohol. Consideration of whether establishments serving alcohol may be approved on an administrative level rather than requiring a conditional use permit.
- One-Stop Permitting. Consideration of combining various boards and commissions with discretionary authority over land use regulations in order to reduce time frame within which a development may be approved. Among other things, consider whether existing MPMC regulations may be consolidated.

Any of these proposed changes to the City's zoning regulations require a public hearing. If the City Council adopts these Ordinance, a public hearing would be scheduled for July 1, 2020 to consider any amendments. A public hearing would also be scheduled for July 1, 2020 to consider any proposed fees for permit processing (as described in the Business Recovery Program).

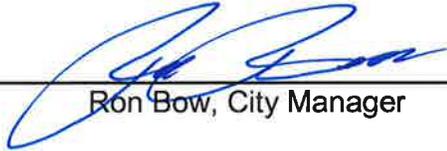
The Business Recovery Program, as described above, is set forth in two uncodified Ordinances. One is an urgency ordinance that would take effect immediately upon a 4/5s vote of the City Council; the other is a regular ordinance. Second reading and adoption of the regular ordinance would occur on July 1, 2020. These Ordinances would sunset on June 30, 2021 unless they are terminated, superseded, or extended before that date. This would help ensure that there was immediate assistance to the local economy but also allow the City Council to consider each of the proposed elements of the Business Recovery Program as separate items between now and 2021.

While the City is facing its own budget challenges, the impact to the community is likely more significant. Private developers (whether for large-scale projects or residential homes) should not be required to experience the typical red tape of government. And existing businesses should expect rapid assistance from the City when it comes to reopening. The Business Recovery Program – and its next phase – will help fulfill the City's duty to promote public welfare while also protecting public health and safety.

FISCAL IMPACT:

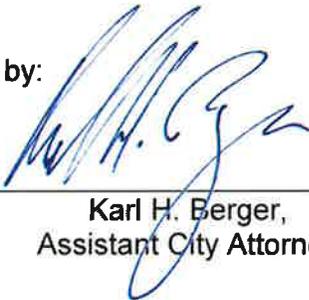
There are no direct foreseeable costs associated with adopting these Ordinances.

Respectfully submitted and prepared by:



Ron Bow, City Manager

Reviewed by:



Karl H. Berger,
Assistant City Attorney

Attachment(s)

1. Urgency and Regular Ordinance adopting the Monterey Park Business Recovery Program

ORDINANCE NO. XXXX

AN UNCODIFIED URGENCY ORDINANCE IMPLEMENTING THE MONTEREY PARK BUSINESS RECOVERY PROGRAM AND NAMING THE CITY COUNCIL AS THE MONTEREY PARK PLANNING AGENCY IN ACCORDANCE WITH GOVERNMENT CODE § 65100.

THE COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. On March 11, 2020, at 7:00 p.m., the City declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency"). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020; extended on April 15, 2020 by Resolution No. 12151; and further extended on June 3, 2020 by Resolution No. 12164;
- B. An additional local emergency was declared on May 31, 2020 related to the unrest associated with the tragic death of George Floyd in Minneapolis, MN. That emergency was ratified on June 3, 2020 by Resolution No. 12165 (also part of the "Emergency");
- C. The City Council takes notice of the well-documented secondary effects of the Emergency include record-high unemployment rates, bankruptcy, and other disastrous effects upon the national, state, and local economies. It will be many months before the complete extent of this economic devastation is clarified;
- D. The City Council believes that it is in the public interest for the City to implement regulations to facilitate the rapid recovery of the local economy, promote additional economic growth, and mitigate the effects of the Emergency;
- E. Regulations are needed to efficiently implement development projects that will create jobs, invest in the local economy, assist in recovery, and protect the public welfare;
- F. The City Manager and City Planner may recommend changes to this Ordinance – including codification within the Monterey Park Municipal Code – when it is practicable;
- G. Because of the findings set forth above, the City Council finds that this Ordinance should be adopted on an urgency basis to preserve the public health, safety, and welfare in accordance with Government Code §§ 36934 and 36937(b); and

- H. The regulations adopted by this Ordinance are intended to be implemented temporarily in order to accelerate City approvals and promote local businesses. This Ordinance will be uncodified and referred to as the “Monterey Park Business Recovery Program.”

SECTION 2. *Monterey Park Planning Agency.* Pursuant to Government Code § 65100, the City Council temporarily withdraws all authority otherwise delegated to the Planning Commission and Design Review Board (“DRB”) set forth in the Monterey Park Municipal Code (“MPMC”). Notwithstanding anything to the contrary in the MPMC including, without limitation, MPMC Chapter 2.56, MPMC Chapter 2.78, and MPMC § 21.02.080, the City Council will act as the Monterey Park Planning Agency for all matters otherwise delegated to the Planning Commission or DRB. All references within the MPMC designating the Planning Commission or DRB as the decision-maker will be changed to “City Council” during the term of this Ordinance.

