

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

AGENDA

REGULAR CITY COUNCIL MEETING

**Wednesday
August 19, 2020
6:30 p.m.**

EXECUTIVE ORDER NO. N-29-20

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

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

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

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

MISSION STATEMENT

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

GENERAL INFORMATION

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

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

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

PUBLIC PARTICIPATION

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

Via Email

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

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 974 3441 5629 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter “*9” then the Clerk’s office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer

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. MAYOR'S OUTGOING ADDRESS

1-B. REORGANIZATION OF MONTEREY PARK CITY COUNCIL

It is recommended that the City Council consider:

- (1) Appointing the Mayor and the Mayor Pro Tem in accordance with City Council Resolution No. 11507; and
- (2) Taking such additional, related, action that may be desirable.

[2.] OLD BUSINESS

2-A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO RECORD A NOTICE OF SPECIAL ASSESSMENT FOR NUISANCE ABATEMENT AT 299 E. MARKLAND DRIVE (APN 5265-007-007)

It is recommended that the City Council:

- (1) Adopt a resolution to record a Notice of Special Assessment for Nuisance Abatement; and/or
- (2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

Adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the Resolution may have a significant effect on the environment.

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

3-A. 2019-2020 ANNUAL INVESTMENT REPORT [SA]

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

- (1) Receive and file the 2019-20 Annual Investment report;
- (2) Adopt a Resolution authorizing the Treasurer to implement the City's Investment Policy for FY 2020-21; and
- (3) Take such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – JULY 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. FIRST AMENDMENT TO CONTRACT BETWEEN THE CITY OF MONTEREY PARK AND BANK OF THE WEST

It is recommended that the City Council:

- (1) Authorize the City Manager to execute an Amendment, in a form approved by the City Attorney, to a banking services contract with Bank of the West; and
- (2) Take such additional, related action that may be desirable.

3-D. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) § 2.80.060 TO CHANGE THE DATE THE BRUGGEMEYER LIBRARY BOARD OF TRUSTEES MUST SUBMIT ITS ANNUAL REPORT TO THE CITY COUNCIL

It is recommended that the City Council:

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

3-E. DEMOLITION & RECONSTRUCTION OF FIRE STATION 62 – UPDATE ON AWARD OF CONTRACT

It is recommended that the City Council:

- (1) Receive and file a status on the Demolition & Reconstruction of Fire Station 62 project; and
- (2) Take such additional, related, action that may be desirable.

3-F. ONE-YEAR TIME EXTENSION (EX-20-02) FOR TENTATIVE MAP NO. 71473 (TM-17-01) TO SUBDIVIDE ONE LOT INTO FOUR LOTS – SOUTHEAST CORNER OF SOUTH ORANGE AVENUE AND PEPPER STREET

It is recommended that the City Council consider:

- (1) Adopting a resolution approving a time extension (EX-20-02) for Tentative Map No. 71473 (TM-17-01) which includes amendments and additions to the Conditions of Approval; and
- (2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions). The Project consists of the division of property in an urbanized area that is zoned for residential use. The Project conforms to the General Plan because, according to the Land Use Element, the Single-Family Residential land use category allows for low density residential units, traditionally single-family homes with one dwelling permitted per legal lot. The Project is the subdivision of one lot into four lots for the construction of four new single-family residential dwelling units. The Project is consistent with zoning. Furthermore, the Project does not require any variances or exceptions, all services and access to the proposed parcels are available (to the City’s standards), the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

[4.] PUBLIC HEARING – None.

[5.] NEW BUSINESS

5-A. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING SECTION 3.90.050 OF THE MONTEREY PARK MUNICIPAL CODE (“MPMC”) REGARDING SIGNATURE AUTHORITY FOR THE CITY MANAGER AND DEPARTMENT DIRECTORS WHEN EXECUTING CONTRACTS ON THE CITY’S BEHALF

It is recommended that the City Council consider:

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

5-B. ADOPT A RESOLUTION RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER REGARDING COVID-19 PANDEMIC AND CONTINUE TO EXTEND THE EXISTENCE OF A LOCAL EMERGENCY

It is recommended that the City Council consider:

- (1) Adopting a Resolution Ratifying Certain Actions Completed by the City Manager; and
- (2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The Resolution itself and the actions anticipated by the Resolution 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, this action 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

5-C. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING TITLE 20 (SUBDIVISIONS) OF THE MONTEREY PARK MUNICIPAL CODE IN ITS ENTIRETY IN ACCORDANCE WITH THE SUBDIVISION MAP ACT (GOVERNMENT CODE §§ 66410, ET SEQ.)

It is recommended that the City Council consider:

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

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

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

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RESPONDING TO THE TRUMP ADMINISTRATION'S ATTEMPT TO EXCLUDE UNDOCUMENTED PERSONS FROM THE 2020 CENSUS COUNT APPORTIONMENT BASE AND RECOGNIZING THE IMPORTANCE OF COUNTING ALL PERSONS IN THE 2020 CENSUS – REQUESTED BY COUNCIL MEMBER LO

It is recommended that the City Council consider:

- (1) Adopting the Resolution responding to the Trump administration's attempt to exclude undocumented persons from the 2020 census count apportionment base and recognizing the importance of counting all persons in the 2020 census; and
- (2) Taking such additional, related, action that may be desirable

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

ADJOURN



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: Old Business
Agenda Item 2-A

TO: Honorable Mayor and City Council
FROM: Chief Matthew Hallock, Monterey Park Fire Department
SUBJECT: Consideration and possible action to adopt a Resolution to record a Notice of Special Assessment for Nuisance Abatement at 229 E. Markland Drive (APN 5265-007-007)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution to record a Notice of Special Assessment for Nuisance Abatement; and/or
2. Take such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

Adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility that the Resolution may have a significant effect on the environment.

EXECUTIVE SUMMARY:

Pursuant to Monterey Park Municipal Code ("MPMC") § 4.30.150, the City may recover abatement costs and administrative citation fines by recording a special assessment upon real property. A public nuisance at 229 E. Markland Drive, was abated by the City. As a result, the City incurred a total of \$52,510.03 (which includes legal fees). The property owner was provided with an opportunity to either remit payment to the City or contest the costs incurred and fine. As of the preparation of this report, the owner has not done either one or the other.

BACKGROUND AND DISCUSSION:

I. Nuisance Enforcement, Abatement and Cost Recovery, Generally.

The MPMC authorizes the City to engage in nuisance abatement, or issue administrative citations, when private property owners refuse to voluntarily clean up

their properties. Abatement costs include the time spent and actions performed while abating public nuisances.

Government Code § 39773.5 and MPMC § 4.39.150 allow the City to place a lien upon real property to recover any unpaid enforcement/abatement costs incurred by the City. If such a special assessment is unpaid after three years, the tax collector may sell the property to recover the total amount owed.

II. 229 E. Markland Drive

In the summer of 2018, the City began to receive complaints regarding overgrown vegetation and inoperable vehicles at the front of the property; it had also come to the City's attention that the property lacked running water for some time. The City issued a Notice of Violation to the property owner/tenant on October 19, 2018. Having received no response, and with the Code violations still present at the property, the City obtained an inspection warrant from the Los Angeles County Superior Court (dated December 11, 2018). The City's Code Enforcement and Building Divisions inspected the interior and exterior of the property on December 19, 2018 and confirmed, among other things, the lack of running water to the property, the storage of junk, abandoned personal property and refuse, and overgrown vegetation; the property was subsequently "red tagged." The property owner/tenant was provided with an opportunity to voluntarily bring the property into compliance, however the nuisance conditions remained.

A. August 2019 Abatement

The property was scheduled for and Administrative Hearing before a Hearing Officer on July 3, 2019; it was declared to be a public nuisance and the City was ordered to immediately abate it. On July 24, 2019, the City obtained an abatement warrant from the County of Los Angeles Superior Court. From August 2nd to the 7th, 2019, the City's Waste & Recycling Contractor, as well as the City's Fire, Police and Public Work Departments executed the warrant. The exterior of the Property was abated by removing the inoperable vehicles and disposing of 400 pounds of human waste and over eight tons of trash. The costs of this abatement action were \$36,047.63.