SECTION 3. *Monterey Park Business Recovery Program.* The Monterey Park Business Recovery Program (the “Program”) attached as Exhibit “A,” and incorporated by reference is adopted by the City Council as if fully set forth.

SECTION 4. *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 City Planner 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 5. *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 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 may have a significant effect on the environment.

SECTION 6. *Sunset Clause.* The Council finds that it is in the best interest of the public safety, welfare and convenience of the City to implement this Ordinance during, at least, the Emergency. To ensure that the City Manager reviews the MPMC as contemplated by this Ordinance, this Ordinance 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 amending the MPMC.

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

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

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 his 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 fifteen (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. Declaration of Urgency. Based on the findings set forth in Section 1, this is an Urgency Ordinance adopted for the immediate preservation of the public peace, health, safety and welfare.

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 immediately upon adoption pursuant to Government Code §§ 36934 and 36937 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by fourth-fifths vote of the City Council.

THIS ORDINANCE WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF JUNE 17, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

EXHIBIT A

MONTEREY PARK BUSINESS RECOVERY PROGRAM

I. *Definitions.* Notwithstanding any definition set forth in the Monterey Park Municipal Code (“MPMC”) and unless the contrary is stated or clearly appears from the context, the definitions set forth below govern the construction of words and phrases used in the Monterey Park Business Recovery Program. Words and phrases not defined below will be as set forth in the MPMC.

“ABC license” means the license issued by the California Department of Alcoholic Beverage Control.

“Building Official” means the Building Official of the City of Monterey Park as designated by the City Manager.

“City Council” means the City Council and includes its authority as the Monterey Park Planning Agency pursuant to Government Code § 65100.

“City Planner” means the City Planner as designated within the MPMC or such person authorized by the City Manager in writing.

“Discretionary Permit” means any discretionary permit or action required by the MPMC or by any Specific Plan.

“Entertainment or entertainment establishment” means the organized action of providing amusement or enjoyment to invited members of the public. Examples include, without limitation, presentations, readings, performances, or musical renditions. Such entertainment may be provided free of charge or for a fee.

“Licensed Design Professional” means the California Licensed Architect or Engineer, as applicable, identified as such on the building permit application and accompanying plans.

“Outdoor Temporary Event” includes Temporary Outdoor Dining and Temporary Outdoor Retail Sales Events.

“Program” means this Monterey Park Business Recovery Program.

“Public place” means an area open to the public, or an alley, plaza, park, or parking lot, or an automobile, whether moving or not, or a building open to the general public including one that serves food or drink, or provides entertainment.

“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.

“Temporary Outdoor Dining” means outdoor dining located within the City right of way pursuant to a permit and/or is required to secure off-site parking or other outdoor dining for which the property does not have the required number of on-site parking spaces. Temporary Outdoor Dining is only allowed in conjunction with a permitted restaurant and is only be permitted to utilize Temporary Outdoor Structures/Facilities. Temporary Outdoor Dining requires a permit and is only allowed for such time commensurate with the time that temporary parking is provided.

“Temporary Outdoor Retail Sales Events” means outdoor retail sales events conducted outdoors on the same premises as, and are consistent in character with, an existing retail store use. These events require a permit and may be allowed up to a total of 30 days in any twelve-month period. Temporary Outdoor Retail Sales Events can only be permitted to utilize Temporary Outdoor Structure/Facilities and must comply with the temporary parking requirements.

“Temporary Outdoor Structure/Facilities” includes awnings or canopies made of material or wood, tents, shade umbrellas, and similar types of structures that can be constructed and removed within a seven day period. Temporary Outdoor Structure/Facilities also include lighting and heating improvements that can be constructed and removed within a seven day period. Any applicant for Temporary Outdoor Structure/Facilities must sign an acknowledgement that the Temporary Outdoor Structure/Facilities can be removed within a seven day period. All Temporary Outdoor Structure/Facilities must meet all zoning, building, fire, health and other applicable law.

“Temporary Use Permits” are permits allowing Temporary Outdoor Dining, Temporary Outdoor Retail Sales Events, and temporary parking associated with such uses.

II. *Outdoor Temporary Event Permits.*

- A. The City Planner is authorized to receive applications, issue and revoke temporary use permits, and otherwise implement the Business Recovery Program as set forth in this Section.
- B. Persons who obtain a permit pursuant to this Section are not also required to obtain separate permits in the MPMC, e.g., encroachment permits.
- C. Permits Required. It is unlawful for any person to conduct, sponsor, or knowingly

participate in any outdoor temporary event without a valid permit issued pursuant to this Program. Possessing a valid temporary use permit does not excuse any failure to otherwise comply with this code or other applicable law.

D. Nature of the Permit. Permits issued pursuant to this Program are subject to the following limitations:

1. Permits are personal to the applicant not to the premises upon which the event is conducted. No other individual may conduct an event under the authority of a permit issued to another. For purposes of this Program, a permit is not deemed transferred or assigned if the permittee is a corporation or partnership which remains under the control of the same individual or individuals who controlled it at the time the permit was approved;
2. Permits cannot be transferred or assigned;
3. No property rights are conferred to the permittee;
4. There is no right of renewal; and
5. Permits are specific to the location for which it is applied. A new permit must be obtained in the event there is a relocation of the permitted activity or a major alteration to the existing facility.

E. Fees. Except as otherwise provided by federal, state, or local laws, or other City Council authorized restrictions, all fees applicable to this Program including, without limitation, fees for using public places, will be established by City Council Resolution.

F. Temporary Outdoor Dining Permits. Temporary Outdoor Dining permits are subject to the following:

1. Permits cannot be issued for outdoor dining in a street or alley;
2. To provide for adequate pedestrian circulation, temporary outdoor dining must maintain a minimum of four feet of clearance between dining furnishings and any curblines, street furniture, or above ground utilities. A minimum of 50 feet of clearance must be maintained between dining furnishings and the centerline of intersecting perpendicular driveways, alleys or streets to provide for adequate vehicle sight, unless a lesser distance is determined by the City Planner to be adequate for the protection of the public safety.
3. Tables and chairs used for outdoor dining must be of substantial materials. Tables may be a maximum of three feet in diameter if round

and three feet along the longest side if rectilinear. All such furnishings must be stored indoors after hours of operation unless otherwise determined by the City Planner.

4. Temporary Outdoor Structure/Facilities, without lettering, may also be permitted by the City Planner.
5. No outdoor dining, including furnishings and signs, may block visibility of display windows or signage of adjacent businesses unless written consent of any affected adjacent business owner to block visibility is obtained by the applicant and provided to the City Planner.
6. The permittee must maintain the outdoor dining area in a clean and safe condition at all times, including properly disposing of all trash generated by the operation.
7. The City may charge a rental fee for use of public places.
8. An applicant must submit a diagram drawn to scale and dimensioned showing the proposed location of the outdoor dining with all seating and signage.
9. An applicant must submit a graphical depiction, such as sample photographs, depicting the appearance of the chairs, tables, and other equipment proposed to be used in the outdoor dining area.
10. An applicant must submit the proposed days and times of operating the outdoor dining area.

G. Application for Permit.

1. Permit applications must be filed by a natural person.
2. Permit applications must be in a form prescribed by the City Planner, signed under penalty of perjury, and, for all permits, will contain all of the following information: the name, mailing address, and daytime and evening telephone numbers of the person filing the application; if the permit is obtained on behalf of an organization, the name, mailing address, and daytime telephone number of the organization; and if requested by the City Planner, written documentation of the authority under which the applicant is applying for the permit on behalf of the organization; 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; and such additional information required by the City Planner.

- H. Review by City Departments. After an application is filed, the City Planner will immediately forward the application to the following city departments for review:
1. The fire department;
 2. The police department; and
 3. The public works department.
- I. Special Conditions. Upon receiving an application, these departments will consider the application, conduct any necessary investigation, and provide the City Planner with written recommendations regarding:
1. Any special conditions for a permit; and
 2. Any additional recommendations.
 3. The reviewing officers must complete their review within the time that the City Planner must make a decision on the application.
- J. Time for review. Except as provided in this Program, completed applications for a permit authorizing an event should be denied, approved, or conditionally approved by the City Planner within 14 business days after receiving the completed application. Unless otherwise provided, the applicant's acceptance of the approval or conditional approval must be received by the City Planner within five business days after the applicant was served with notification of the decision and before any entertainment or outdoor dining may occur.
- K. Issuing Permits. The City Planner should issue a permit if
1. The application was complete in accordance with this Program;
 2. There are no grounds for denying the permit; and
 3. The applicant accepts the permit approval or conditional approval in writing.
- L. Permit Denial. A permit may be denied for the following reasons:
1. The application is incomplete;
 2. The applicant failed to provide reasonable supplemental application information requested by the City Planner;
 3. Information submitted by the applicant is materially false;

4. The application is submitted by a person with a suspended permit or whose permit was revoked;
5. The location of the proposed temporary outdoor event does not conform to the requirements of this Program;
6. Issuing the permit would endanger public health, safety, or welfare as determined by the City Planner.

M. General Permit Conditions.

1. Unless suspended or revoked, permits issued pursuant to this Program have a term of 30 days. Should a permit expire, the permittee must comply with this Program to obtain a new permit.
2. Permittees must enter into a hold harmless agreement, in a form approved by the city attorney, with the city which will, in part, indemnify city, its officers, employees, and agents, from any liability arising from a permit issued pursuant to this Program.
3. Insurance Requirements. Permittees must obtain liability insurance in accordance with City Council resolution.