B. April 2020 Abatement (Emergency Abatement)

On April 11, 2020, the City's Police and Fire Departments were called to the property regarding persons squatting within both the detached garage and dwelling; and a fire which had been lit within the dwelling. On April 15, 2020, the City Manager ordered that the property be immediately abated; on April 17, 2020, the landscaping at the front of the property had been cleared and the property was secured from transient access with a temporary chain-link fence. On May 6, 2020, the City Council authorized the City Manager's Order for Urgency Abatement at the Property. The costs of this abatement action were \$16,462.40.

On June 15, 2020 and July 21, 2020 the City notified the property owner of the abatement costs (demanding full payment of \$52,510.03 to the City) and provided that if the costs were not paid by the proscribed deadlines, said charges may be collected as a special assessment or nuisance abatement lien. The property owner has neither appealed the cost of abatement nor reimbursed the City.

FISCAL IMPACT:

The Resolution will allow the City to recover \$52,510.03.

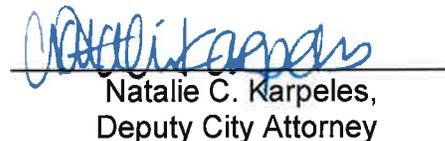
Respectfully submitted by:



Chief Matthew Hallock,
Monterey Park Fire Department

Approved by:

Reviewed by:


Ron Bow
City Manager
Natalie C. Karpeles,
Deputy City Attorney

Attachments:

1. Resolution
2. Notice of Abatement Costs (dated June 15, 2020)
3. Special Assessment for Nuisance Abatement notice (dated July 21, 2020)

ATTACHMENT 1 Resolution

RESOLUTION NO.

A RESOLUTION TO RECORD A NOTICE OF SPECIAL ASSESSMENT FOR NUISANCE ABATEMENT AT 229 E. MARKLAND DRIVE (APN 5265-007-007)

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

SECTION 1: The City Council finds and declares that:

- A. 229 E. Markland Drive is located in the City of Monterey Park, State of California, and more particularly described as Assessor's Parcel Number 5265-007-007 ("Property");
- B. On July 3, 2019, the Property was declared to be a public nuisance; the City later abated the nuisance pursuant to an abatement warrant issued by the Los Angeles County Superior Court (dated July 24, 2019). The Property owner was notified of the issuance of the abatement warrant and the exterior of the Property was abated between August 2nd and August 7th, 2019. The costs incurred by the City for this abatement totaled \$36,047.63;
- C. 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 powerlines servicing the dwelling;
- D. On April 15, 2020, the City Manager signed an Order for Urgency Abatement at the property to immediately abate the public nuisance on the property. This order was ratified by the City Council on May 6, 2020. The Property was abated on or about April 17, 2020, by (1) ensuring that the structures on the Property were vacant; (2) putting out the fire within the dwelling on the Property; (3) securing the vacant/abandoned dwelling and accessory structure against criminal activity, vandalism, on-site loitering and any other attractive nuisances by enclosing the perimeter of the Property with a padlocked chain-link fence; and (4) clearing the Property of overgrown vegetation that constituted a fire hazard. The costs incurred by the City for this abatement total \$16,462.40;
- E. The City incurred a total of \$ 52,510.03 in costs abating the public nuisance. An itemized Notice of Abatement Costs letter for work performed by the City was provided to the property owner on June 15, 2020 ("Notice");

- F. The Notice provided that if the costs were not paid by July 15, 2020, said charges may be collected as a special assessment or nuisance abatement lien. The time period for appealing the Notice expired; and
- G. Pursuant to Government Code § 38773.5 and Monterey Park Municipal Code § 4.30.150, the City may make costs related to abatement of nuisances a special assessment against a parcel.

SECTION 2: The City Council approves, confirms and adopts the Notice attached as Exhibit "A," and incorporated by reference, and determines that each such charge is proper and correct. Such charges constitute a lien on the real property upon which the public nuisance was abated and will be collected as a special assessment against the real property.

SECTION 3: The City Clerk is directed to:

- A. Mail a copy of the Notice of Abatement Costs attached as Exhibit "A," and incorporated by reference, to the property owner pursuant to MPMC § 4.20.150(b);
- B. File a certified copy of this Resolution (with attachments) with the Los Angeles County Assessor and Treasurer and Tax Collector;
- C. Submit a certified copy of this Resolution (with attachments) with the Los Angeles County Recorder for recordation, pursuant to Government Code § 38773.5;
- D. Direct the Los Angeles County Assessor to enter the amount of the charge against the real property described in this Resolution on the current assessment rolls; and
- E. Take any other action necessary to effectuate this Resolution.

SECTION 4: The Los Angeles County Assessor and Treasurer and Tax Collector are requested to add the amount of the assessment to the next regular tax bill levied against the property for municipal purposes.

SECTION 5: This Resolution does not affect any penalty, forfeiture or liability incurred before, or preclude prosecution and imposition of penalties for any violation incurring before, this Resolution's effective date. Any such amendment part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 6: 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 7: The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or his duly appointed deputy, may attest thereto.

SECTION 8: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

SECTION 9: 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.

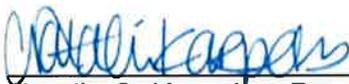
PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By: _____
Natalie C. Karpeles, Deputy City Attorney

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council

Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk

Vincent D. Chang

City Treasurer

Joseph Leon

June 15, 2020

Ms. Tina Gueyikian
Aames Home Loan, Co./Windsor Management Co.
Escrow Department
P.O. Box 76930
Los Angeles, CA 90075

Aames Home Loan/Windsor Management Co.
3731 Wilshire Blvd., 4th Floor
Los Angeles, CA 90010

State of California Franchise Tax Board
Special Procedures Section
P.O. Box 2952
Sacramento, CA 95812

The Estate of Ms. Mary C. Perez,
229 E. Markland Drive
Monterey Park, CA 91754

**Re: NOTICE OF ABATEMENT COSTS
229 E. Markland Drive, Monterey Park, CA 91754**

To Whom It May Concern:

This letter is a follow-up to the City of Monterey Park's continued enforcement action relating to the aforementioned property (Property). In the summer of 2018, the City began to receive complaints regarding overgrown vegetation and inoperable vehicles at the front of the Property; it had also come to the City's attention that the Property lacked running water for quite some time. The City notified you of these violations and concerns in a Notice of Violation and Request to Inspect letter (dated October 19, 2018). Having received no response thereto, and with the Code violations still present at the Property, the City obtained an inspection warrant (dated December 11, 2018). The City's Fire and Public Works Departments inspected the interior and exterior of the Property on December 19, 2018 and confirmed, among other things, the lack of running water to the Property, the storage of junk, abandoned personal property and refuse, and overgrown vegetation; the Property was subsequently "red tagged." On July 3, 2019, the Property was declared to be

a public nuisance and the City was ordered to immediately abate it. Accordingly, on July 24, 2019, the City obtained an abatement warrant from the County of Los Angeles Superior Court.

From August 2nd to the 7th, 2019, the City's Waste & Recycling Contractor, as well as the City's Fire, Police and Public Works Departments executed the warrant. The exterior conditions at the Property were abated by removing the inoperable vehicles and disposing of 400lbs of human waste and over 8 tons of trash.

On April 11, 2020, the City's Police and Fire Departments were called to the Property regarding persons squatting within both the detached garage and dwelling; and a fire which had been lit within the dwelling. On April 15, 2020, the City Manager ordered that the Property be immediately abated; on April 17, 2020, the landscaping at the front of the Property had been cleared and the Property was secured from transient access with a temporary chain-link fence. On May 6, 2020, the City Council authorized the City Manager's Order for Urgency Abatement at the Property.