N. Alcohol Related Conditions. For Temporary Outdoor Events with an ABC license, the permit will include the following conditions:

1. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
2. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*).
3. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the entertainment establishment to address any concerns of the community regarding noise at the entertainment establishment. Said contact's name and phone number must also be available through entertainment establishment staff at all times.
4. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service, the City Planner may, in its discretion, take action to review the permit including, without limitation, adding conditions or revoking the permit.

- O. Subsequent Conditions. The City Planner may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.
- P. Display of permits. The permit issued pursuant to this Program must at all times be posted in a conspicuous place and be immediately produced upon the request of any police or code enforcement officer of the city.
- Q. Emergency Suspension of Permit. The City Planner and any sworn public safety officer may temporarily suspend a permit whenever there is an emergency that requires such action to protect public safety.
- R. Appeals. The City Manager's decision is final. There is no right to a City Council appeal. The final decision will inform the appellant that the decision is a final decision and that the time for judicial review is governed by Code of Civil Procedure § 1094.6.

III. *Public Projects.* The City Council may exempt public projects from the regulations of MPMC Title 21 by resolution upon making the following findings:

- A. That reasonable attempts were made to comply with the regulations contained in MPMC Title 21;
- B. That strict and literal interpretation and enforcement of this title would inhibit the city's ability to maintain public health, safety, and general welfare in a particular instance; and
- C. That granting of the exemption will not be detrimental to the public health, safety, and general welfare or materially injurious to properties or improvements in the vicinity.

IV. *Self-Certification Program.*

- A. Purpose: To expedite building permit approvals by allowing Licensed Design Professionals to voluntarily self-certify building plans.
- B. 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.
- C. Insurance Requirements: For a project to be accepted for Self-Certification, the Licensed Design Professional is required to furnish the City Planner insurance in accordance with the City's requirements and not less than the valuation of the permitted project.
- D. Optional Prescreening Process: The Licensed Design Professional who intends

on filing an application with a Self-Certification may meet with the City Planner, or designee, for a courtesy prescreening of the proposed project to ensure the submittal is complete.

- E. 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.
- F. 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.
- G. Fees: All fees required by the Program will be established by City Council resolution.
- H. Permit Issuance: 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.
- I. Inspection Protocol: All code-required State of California or City of Monterey Park inspections are required.
- J. 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.

V. *Projects Deemed Approved.* All development projects considered and approved by the City Council, whether on appeal from the Planning Commission or otherwise, between March

11, 2020 and the date this Ordinance becomes effective, are deemed approved for all purposes. To that extent, this Program is specifically intended to be retroactive; the City Council acted as the Monterey Park Planning Agency for all purposes. The City Manager is authorized to inform all such applicants regarding the City Council's decision and the City, if allowed by applicable law, may issue appropriate permits for such developments.

VI. *Additional Recommendations.* The City Manager is directed to return to the City Council with recommendations for amendments to the MPMC that will help implement the intent of the City Council as to the Program. For example, but not limitation, the City Manager will make proposals regarding the following:

- **Parking standards.** Among other considerations, whether to allow tandem parking; vehicle lift stations; off-site parking; or an adjustment of parking requirements based upon a parking study completed by licensed professionals.
- **Development Agreements.** Whether to consider adopting overlay zones that would allow flexibility in development standards via a development agreement.
- **Setback Requirements.** Whether setback requirements may be varied either administratively or via approval by the Monterey Park Planning Agency.
- **One-Stop Permitting.** Consideration of combining various boards and commissions with discretionary authority over land use regulations in order to reduce time frame within which a development may be approved. Among other things, consider whether existing MPMC regulations may be consolidated.
- **Administrative Approval for Alcohol.** Consideration of whether establishments serving alcohol may be approved on an administrative level rather than requiring a conditional use permit.

ORDINANCE NO. XXXX

AN UNCODIFIED ORDINANCE IMPLEMENTING THE MONTEREY PARK BUSINESS RECOVERY PROGRAM AND NAMING THE CITY COUNCIL AS THE MONTEREY PARK PLANNING AGENCY IN ACCORDANCE WITH GOVERNMENT CODE § 65100.

THE COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. On March 11, 2020, at 7:00 p.m., the City declared a state of local emergency due to the COVID-19 Pandemic (the "Emergency"). That Emergency was ratified by Resolution No. 12142, adopted March 18, 2020; extended on April 15, 2020 by Resolution No. 12151; and further extended on June 3, 2020 by Resolution No. 12164;
- B. An additional local emergency was declared on May 31, 2020 related to the unrest associated with the tragic death of George Floyd in Minneapolis, MN. That emergency was ratified on June 3, 2020 by Resolution No. 12165 (also part of the "Emergency");
- C. The City Council takes notice of the well-documented secondary effects of the Emergency include record-high unemployment rates, bankruptcy, and other disastrous effects upon the national, state, and local economies. It will be many months before the complete extent of this economic devastation is clarified;
- D. The City Council believes that it is in the public interest for the City to implement regulations to facilitate the rapid recovery of the local economy, promote additional economic growth, and mitigate the effects of the Emergency;
- E. Regulations are needed to efficiently implement development projects that will create jobs, invest in the local economy, assist in recovery, and protect the public welfare;
- F. The City Manager and City Planner may recommend changes to this Ordinance – including codification within the Monterey Park Municipal Code – when it is practicable; and
- G. The regulations adopted by this Ordinance are intended to be implemented temporarily in order to accelerate City approvals and promote local businesses. This Ordinance will be uncodified and referred to as the "Monterey Park Business Recovery Program."