The following are the City's abatement costs that were incurred relating to the enforcement action against the Property. These abatement costs are imposed pursuant to Monterey Park Municipal Code (MPMC) Chapter 4.30 and the abatement warrant issued by the court. **Please remit payment to the City within 30 days from the date of this letter.**

City's abatement costs relating to 229 E. Markland Dr.	
Ocean Blue Environmental Services	\$23,268.65
Administrative Hearing Officer	\$1,400.00
City attorney's fees (<i>January 31, 2018 to the present</i>)	\$20,762.40
Fire Department Fees:	
Code Enforcement Officer O. Verduzco (<i>24 hours</i>)	\$690.96
Code Enforcement Officer S. Estevez (<i>2 hours</i>)	\$59.58
Fire Marshal, C. Gomez (<i>10 hours</i>)	\$606.30
Chief Scott Haberle (<i>10 hours</i>)	\$936.30
Captain S. Reilly (<i>1 hour</i>)	\$42.68
Engineer R. Rysdon (<i>1 hour</i>)	\$36.00
Firefighter H. Chapman (<i>1 hour</i>)	\$32.04
Police Department Fees:	
Officer A. Mena (<i>1 hour</i>)	\$47.49
Officer V. Delgado (<i>1 hour</i>)	\$47.49
Officer R. Amundson (<i>64 minutes</i>)	\$103.68
Officer D. Lam (<i>23 minutes</i>)	\$37.26
Officer B. Pflughoft (<i>16 minutes</i>)	\$25.92
Officer V. Baltierra (<i>59 minutes</i>)	\$95.58
Sergeant P. Yung (<i>37 minutes</i>)	\$59.94
Officer T. Huynh (<i>101 minutes</i>)	\$163.62
Officer R. Artmani (<i>15 minutes</i>)	\$24.30
Officer I. Flores (<i>15 minutes</i>)	\$24.30
Sergeant B. Iglesias (<i>22 minutes</i>)	\$35.64
Officer O. Nunez (<i>33 minutes</i>)	\$53.46
Public Works Fees:	

June 15, 2020

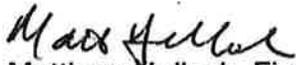
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Building Inspector J. Smith (4 hours)	\$169.52
Parks Superintendent C. Reyes (9 hours)	\$523.98
Mariposa Landscapes, Inc.	\$1,890.00
Fencing materials (padlock and chain)	\$92.94
Fensco Services, Inc.	\$1,280.00
TOTAL	\$52,510.03

Please be advised that the costs of abatement may be appealed by filing a written request to contest with the City Manager's office (located at 320 W. Newmark Ave., Monterey Park, CA 91754) within 10 calendar days of service of the notice of abatement costs. The written request must conform to the requirements set forth in Monterey Park Municipal Code § 4.30.140. Failure to submit a timely request to contest will constitute a waiver of the right to contest the notice of abatement costs. In this event, the notice of abatement costs is final and binding, and the City may proceed to collect its abatement costs in any manner allowed by law, including collection by special assessment or nuisance abatement lien (see MPMC § 4.30.150).

Thank you for your prompt attention to this matter. Should you have any questions regarding the contents of this letter, please contact Code Enforcement Officer Oscar Verduzco at 626-307-1316 or overduzco@montereypark.ca.gov.

Sincerely,


Matthew Hallock, Fire Chief

Enclosures:

Notice of Violation and Request to Inspect letter (dated October 19, 2018)
Notice of Public Nuisance Hearings (dated June 13, 2019 and April 22, 2020)
Notice of Hearing Officer's Final Decision (dated July 16, 2019)
Ocean Blue Environmental Services Invoices
Home Depot Receipts
Mariposa Landscapes, Inc. Invoice
Fensco Services, Inc. Invoice

cc: Martha Garcia, Director of Management Services
Chris Gomez, Fire Marshal
Oscar Verduzco, Code Enforcement Officer
Natalie C. Karpeles, Deputy City Attorney
Shellpoint Mortgage Servicing (via email to: Mikaela.Couey@shellpointmtg.com)

ATTACHMENT 2
Notice of Abatement Costs (dated June 15,
2020)

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council

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Hans Liang
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June 15, 2020

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a public nuisance and the City was ordered to immediately abate it. Accordingly, on July 24, 2019, the City obtained an abatement warrant from the County of Los Angeles Superior Court.

From August 2nd to the 7th, 2019, the City's Waste & Recycling Contractor, as well as the City's Fire, Police and Public Works Departments executed the warrant. The exterior conditions at the Property were abated by removing the inoperable vehicles and disposing of 400lbs of human waste and over 8 tons of trash.

On April 11, 2020, the City's Police and Fire Departments were called to the Property regarding persons squatting within both the detached garage and dwelling; and a fire which had been lit within the dwelling. On April 15, 2020, the City Manager ordered that the Property be immediately abated; on April 17, 2020, the landscaping at the front of the Property had been cleared and the Property was secured from transient access with a temporary chain-link fence. On May 6, 2020, the City Council authorized the City Manager's Order for Urgency Abatement at the Property.

The following are the City's abatement costs that were incurred relating to the enforcement action against the Property. These abatement costs are imposed pursuant to Monterey Park Municipal Code (MPMC) Chapter 4.30 and the abatement warrant issued by the court. **Please remit payment to the City within 30 days from the date of this letter.**

City's abatement costs relating to 229 E. Markland Dr.	
Ocean Blue Environmental Services	\$23,268.65
Administrative Hearing Officer	\$1,400.00
City attorney's fees <i>(January 31, 2018 to the present)</i>	\$20,762.40
Fire Department Fees:	
Code Enforcement Officer O. Verduzco <i>(24 hours)</i>	\$690.96
Code Enforcement Officer S. Estevez <i>(2 hours)</i>	\$59.58
Fire Marshal, C. Gomez <i>(10 hours)</i>	\$606.30
Chief Scott Haberle <i>(10 hours)</i>	\$936.30
Captain S. Reilly <i>(1 hour)</i>	\$42.68
Engineer R. Rysdon <i>(1 hour)</i>	\$36.00
Firefighter H. Chapman <i>(1 hour)</i>	\$32.04
Police Department Fees:	
Officer A. Mena <i>(1 hour)</i>	\$47.49
Officer V. Delgado <i>(1 hour)</i>	\$47.49
Officer R. Amundson <i>(64 minutes)</i>	\$103.68
Officer D. Lam <i>(23 minutes)</i>	\$37.26
Officer B. Pflughoft <i>(16 minutes)</i>	\$25.92
Officer V. Baltierra <i>(59 minutes)</i>	\$95.58
Sergeant P. Yung <i>(37 minutes)</i>	\$59.94
Officer T. Huynh <i>(101 minutes)</i>	\$163.62
Officer R. Artmani <i>(15 minutes)</i>	\$24.30
Officer I. Flores <i>(15 minutes)</i>	\$24.30
Sergeant B. Iglesias <i>(22 minutes)</i>	\$35.64
Officer O. Nunez <i>(33 minutes)</i>	\$53.46
Public Works Fees:	

June 15, 2020

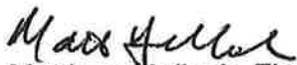
Page 3

Building Inspector J. Smith (4 hours)	\$169.52
Parks Superintendent C. Reyes (9 hours)	\$523.98
Mariposa Landscapes, Inc.	\$1,890.00
Fencing materials (padlock and chain)	\$92.94
Fensco Services, Inc.	\$1,280.00
TOTAL	\$52,510.03

Please be advised that the costs of abatement may be appealed by filing a written request to contest with the City Manager's office (located at 320 W. Newmark Ave., Monterey Park, CA 91754) within 10 calendar days of service of the notice of abatement costs. The written request must conform to the requirements set forth in Monterey Park Municipal Code § 4.30.140. Failure to submit a timely request to contest will constitute a waiver of the right to contest the notice of abatement costs. In this event, the notice of abatement costs is final and binding, and the City may proceed to collect its abatement costs in any manner allowed by law, including collection by special assessment or nuisance abatement lien (see MPMC § 4.30.150).