SECTION 2. *Monterey Park Planning Agency.* Pursuant to Government Code § 65100, the City Council temporarily withdraws all authority otherwise delegated to the Planning Commission and Design Review Board (“DRB”) set forth in the Monterey Park Municipal Code (“MPMC”). Notwithstanding anything to the contrary in the MPMC including, without limitation, MPMC Chapter 2.56, MPMC Chapter 2.78, and MPMC § 21.02.080, the City Council will act as the Monterey Park Planning Agency for all matters otherwise delegated to the Planning Commission or DRB. All references within the MPMC designating the Planning Commission or DRB as the decision-maker will be changed to “City Council” during the term of this Ordinance.

SECTION 3. *Monterey Park Business Recovery Program.* The Monterey Park Business Recovery Program (the “Program”) attached as Exhibit “A,” and incorporated by reference is adopted by the City Council as if fully set forth.

SECTION 4. *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 City Planner 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 5. *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 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 may have a significant effect on the environment.

SECTION 6. *Sunset Clause.* The Council finds that it is in the best interest of the public safety, welfare and convenience of the City to implement this Ordinance during, at least, the Emergency. To ensure that the City Manager reviews the MPMC as contemplated by this Ordinance, this Ordinance 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 amending the MPMC.

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

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

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 his 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 fifteen (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. The City Clerk, or his 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, and cause it to be published or posted in accordance with California law.

THIS ORDINANCE WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF JULY 1, 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

EXHIBIT A

MONTEREY PARK BUSINESS RECOVERY PROGRAM

I. *Definitions.* Notwithstanding any definition set forth in the Monterey Park Municipal Code (“MPMC”) and unless the contrary is stated or clearly appears from the context, the definitions set forth below govern the construction of words and phrases used in the Monterey Park Business Recovery Program. Words and phrases not defined below will be as set forth in the MPMC.

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“Building Official” means the Building Official of the City of Monterey Park as designated by the City Manager.

“City Council” means the City Council and includes its authority as the Monterey Park Planning Agency pursuant to Government Code § 65100.

“City Planner” means the City Planner as designated within the MPMC or such person authorized by the City Manager in writing.

“Discretionary Permit” means any discretionary permit or action required by the MPMC or by any Specific Plan.

“Entertainment or entertainment establishment” means the organized action of providing amusement or enjoyment to invited members of the public. Examples include, without limitation, presentations, readings, performances, or musical renditions. Such entertainment may be provided free of charge or for a fee.

“Licensed Design Professional” means the California Licensed Architect or Engineer, as applicable, identified as such on the building permit application and accompanying plans.

“Outdoor Temporary Event” includes Temporary Outdoor Dining and Temporary Outdoor Retail Sales Events.

“Program” means this Monterey Park Business Recovery Program.

“Public place” means an area open to the public, or an alley, plaza, park, or parking lot, or an automobile, whether moving or not, or a building open to the general public including one that serves food or drink, or provides entertainment.

“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.

“Temporary Outdoor Dining” means outdoor dining located within the City right of way pursuant to a permit and/or is required to secure off-site parking or other outdoor dining for which the property does not have the required number of on-site parking spaces. Temporary Outdoor Dining is only allowed in conjunction with a permitted restaurant and is only be permitted to utilize Temporary Outdoor Structures/Facilities. Temporary Outdoor Dining requires a permit and is only allowed for such time commensurate with the time that temporary parking is provided.

“Temporary Outdoor Retail Sales Events” means outdoor retail sales events conducted outdoors on the same premises as, and are consistent in character with, an existing retail store use. These events require a permit and may be allowed up to a total of 30 days in any twelve-month period. Temporary Outdoor Retail Sales Events can only be permitted to utilize Temporary Outdoor Structure/Facilities and must comply with the temporary parking requirements.

“Temporary Outdoor Structure/Facilities” includes awnings or canopies made of material or wood, tents, shade umbrellas, and similar types of structures that can be constructed and removed within a seven day period. Temporary Outdoor Structure/Facilities also include lighting and heating improvements that can be constructed and removed within a seven day period. Any applicant for Temporary Outdoor Structure/Facilities must sign an acknowledgement that the Temporary Outdoor Structure/Facilities can be removed within a seven day period. All Temporary Outdoor Structure/Facilities must meet all zoning, building, fire, health and other applicable law.