Thank you for your prompt attention to this matter. Should you have any questions regarding the contents of this letter, please contact Code Enforcement Officer Oscar Verduzco at 626-307-1316 or overduzco@montereypark.ca.gov.

Sincerely,


Matthew Hallock, Fire Chief

Enclosures:

Notice of Violation and Request to Inspect letter (dated October 19, 2018)
Notice of Public Nuisance Hearings (dated June 13, 2019 and April 22, 2020)
Notice of Hearing Officer's Final Decision (dated July 16, 2019)
Ocean Blue Environmental Services Invoices
Home Depot Receipts
Mariposa Landscapes, Inc. Invoice
Fensco Services, Inc. Invoice

cc: Martha Garcia, Director of Management Services
Chris Gomez, Fire Marshal
Oscar Verduzco, Code Enforcement Officer
Natalie C. Karpeles, Deputy City Attorney
Shellpoint Mortgage Servicing (via email to: Mikaela.Couey@shellpointmtg.com)

ATTACHMENT 3
Special Assessment for Nuisance Abatement
notice (dated July 21, 2020)

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896
www.montereypark.ca.gov



City Council
Peter Chan
Hans Liang
Henry Lo
Fred Sornoso
Yvonne Yiu

City Clerk
Vincent D. Chang

City Treasurer
Joseph Leon

July 21, 2020

Ms. Tina Gueyikian
Aames Home Loan, Co./Windsor Management Co.
Escrow Department
P.O. Box 76930
Los Angeles, CA 90075

Aames Home Loan/Windsor Management Co.
3731 Wilshire Blvd., 4th Floor
Los Angeles, CA 90010

State of California Franchise Tax Board
Special Procedures Section
P.O. Box 2952
Sacramento, CA 95812

The Estate of Ms. Mary C. Perez,
229 E. Markland Drive,
Monterey Park 91754

**Re: SPECIAL ASSESSMENT FOR NUISANCE ABATEMENT
229 E. Markland Drive, Monterey Park, CA 91754 (APN 5265-007-007)**

To Whom It May Concern:

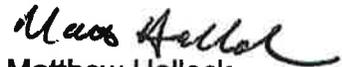
On June 15, 2020, the City of Monterey Park sent you a Notice of Abatement Costs relating to the abatement of the above-referenced property. The notice explained that the City incurred costs and fees in the amount of \$52,510.03. The Notice of Abatement Costs further explained that if this amount was not remitted to the City by the deadline, the City would proceed to collect its costs in any manner allowed by law – including collection by special assessment.

You are hereby notified that on August 5, 2020 at 6:30 p.m. the Monterey Park City Council will consider a resolution to record a proposed special assessment in the amount of \$52,510.03 in connection with your property. You may attend the public

hearing via teleconference if you so desire.¹ The City Council's decision on the resolution will be final.

If the City does not receive full payment of \$52,510.03 by 5:00 p.m. on August 5, 2020, the City Council will take action on the aforementioned resolution.

Sincerely,


Matthew Hallock
Fire Chief
Monterey Park Fire Department

cc: Martha Garcia, Director of Management Services
Chris Lua Gomez, Fire Marshal
Oscar Verduzco, Code Enforcement Officer
Natalie C. Karpeles, Deputy City Attorney
Shellpoint Mortgage Servicing (via email to: Mikaela.Couey@shellpointmtg.com)

¹ Please note that all City Council meetings will be held telephonically, until further notice. Instructions regarding viewing and/or participating in the August 5, 2020 City Council meeting will be included in the posted agenda which may be accessed by visiting the City's Agenda Center page on its website, here: <http://www.montereypark.ca.gov/AgendaCenter/City-Council-17>



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
Martha Garcia, Director of Management Services
SUBJECT: 2019-2020 Annual Investment Report

RECOMMENDATION: It is recommended that the City Council:

- (1) Receive and file the 2019-20 Annual Investment report;
- (2) Adopt a Resolution authorizing the Treasurer to implement the City's Investment Policy for FY 2020-21; and
- (3) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City's Investment Policy requires an annual investment report and a statement of investment policy to be submitted to the City Council for review within 60 days of the fiscal year-end. The attached annual report shows that all investment activities during 2019-20 were conducted according to the City's Investment Policy.

BACKGROUND:

The City Investment Policy was created in 1989 to establish guidelines for investment operations (including City of Monterey Park, Monterey Park Public Financing Authority, and Monterey Park Housing Authority). The investment priorities are in the order of safety, liquidity, and yield. The Policy establishes allowable investments and the maximum maturity for each. The allowable investments include U.S. Treasury securities, State LAIF, LA County Pooled Investment Fund, Certificates of Deposit, bankers' acceptances, mutual funds, federal agency securities, commercial papers, and collateralized savings funds. Additionally, the Policy prescribes an internal control system, which delineates duties and responsibilities for City personnel handling investment operations.

The City's investment operations are under the direction of the City Treasurer. The City's Investment Policy provides the creation of a Treasury Committee, which is comprised of the City Treasurer, City Manager, and Director of Management Services to implement the Investment Policy and related procedures. Annually, if there is any recommended change to the Investment Policy, the change is presented to the City Council for approval.

Investments (Attachment 2)

All investment activities during 2019-20 were made according to the Policy. During the year, funds were invested in the Local Agency Investment Fund, LA County Pooled Investment Fund, Treasury Bills and Certificates of Deposits.

Local Agency Investment Fund (LAIF) was created by statute in 1977. It is a pooled investment program for local agencies and special districts to participate. LAIF is managed by the State and investment securities are purchased in accordance with the Government Code Sections 16430 and 16480.4. LAIF has 2362 participants and \$32.1 billion in its portfolio. As of June 30, 2020, the City has \$88.0 million invested with LAIF.

Los Angeles County Pooled Investment Fund (LACPIF) allows local agencies in the County of Los Angeles to deposit excess funds in the Los Angeles County Treasury Pool for the purpose of investment by the Treasurer and Tax Collector of the County. As of June 30, 2020, the City has \$4.7 million invested with LACPIF.

Treasury Bills a non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Certificates of Deposits (CD) Certificates of Deposits are time deposits with banks or savings and loans. Federal Depository Insurance Corporation (FDIC) insures each depositor up to \$250,000. The City invests CDs with California State or nationally chartered financial institutions. As of June 30, 2020, the City has (17) seventeen CDs (see Attachment 2).

Investment Composition

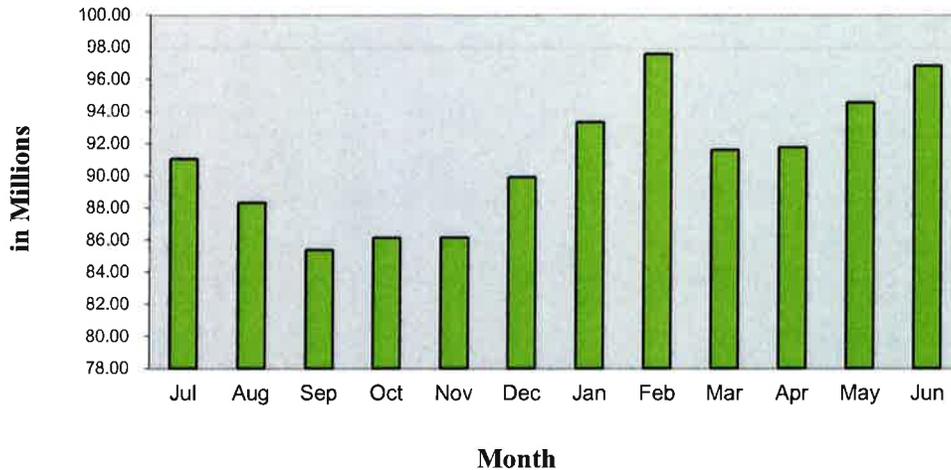
The City invests its idle cash from all operating funds on a pooled basis to maximize returns. Earnings are allocated to each fund based on the average cash balance. Total investment balance for the City as of June 30, 2020 was \$96,818,906.