“Temporary Use Permits” are permits allowing Temporary Outdoor Dining, Temporary Outdoor Retail Sales Events, and temporary parking associated with such uses.

II. *Outdoor Temporary Event Permits.*

- A. The City Planner is authorized to receive applications, issue and revoke temporary use permits, and otherwise implement the Business Recovery Program as set forth in this Section.
- B. Persons who obtain a permit pursuant to this Section are not also required to obtain separate permits in the MPMC, e.g., encroachment permits.
- C. Permits Required. It is unlawful for any person to conduct, sponsor, or knowingly

participate in any outdoor temporary event without a valid permit issued pursuant to this Program. Possessing a valid temporary use permit does not excuse any failure to otherwise comply with this code or other applicable law.

- D. Nature of the Permit. Permits issued pursuant to this Program are subject to the following limitations:
1. Permits are personal to the applicant not to the premises upon which the event is conducted. No other individual may conduct an event under the authority of a permit issued to another. For purposes of this Program, a permit is not deemed transferred or assigned if the permittee is a corporation or partnership which remains under the control of the same individual or individuals who controlled it at the time the permit was approved;
 2. Permits cannot be transferred or assigned;
 3. No property rights are conferred to the permittee;
 4. There is no right of renewal; and
 5. Permits are specific to the location for which it is applied. A new permit must be obtained in the event there is a relocation of the permitted activity or a major alteration to the existing facility.
- E. Fees. Except as otherwise provided by federal, state, or local laws, or other City Council authorized restrictions, all fees applicable to this Program including, without limitation, fees for using public places, will be established by City Council Resolution.
- F. Temporary Outdoor Dining Permits. Temporary Outdoor Dining permits are subject to the following:
1. Permits cannot be issued for outdoor dining in a street or alley;
 2. To provide for adequate pedestrian circulation, temporary outdoor dining must maintain a minimum of four feet of clearance between dining furnishings and any curblines, street furniture, or above ground utilities. A minimum of 50 feet of clearance must be maintained between dining furnishings and the centerline of intersecting perpendicular driveways, alleys or streets to provide for adequate vehicle sight, unless a lesser distance is determined by the City Planner to be adequate for the protection of the public safety.
 3. Tables and chairs used for outdoor dining must be of substantial materials. Tables may be a maximum of three feet in diameter if round

and three feet along the longest side if rectilinear. All such furnishings must be stored indoors after hours of operation unless otherwise determined by the City Planner.

4. Temporary Outdoor Structure/Facilities, without lettering, may also be permitted by the City Planner.
5. No outdoor dining, including furnishings and signs, may block visibility of display windows or signage of adjacent businesses unless written consent of any affected adjacent business owner to block visibility is obtained by the applicant and provided to the City Planner.
6. The permittee must maintain the outdoor dining area in a clean and safe condition at all times, including properly disposing of all trash generated by the operation.
7. The City may charge a rental fee for use of public places.
8. An applicant must submit a diagram drawn to scale and dimensioned showing the proposed location of the outdoor dining with all seating and signage.
9. An applicant must submit a graphical depiction, such as sample photographs, depicting the appearance of the chairs, tables, and other equipment proposed to be used in the outdoor dining area.
10. An applicant must submit the proposed days and times of operating the outdoor dining area.

G. Application for Permit.

1. Permit applications must be filed by a natural person.
2. Permit applications must be in a form prescribed by the City Planner, signed under penalty of perjury, and, for all permits, will contain all of the following information: the name, mailing address, and daytime and evening telephone numbers of the person filing the application; if the permit is obtained on behalf of an organization, the name, mailing address, and daytime telephone number of the organization; and if requested by the City Planner, written documentation of the authority under which the applicant is applying for the permit on behalf of the organization; 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; and such additional information required by the City Planner.

- H. Review by City Departments. After an application is filed, the City Planner will immediately forward the application to the following city departments for review:
 - 1. The fire department;
 - 2. The police department; and
 - 3. The public works department.
- I. Special Conditions. Upon receiving an application, these departments will consider the application, conduct any necessary investigation, and provide the City Planner with written recommendations regarding:
 - 1. Any special conditions for a permit; and
 - 2. Any additional recommendations.
 - 3. The reviewing officers must complete their review within the time that the City Planner must make a decision on the application.
- J. Time for review. Except as provided in this Program, completed applications for a permit authorizing an event should be denied, approved, or conditionally approved by the City Planner within 14 business days after receiving the completed application. Unless otherwise provided, the applicant's acceptance of the approval or conditional approval must be received by the City Planner within five business days after the applicant was served with notification of the decision and before any entertainment or outdoor dining may occur.
- K. Issuing Permits. The City Planner should issue a permit if
 - 1. The application was complete in accordance with this Program;
 - 2. There are no grounds for denying the permit; and
 - 3. The applicant accepts the permit approval or conditional approval in writing.
- L. Permit Denial. A permit may be denied for the following reasons:
 - 1. The application is incomplete;
 - 2. The applicant failed to provide reasonable supplemental application information requested by the City Planner;
 - 3. Information submitted by the applicant is materially false;

4. The application is submitted by a person with a suspended permit or whose permit was revoked;
5. The location of the proposed temporary outdoor event does not conform to the requirements of this Program;
6. Issuing the permit would endanger public health, safety, or welfare as determined by the City Planner.