<u>Instruments</u>	<u>Balance</u>	<u>Interest Rate</u>	<u>Maturity</u>
LAIF	\$ 88,020,280	1.43%	1-day
LACPIF	4,738,626	0.98%	1-day
CDs	4,060,000	1.60% - 2.75%	11 days – 3 years
Total	<u>\$ 96,818,906</u>		

Investment Balance

Timing of revenue collections, such as property tax, business licenses, and franchise tax, affects the monthly investment balance during the year. In 2019-20, monthly investment varied from \$91 million to \$97 million. The average balance was \$91 million.

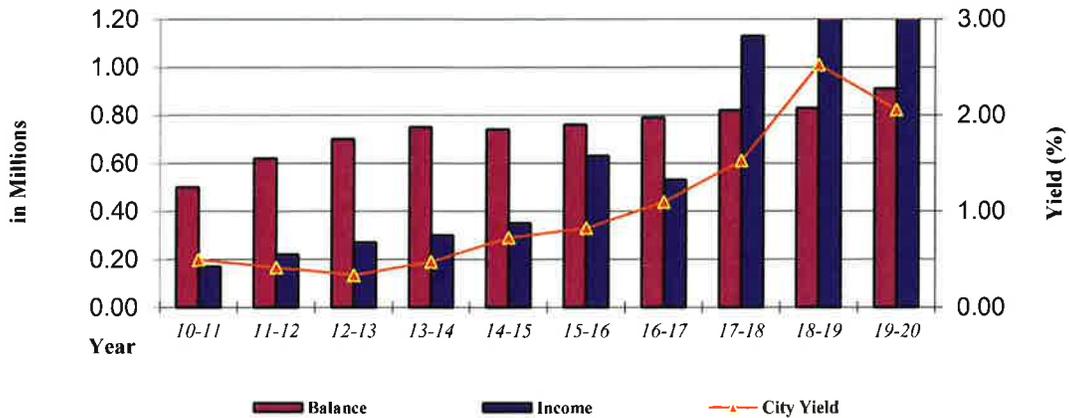
*Average Investment Balance
 Fiscal Year 2019-20*



10-Year City Investment Summary

The chart below shows the City’s investment balance, interest income, yield, and the short-term investment rate during the past 10 years (for the purpose of comparison, short-term investment rate shown is the three-month treasury bill rate). The policy stipulates that the City investment rate of return shall equal or exceed the yield for the three-month Treasury Bill. The City’s average investment yield has exceeded the three-month treasury yield in each of the past 10 years.

*10-Year Investment Summary
 From 10/11 to 19/20*



Investment Performance

The 2019-20 interest earning for the City totaled approximately \$1,501,026 and the average yields were 2.06%. The City invested 90.91% of its funds into local government investment pools (LAIF), 4.89% into Los Angeles County Pooled Fund (LACPIF), and 4.20% into certificates of deposits, which all can be effective mechanisms for obtaining liquidity, diversified portfolios, and competitive yields. The better performance from the investment in the LAIF, County pooled funds, and Certificates of Deposit have provided the City higher investment earnings in 2019-20.

Investment Policy (Exhibit A)

The City's investment policy provides the ideal framework to itemize investment alternative, to detail the benefits and risks of these alternatives, and to recommend the maximum percentage allocation, the selection process, the risk framework and the allowable maturities of the investment alternatives. This Investment Policy is intended to provide guidelines for the prudent investments of the City funds and to outline the policies for maximizing the efficiency of the City's cash management system.

The vast majority of public-sector cash management operations are governed by state laws and provisions that determine the type of investment product and manner in which the City manages its funds. Moreover, the City's allowable investments are more conservative and restricted than those of the state types.

Investment Policy Certification Award

The City has always received recognition from the Municipal Treasurers' Association (MTA) of United States & Canada for Investment Policy Certification. The certification award represents the highest level of investment policy guidelines and confirms that the City's investment operations, as guided by the Investment Policy, effectively safeguard its capital while providing operating liquidity and market-rate earnings. MTA recommends re-certification of the investment policy every three years to ensure the policy contains updated practices and/or laws pertaining to investment. The latest certification award for the City's Investment Policy was received in 2018.

Conclusion

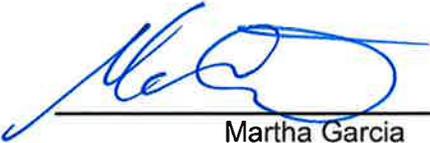
For the Fiscal Year 2020-2021, the Committee will seek permitted investment instruments according to the investment policy, and take a balanced approach consistent with the guidelines of safety, liquidity, and yield as established by the Council adopted Investment Policy. The ultimate goal is to enhance the economic status of the City while protecting its assets.

Respectfully submitted by:



Joseph Leon
City Treasurer

Prepared by:



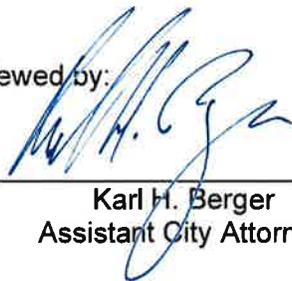
Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- 1) Exhibit A - Investment Policy
- 2) Investments
- 3) Resolution

ATTACHMENT 1
Exhibit A - Investment Policy

City of Monterey Park



Investment Policy

August 2020

CITY OF MONTEREY PARK INVESTMENT POLICY

I. PURPOSE

This Statement is intended to provide guidelines for prudent investment of the City's temporary idle cash (including City of Monterey Park, Monterey Park Public Financing Authority, and Monterey Park Housing Authority) and outline the policies for maximizing the efficiency of the City's cash management system. The ultimate goal is to enhance the economic status of the City while safeguarding its assets.

The Investment Policy complies with Government Code § 53600, *et seq.* However, to meet the City's needs, the investment parameters set forth in the City's policy are more conservative than those allowed by the Government Code.

II. SCOPE

The policy directs the investment of the City's temporarily idle monies for all funds that are accounted for in the City's Comprehensive Annual Financial Report including the general fund, special revenue funds, fiduciary funds, and proprietary funds. Employee deferred compensation, long-term debt proceeds and reserves held by a Trustee and invested pursuant to contractual agreement, or retirement investments held by a trustee (such as CalPERS) are not managed by the City and are not subject to this Investment Policy.

This Investment Policy also directs all investments related to the Monterey Park Public Financing Authority and the Monterey Park Housing Authority. For purposes of investments made for the Monterey Park Public Financing Authority and the Monterey Park Housing Authority, all references made to the City Treasurer also mean the appointed Treasurer(s) of each respective entity.

III. INVESTMENT OBJECTIVES

Criteria for selecting investments and the order of priority are:

1. **Safety**: The safety and risk associated with an investment refers to the potential loss of principal, interest or a combination of these amounts. Safety of Principal is the foremost objective of the City's investment program. To attain this objective, the City will select only those investments that ensure the preservation of capital in the overall portfolio and to mitigate credit risk and market risk.
2. **Liquidity**: This refers to the ability to "cash in" at any moment in time with a minimal chance of losing principal or interest. Liquidity is an important investment quality, especially when the need for unexpected funds occurs. The objective is to remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated within 180 days.
3. **Yield**: Yield is the potential dollar earnings an investment can provide, also referred to as the rate of return. The objective is to attain a rate of return that equals or exceeds the yield for the three-month Treasury Bill.

IV. TREASURY COMMITTEE

The Policy provides for the creation of a Treasury Committee ("The Committee"). The Committee is comprised of the City Treasurer, the City Manager, and the Director of Management Services. The Committee meets periodically and performs the following:

- Development and implementation of investment policy
- Development and implementation of investment procedures to establish internal controls, investment reporting, recordkeeping, accounting and processes for movement of funds
- Formulation of investment strategy
- Evaluation of financial institutions
- Development and implementation of controls to ensure compliance with State law and the City's Investment Policy
- Selection of investment managers, when appropriate

V. INVESTMENT PROCEDURES AND RESPONSIBILITY

- An Investment Procedures Manual is established to guide staff with day-to-day investment operations. The Manual includes procedural elements such as cash position review, investment selection, investment transaction, investment recording, and investment reporting.
- Within the constraints set forth in this policy, the City Treasurer has the authority to oversee the Citywide investment operations.
- The City Council delegates the authority to the Director of Management Services to advise and obtain approval from the City Treasurer, before opening new bank accounts, investment and cash management accounts, and other credit enhancement products, closing bank accounts, investment and cash management accounts, and signing all documents related thereto.
- The Director of Management Services is responsible for the following implementation and supervision of investment controls: approving daily investment transactions, developing the projections of the City's cash requirements for operating needs, reviewing the liquidity position of the investment portfolio, ensuring that the citywide cash position is consistent with operating requirements, preparing appropriate investment reports for review by the Committee, and developing, implementing and monitoring controls over investments. The Financial Services Manager and the Account Clerk will assist in the report preparation, execution of and recordkeeping for investment transactions.

ETHICS AND CONFLICTS OF INTEREST

VI. ALLOWABLE INVESTMENTS

- All investments must conform with Government Code § 53600, *et seq.* and this investment policy.
- See the list of allowable investments (Investments) in the matrix provided in Attachment A, which is incorporated by reference. It should be noted that any newly developed derivative of an allowable investment that is not specifically mentioned in the policy must be recommended by the City Treasurer for inclusion in the policy and any amendments to the policy must be submitted to the City Council for approval.

VII. SELECTION OF FINANCIAL INSTITUTIONS AND DEALERS

- The Treasury Committee will maintain an approved list of primary dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule) and government-sponsored investment pools. The Committee will review and amend the approved list periodically to ensure that the institutions continue to meet the selection criteria.
- A copy of the City's Investment Policy will be submitted to all dealers, investment managers and fiscal agents who manage City monies. The City must obtain an annual certification evidencing that they (1) have reviewed the City's investment policies and objectives, (2) are familiar with the City's investment constraints and (3) have complied with the provisions contained in this policy.
- Purchases of investments must be made directly from the issuer, with the exception of the State LAIF or the County Pool investments, from a member of a federally regulated securities exchange, from a national or state-chartered bank, or from a brokerage firm.
- Only commercial banks and savings and loan associations that demonstrate financial strength and are insured by the federal government may be selected to provide investment services.
- Other financial institutions must be selected using the following selection criteria: financial strength, reputation, area of expertise and ability to conform to the City and state-mandated investment parameters.

VIII. SAFEKEEPING AND CUSTODY

- Investments evidenced by physical or book-entry securities must be secured through third-party custody and safekeeping procedures or under a tripartite agreement (does not apply to insured certificates of deposit, money market funds and the Local Agency Investment Fund).
- All transactions described above, where applicable, must be executed on a delivery versus payment basis.
- The custodian will hold assets until the investments mature or the bank receives a request from the City to dispose of the securities.
- Bearer instruments can only be held through third-party institutions.

INVESTMENT POOLS/MONEY MARKET MUTUAL FUNDS/BANK SAVINGS FUNDS

The City will conduct a thorough investigation before investing in the State Local Agency Investment Fund (LAIF), the Los Angeles County Pool Investment Fund (LACPIF), Treasury Bills and/or any money market mutual fund. Periodically, LAIF, LACPIF and all mutual funds will be required to respond to an investment pool questionnaire to ensure that the criteria as qualified investment vehicles for the City remain unchanged.

IX. COLLATERALIZATION

Certificates of Deposits (CD) - The City will require any commercial bank or savings and loan association to deposit eligible securities with an Agent of a Depository approved by the California Department of Business Oversight, Division of Financial Institutions, to secure any uninsured portion of a non-negotiable certificate of deposit:

- The value of eligible securities as defined pursuant to Government Code Section 53652, pledged against a certificate of deposit must be equal to 150% of the face value of the CD if the securities are classified as mortgages and 110% of principal of the CD for all other classes of security, if the Certificate of Deposit is not FDIC insured or goes over the FDIC \$250,000 limit.
- Financial Institutions must mark the value of the collateral to market monthly and increase or decrease the collateral to satisfy the ratio requirement described above.

X. MATURITY

- The City cannot make any new investments in instruments with stated remaining maturities that exceed the terms specified in attached Exhibit A ("Allowable Investments"), which is incorporated by reference, at the time of purchase. Overall, all investments must follow the City's Investment Policy.
- Maturities of investment instruments in the portfolio will be staggered as much as practical and be consistent with projected cash requirements.

XI. LIQUIDITY

- All forecasted operating requirements must be satisfied by maintaining an adequate level of liquidity in the portfolio.
- Maturities will be selected to mature before or match the timing of the City's projected cash needs.
- The marketability of a security is an important criterion in selecting an investment.
- A liquidity base equal to the forecasted cash needs for 180 days should be maintained whenever practical.

XII. DIVERSIFICATION

- Within the parameters established by Section III, Investment Selection Criteria, and Section VI, Allowable Investments, investments should be diversified by security type and institution.

XIII. COMPETITIVE BIDDING

- The purchase or sale of securities should be made on the basis of competitive bids. A minimum of three bids, from a list of eligible dealers and/or banks should be obtained and documented. Exceptions to this policy may be granted by the majority of the Committee members when competitive bids are not practical. Reasons for granting exceptions to the competitive bid process should be stated.

XIV. REPORTING

- The Treasurer must report to the City Council on a monthly and annual basis.
- The monthly investment report submitted to the City Council will contain the following:
 - An investment inventory including types and amounts of investments, issuing financial institutions and maturities
 - Average maturity of the portfolio

- Average total yield to maturity of the portfolio
 - For marketable securities only including current market value of investments with maturities of more than 12 months
 - A statement indicating that the City can meet its expenditure requirements for the upcoming 180 days
 - A statement indicating that the portfolio complies with the City's Investment Policy
 - Percent of portfolio invested by type of instrument
 - Comparison of portfolio performance to the average yield rate for the three-month treasury bill
 - Written explanations for any variances to policy
- The Annual Investment Report must provide a summary of the annual investment activities and include a proposed statement of Investment Policy to be approved by the City Council during the first sixty days of the fiscal year.

XV. PRUDENCE

- The City of Monterey Park will follow the prudent investor standard of Government Code § 53600.3. Prudent Investor Standard: Investments must be made with judgment and care – under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- Investment officers acting in accordance with this Investment Policy and written procedures and exercising due diligence are relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely and accurate fashion as required by this Policy and procedures and appropriate action is taken to control adverse developments.

XVI. INTERNAL CONTROLS

- Internal controls must be established and documented in writing. The controls must be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees and officers of the City. Controls deemed most important include: separation of duties; separation of transaction authority from accounting and recordkeeping; custodial safekeeping; clear delegation of authority; specific limitations regarding securities losses and remedial action; control over wire transfers such as dual authorization; minimizing the number of authorized investment officials; documentation of transactions and strategies; and a code of ethics standard.
- The City's investment procedures manual will establish and maintain an internal control structure designed to ensure that the assets managed under the scope of the Policy are protected from loss, theft, or misuse. The internal control structure will provide reasonable assurance that these objectives are met.
- As part of the City's annual audit, the City's external auditor will review the City's investment activities to ensure compliance with the Investment Policy.

XVII. INVESTMENT GUIDELINES POLICY ADOPTION

- At the direction of the Treasurer, the City's Investment Policy will be reviewed and updated annually by the Committee to reflect changes in applicable law, general market conditions or to provide further clarification of the City's policies. The Investment Policy may be amended annually by resolution of the City Council. Any amendments to the Policy must be approved by the City Council.