M. General Permit Conditions.

1. Unless suspended or revoked, permits issued pursuant to this Program have a term of 30 days. Should a permit expire, the permittee must comply with this Program to obtain a new permit.
2. Permittees must enter into a hold harmless agreement, in a form approved by the city attorney, with the city which will, in part, indemnify city, its officers, employees, and agents, from any liability arising from a permit issued pursuant to this Program.
3. Insurance Requirements. Permittees must obtain liability insurance in accordance with City Council resolution.

N. Alcohol Related Conditions. For Temporary Outdoor Events with an ABC license, the permit will include the following conditions:

1. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.
2. The applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*).
3. The applicant must post a sign in a clear and conspicuous location listing a phone number at which a responsible party may be contacted during all open hours of the entertainment establishment to address any concerns of the community regarding noise at the entertainment establishment. Said contact's name and phone number must also be available through entertainment establishment staff at all times.
4. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service, the City Planner may, in its discretion, take action to review the permit including, without limitation, adding conditions or revoking the permit.

- O. Subsequent Conditions. The City Planner may condition previously issued permits upon learning or discovering facts not previously disclosed or reasonably discoverable.
- P. Display of permits. The permit issued pursuant to this Program must at all times be posted in a conspicuous place and be immediately produced upon the request of any police or code enforcement officer of the city.
- Q. Emergency Suspension of Permit. The City Planner and any sworn public safety officer may temporarily suspend a permit whenever there is an emergency that requires such action to protect public safety.
- R. Appeals. The City Manager's decision is final. There is no right to a City Council appeal. The final decision will inform the appellant that the decision is a final decision and that the time for judicial review is governed by Code of Civil Procedure § 1094.6.

III. *Public Projects.* The City Council may exempt public projects from the regulations of MPMC Title 21 by resolution upon making the following findings:

- A. That reasonable attempts were made to comply with the regulations contained in MPMC Title 21;
- B. That strict and literal interpretation and enforcement of this title would inhibit the city's ability to maintain public health, safety, and general welfare in a particular instance; and
- C. That granting of the exemption will not be detrimental to the public health, safety, and general welfare or materially injurious to properties or improvements in the vicinity.

IV. *Self-Certification Program.*

- A. Purpose: To expedite building permit approvals by allowing Licensed Design Professionals to voluntarily self-certify building plans.
- B. 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.
- C. Insurance Requirements: For a project to be accepted for Self-Certification, the Licensed Design Professional is required to furnish the City Planner insurance in accordance with the City's requirements and not less than the valuation of the permitted project.
- D. Optional Prescreening Process: The Licensed Design Professional who intends

on filing an application with a Self-Certification may meet with the City Planner, or designee, for a courtesy prescreening of the proposed project to ensure the submittal is complete.

- E. 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.
- F. 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.
- G. Fees: All fees required by the Program will be established by City Council resolution.
- H. Permit Issuance: 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.
- I. Inspection Protocol: All code-required State of California or City of Monterey Park inspections are required.
- J. 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.

V. *Projects Deemed Approved.* All development projects considered and approved by the City Council, whether on appeal from the Planning Commission or otherwise, between March

11, 2020 and the date this Ordinance becomes effective, are deemed approved for all purposes. To that extent, this Program is specifically intended to be retroactive; the City Council acted as the Monterey Park Planning Agency for all purposes. The City Manager is authorized to inform all such applicants regarding the City Council's decision and the City, if allowed by applicable law, may issue appropriate permits for such developments.

VI. *Additional Recommendations.* The City Manager is directed to return to the City Council with recommendations for amendments to the MPMC that will help implement the intent of the City Council as to the Program. For example, but not limitation, the City Manager will make proposals regarding the following:

- **Parking standards.** Among other considerations, whether to allow tandem parking; vehicle lift stations; off-site parking; or an adjustment of parking requirements based upon a parking study completed by licensed professionals.
- **Development Agreements.** Whether to consider adopting overlay zones that would allow flexibility in development standards via a development agreement.
- **Setback Requirements.** Whether setback requirements may be varied either administratively or via approval by the Monterey Park Planning Agency.
- **One-Stop Permitting.** Consideration of combining various boards and commissions with discretionary authority over land use regulations in order to reduce time frame within which a development may be approved. Among other things, consider whether existing MPMC regulations may be consolidated.
- **Administrative Approval for Alcohol.** Consideration of whether establishments serving alcohol may be approved on an administrative level rather than requiring a conditional use permit.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK STATING THE CITY'S COMMITMENT TO
STAND IN SOLIDARITY FOR RACIAL EQUALITY & FAIR
TREATMENT**