Glossary of Terminology

Allowable Investments: A list of permitted investments by investment type maintained as a component to an investment policy. Allowable investment listings will generally include descriptions or parameters for investment diversification ratios, terms of maturity, and quality ratings.

Bankers' Acceptance (BA): A draft or bill of exchange accepted by a bank or trust company. The accepting institutions guarantee payment of the bill, as well as the issuer.

BID: The price offered for securities.

Book Entry Securities: All U.S. Treasury and Federal Agencies are maintained on computerized records at the Federal Reserve; now known as "wireable" securities.

Broker: A broker brings buyers and sellers together for a commission.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CDs are typically negotiable.

Collateral: Securities, evidence of deposit, or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Collateralized Bank Deposits: Non-negotiable Certificate of Deposit issued by a nationally or state - chartered bank or association or a State - licensed branch or a foreign bank (insured by the federal government); Bank Collateralized Savings.

Commercial Paper (CP): An unsecured short-term promissory note issued by corporations, with maturities ranging from 2 to 270 days.

Cost: The purchase price of an investment.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on a bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment.

Credit Risk: The risk of loss of principal and interest due to failure of the security issuer or broker.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

Derivatives: (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

Discount: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury Bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$ 250,000 per deposit for anyone issuer with maturity on or before 12/31/2013.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven-member Board of Governors in Washington, D.C., twelve Regional Banks and about 5,700 commercial banks that are members of the system.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid

if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

Los Angeles County Pooled Investment Fund (LACPIF): Government Code § 53684 allows local agencies in the County of Los Angeles to deposit excess funds in the Los Angeles County Treasury Pool for the purpose of investment by the Treasurer and Tax Collector of the County.

Local Agency Investment Pool (LAIF): The aggregate of all funds from California political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Risk: The risk that the market value and interest earnings of an investment or a portfolio will fall due to changes in general interest rates.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Par Value: The amount that will be realized upon maturity of an investment.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

Prudent Person Rule: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state-- the so called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission

eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. Or income earned on an investment, expressed as a percentage of the cost of that investment.

Rule 15C3-1: See Uniform Net Capital Rule.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Treasury Bills: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Treasury Bonds: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

Treasury Notes: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as non-member broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15:1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Weighted Average Rate of Return: Rate of return calculated based on interest earnings and the length of actual holding for each individual security.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security. (b) NET YIELD OR YIELD TO MATURITY is the

current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Zero Coupons: Securities that have no periodic interest payments and are sold at a deep discount from face value. For the purposes of the Monterey Park Investment Policy, zero coupons reference U.S Treasury issues.

CITY OF MONTEREY PARK FINANCIAL INSTITUTIONS

Section I – Certificates of Deposit and Collateralized Bank Deposits

All California or nationally chartered banks and savings and loans covered by the Federal Deposit Insurance Corporation.

Section II – Government Investment Pools

Local Agency Investment Fund (State of California) Investment Pools (LAIF)
Los Angeles County Pooled Investment Fund (LACPIF)

Section III – “Primary” or “Regional” Security Dealers

<u>Name</u>	<u>Address</u>
Bank of the West/BNP Paribas (City’s Servicing Bank)	13300 Crossroads Parkway North City of Industry, CA 91746 (800) 676-4549
Bank of America Securities Inc.	300 S. Grand Avenue, 19 th Floor Los Angeles, CA 90071
Morgan Stanley	245 Lytton Avenue, #200 Palo Alto, CA 94301 (800) 755-8081
Multi-Bank Securities, Inc.	6 Sea Island Drive Newport Beach, CA 92660 (800) 337-3467
Wells Fargo Bank, N.A	333 S. Spring Street Los Angeles, CA 90013 (213) 972-0828
Merrill Lynch Government Securities, Inc.	350 S. Grand Avenue, 28 th Fl. Los Angeles, CA 90071 (213) 236-2047

ALLOWABLE INVESTMENTS

Investment Types	CITY AUTHORIZED			STATE CODE		
	Maximum % of Portfolio	Maximum Maturity	Minimum Quality	Maximum % of Portfolio	Maximum Maturity	Minimum Quality
<u>Local Agency Bonds</u> Bonds issued by the City, including bonds payable solely out of revenues from a revenue producing property owned, controlled, or operated by the City or authority of the City	None	5 years	None	None	5 years	None
<u>U.S. Treasury Obligations</u> United States Treasury Notes, Bonds, Bills or other certificates of indebtedness backed by the US government U.S. Treasury Zero Coupons	None	5 years	None	None	5 years	None
<u>State Obligations - CA and Others</u> Bonds, notes or other evidence of indebtedness of any local agency within this state	None	5 years	None	None	5 years	None
<u>U.S. Agency Obligations</u> Discount notes or notes issued by Agencies of the Federal Government	None	5 years	None	None	5 years	None
<u>Collateralized Bank Deposits</u> Non - negotiable Certificate of Deposit issued by a nationally or state - chartered bank or association or a State - licensed branch or a foreign bank (insured by the federal government); Bank Collateralized Savings	None	5 years	None	None	5 years	None
Medium-term notes issued by corporations	30%	5 years	"A" or better ranking by nationally recognized rating service U.S domiciled corporations or U.S. licensed depository	30%	5 years	"A" or better ranking by nationally recognized rating service U.S domiciled corporations or U.S. licensed depository
<u>Local Agency Investment Fund (LAIF)</u> State of California Local Agency Investment Fund (LAIF) or other Local Government Investment Pools established by public entities	None	Not applicable	None	None	Not applicable	None

ALLOWABLE INVESTMENTS

Investment Types	Maximum % of Portfolio	CITY AUTHORIZED		STATE CODE		
		Maximum Maturity	Minimum Quality	Maximum % of Portfolio	Maximum Maturity	Minimum Quality
<u>Los Angeles County Pooled Investment Fund</u> California Government Code Section 53684 allows local agencies in the County of Los Angeles to deposit excess funds in the Los Angeles County Treasury Pool for the purpose of investment by the Treasurer and Tax Collector of the County	10% of LACPIF pool balance	None	None	Not applicable	None	None
Mutual Funds and Money Market Mutual Funds	20%	Not applicable	Highest ranking by not less 2 largest rating services Have an SEC registered investment advisor with more than 5 years' experience Assets under management greater than \$500 million	20%	Not applicable	Highest ranking by not less 2 largest rating services Have an SEC registered investment advisor with more than 5 years' experience Assets under management greater than \$500 million
"Banker's acceptance"	40% of portfolio (no more than 30% in any one commercial bank)	180 days	None	40% of portfolio (no more than 30% in any one commercial bank)	180 days	None
Commercial Paper	40% of portfolio for counties, cities and other local agencies (No more than 10% of agency's money in the commercial paper of any one corporate issuer)	270 days	"A" or higher rating for issuer's debt within U.S. corporations and have assets in excess of \$500 million	40% of portfolio for counties, cities and other local agencies (No more than 10% of agency's money in the commercial paper of any one corporate issuer)	270 days	"A" or higher rating for issuer's debt within U.S. corporations and have assets in excess of \$500 million
Repurchase Agreements	Not Allowable	Not Allowable	Not Allowable	None	1 year	None
<u>Negotiable Certificates of Deposit</u> Negotiable Certificates of Deposit issued by a nationally or State - chartered Bank, a federal association, or a State - licensed branch of a foreign - owned bank (insured by the federal government)	30%	5 years	None	30%	5 years	None

ALLOWABLE INVESTMENTS

Investment Types	Maximum % of Portfolio	CITY AUTHORIZED		Maximum % of Portfolio	STATE CODE	
		Maximum Maturity	Minimum Quality		Maximum Maturity	Minimum Quality
Financial Futures and Financial option contracts	None	5 years	None	None	5 years	None
Reverse Repurchase Agreements and Securities Lending Agreements	Not Allowable	Not Allowable	Not Allowable	20% of the base value of the portfolio	92 days	None
<u>Mortgage Pass-Through Securities</u> Mortgage-backed securities (Corporate issued)	Not specified			Not specified		
Diversified Management Companies	20%	5 years	"A" or better ranking by nationally recognized rating service	20%	5 years	"A" or better ranking by nationally recognized rating service