The City Council does resolve as follows:

SECTION 1. The City Council finds and declares that:

- A. The actions and inactions of the Minneapolis Police Department officers involved in the death of George Floyd, an African American man on May 25, 2020 were deplorable;
- B. The most basic form of injustice and inequity occurs when a group of people feels their safety is placed into jeopardy by the very people entrusted with ensuring their safety;
- C. In response to this and prior incidents, protests have occurred in cities and metropolitan areas throughout the country;
- D. The unrest regarding racial discrimination has been building for decades. We must listen and understand in order to develop action to overcome disparities faced by people of color in our City and throughout the country;
- E. The City of Monterey Park is blessed to be a multiracial community, and we decided long ago that mutual understanding and respect develops a much healthier, safer, and caring community; and
- F. It is essential for the community as a whole to stand in solidarity with communities of color across the country.

SECTION 2. The City of Monterey Park condemns racial inequity in general and violence against the diverse ethnicities in our community. The City opposes any attempts to undermine the safety, security, and rights of members of its community and will work proactively to ensure the rights and privileges of everyone in the City regardless of race.

SECTION 3. It is the goal of the City of Monterey Park to promote safety, a sense of security, and equal protection of constitutional and human rights, leading by example through equitable treatment of all by City officials and departments.

SECTION 4. The City of Monterey Park encourages the community to stand together through peaceful exchange and discourse to enact change and move toward a future with more equity and inclusion in the City of Monterey Park, California, and our country.

SECTION 5. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or his duly appointed deputy, is directed to attest thereto.

SECTION 6. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 7. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK ON THIS 17TH DAY OF JUNE 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

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 17th day of June 2020, by the following vote:

Ayes: Council Members:
Noes: Council Members:
Absent: Council Members:
Abstain: Council Members:

Dated this 17th day of June, 2020.

Vincent D. Chang, City Clerk
Monterey Park, California

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK DECLARING THE FIRST SUNDAY OF
JUNE AS NATIONAL CANCER SURVIVORS DAY AND THE
MONTH OF JUNE AS NATIONAL CANCER SURVIVORS
MONTH**

The City Council does resolve as follows:

SECTION 1. The City Council finds and declares that:

- A. National Cancer Survivors Day is an annual, treasured celebration of life held in hundreds of communities nationwide, and worldwide on the first Sunday in June;
- B. It is a celebration for those who have survived, an inspiration for those recently diagnosed, a gathering of support for families, and an outreach to the community;
- C. This day provides an opportunity for all people living with a history of cancer, including America's cancer survivors, to connect with each other, celebrate milestones, and recognize those who have supported them along the way;
- D. Due to advances in cancer prevention, early detection, treatment, and follow up care, more people than ever before are surviving the disease and are alive today after being diagnosed with cancer;
- E. Nonetheless, surviving cancer can leave a host of problems in its wake. Physical, emotional, and financial hardships often persist for years after diagnosis and treatment. Cancer survivors are also at a higher risk for developing second cancers and other health conditions; and
- F. In addition to these challenges, cancer survivors may face emotional struggles, strains on personal relationships, and profound fear of cancer recurrence. The effects of cancer do not merely end when treatment does.

SECTION 2. More resources, research, and survivor-friendly legislation are needed to improve the quality of life of cancer survivors, during and after treatment. The City Council of the City of Monterey Park urges everyone who participates in National Cancer Survivors Day celebrations not to only recognize those living with a history of cancer but also raise awareness of the hardship that survivors face beyond treatment.

SECTION 3. The City Council of the City of Monterey Park recognizes the National Cancer Survivors Day is a day that provides an opportunity for all people living with a history of cancer, including America's more than 16.9 million cancer survivors to connect with each other, celebrate milestones, and recognize those who have supported them along the way. It is also a day to promote more resources, research, and survivor-friendly legislation to improve cancer survivors' quality of life.

SECTION 4. The City Council of the City of Monterey Park encourages everyone to remember a life after cancer is something worth celebrating, and a better quality of life for all cancer survivors is worth fighting for each day.

SECTION 5. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Monterey Park, and the City Clerk, or his duly appointed deputy, is directed to attest thereto.

SECTION 6. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 7. This Resolution takes effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK ON THIS 17TH DAY OF JUNE 2020.

Hans Liang, Mayor

ATTEST:

Vincent D. Chang, City Clerk

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 17th day of June 2020, by the following vote:

Ayes: Council Members:
Noes: Council Members:
Absent: Council Members:
Abstain: Council Members:

Dated this 17th day of June, 2020.

Vincent D. Chang, City Clerk
Monterey Park, California