ATTACHMENT 2
Investments

**CITY OF MONTEREY PARK
INVESTMENTS
AS OF JUNE 30, 2020**

(1) LOCAL AGENCY INVESTMENT FUND \$ 88,020,280.04

(2) LA COUNTY POOLED INVESTMENT FUND \$ 4,738,626.14

(3) CERTIFICATES OF DEPOSIT

1	PREFERRED BANK	\$ 140,000	2.00%	09/03/20
2	ALLY BANK MIDVALE	245,000	1.95%	10/05/20
3	AMERICAN FIRST CREDIT UNION	245,000	1.60%	03/07/22
4	CAPITAL ONE NATL BANK	245,000	2.00%	10/26/20
5	CITIBANK NATIONAL BANK	245,000	2.65%	02/08/21
6	DIRECT CFED CREDIT UNION	245,000	2.00%	11/23/20
7	DISCOVER BANK	245,000	1.90%	09/01/20
8	ENVISION CREDIT UNION	245,000	2.50%	06/07/21
9	FIRST SOURCE FED CREDIT UNION	245,000	1.95%	03/26/21
10	GOLDMAN SACHS BANK	245,000	1.95%	10/19/20
11	GUARANTY BANK	245,000	2.40%	09/15/20
12	IBERIABANK	245,000	2.70%	11/30/20
13	MORGAN STANLEY PRIVATE BANK	245,000	1.70%	02/28/22
14	NATIONWIDE BANK	245,000	2.00%	08/31/20
15	THIRD FED SAVINGS & LOAN	245,000	2.10%	12/21/20
16	UNIVERSITY IOWA CMNTY	245,000	2.75%	04/30/21
17	WELLS FARGO BANK	245,000	2.65%	02/16/21
		<u>\$ 4,060,000</u>		

ATTACHMENT 3
Resolution

RESOLUTION NO. _____
SA RESOLUTION NO. _____

**A JOINT RESOLUTION OF THE CITY OF MONTEREY PARK AND
SUCCESSOR AGENCY TO THE MONTEREY PARK REDEVELOPMENT
AGENCY ADOPTING AN INVESTMENT POLICY AND AUTHORIZING
THE TREASURER TO IMPLEMENT THE POLICY.**

The City Council, acting on behalf of the City of Monterey Park and the Successor Agency to the Monterey Park Redevelopment Agency, (collectively, "City Council") does resolve as follows:

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

- A. Government Code § 53646 allows the Treasurer, or Treasurer's designee, to provide the City Council an investment policy for consideration;
- B. Government Code § 53607 allows the City Council to delegate investment authority to the Treasurer, who may then designate persons to implement such authority, on an annual basis; and
- C. The Treasurer proposed that the City Council consider the Investment Policy attached as Exhibit "A," and incorporated by reference, for Fiscal Year 2020-21 ("Policy").

SECTION 2: After due consideration, the City Council finds that the Policy conforms with applicable law and adopts it for use during Fiscal Year 2020-21 on behalf of the City of Monterey Park and the Successor Agency to the Monterey Park Redevelopment Agency (collectively, "City"). The Treasurer and Director of Management Services are authorized to implement the Policy for this time period on the City's behalf.

SECTION 3: Supersession of previous investment policies does not affect any penalty, forfeiture, or liability incurred before, or precludes prosecution and imposition of penalties for any violation occurring before this Resolution's effective date. Any such superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 4: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 5: The City Manager, or designee, is authorized to implement this Resolution in accordance with applicable administrative policies and procedures that may be promulgated by the city manager.

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

PASSED AND ADOPTED this 19th day of August 2020

Peter Chan, Mayor
Monterey Park, California

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger
Assistant City Attorney

Resolution No.

Page 3

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 regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 19th day of August 2020, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSTAIN:	Councilmembers:
ABSENT:	Councilmembers:

Dated this 19th day of August 2020

Vincent D. Chang, City Clerk



City Council Staff Report

DATE: August 19, 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 – July 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.

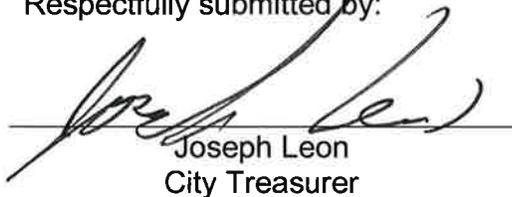
EXECUTIVE SUMMARY:

As of July 31, 2020 invested funds for the City of Monterey Park is \$93,127,167.50.

BACKGROUND:

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

Respectfully submitted by:


Joseph Leon
City Treasurer

Prepared by:


Martha Garcia
Director of Management Services

Approved by:


Ron Bow
City Manager

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

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 7/31/2020 **\$ 93,127,167.50**

INVESTMENT COMPOSITION

<p>(1) <u>LA COUNTY POOLED INVESTMENT FUND</u> <i>(See Schedule A for LA County Pool Composition)</i></p>	ON DEMAND	0.840%	<u>\$ 4,738,626.14</u>
<p>(2) <u>LOCAL AGENCY INVESTMENT FUND</u></p>	ON DEMAND	0.930%	<u>\$ 84,328,541.36</u>

	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
(3) <u>CERTIFICATES OF DEPOSIT</u>				
1 PREFERRED BANK	09/30/19	09/03/20	2.00%	140,000
2 ALLY BANK MIDVALE	10/06/17	10/05/20	1.95%	245,000
3 AMERICAN FIRST CREDIT UNION	03/06/20	03/07/22	1.60%	245,000
4 CAPITAL ONE NATL BANK	10/25/17	10/26/20	2.00%	245,000
5 CITIBANK NATIONAL BANK	02/07/19	02/08/21	2.65%	245,000
6 DIRECT CFED CREDIT UNION	11/22/17	11/23/20	2.00%	245,000
7 DISCOVER BANK	09/01/17	09/01/20	1.90%	245,000
8 ENVISION CREDIT UNION	06/07/19	06/07/21	2.50%	245,000
9 FIRST SOURCE FED CREDIT UNION	10/08/19	03/26/21	1.95%	245,000
10 GOLDMAN SACHS BANK	10/18/17	10/19/20	1.95%	245,000
11 GUARANTY BANK	03/15/18	09/15/20	2.40%	245,000
12 IBERIABANK	05/30/18	11/30/20	2.70%	245,000
13 MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
14 NATIONWIDE BANK	11/30/17	08/31/20	2.00%	245,000
15 THIRD FED SAVINGS & LOAN	12/21/17	12/21/20	2.10%	245,000
16 UNIVERSITY IOWA CMNTY	04/30/18	04/30/21	2.75%	245,000
17 WELLS FARGO BANK	02/13/19	02/16/21	2.65%	245,000
<i>Total CDs (17)</i>			2.165%	<u>\$ 4,060,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ \$ 5,117,141.23

AVERAGE MATURITY DAYS 10

AVERAGE INTEREST RATE FOR THE MONTH 0.979%

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.

ESTIMATED INTEREST EARNINGS FOR 2019-2020 \$ 1,501,026.00

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 JUNE 30, 2020

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 06/30/20		
At Cost	\$ 33,308,594,147	\$ 90,608,120
At Market	\$ 33,404,983,103	\$ 94,263,066
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	4.50%	0.00%
United States Government and Agency Obligations	71.84%	48.58%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	23.16%	0.00%
Municipal Obligations	0.19%	3.87%
Corporate and Deposit Notes	0.31%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	47.55%
1-60 days	38.51%	0.00%
61 days-1 year	29.90%	47.55%
Over 1 year	31.59%	52.45%
Weighted Average Days to Maturity	590	



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO:

Consent Calendar
Agenda Item 3-C

TO: Honorable Mayor and Members of the City Council

FROM: Martha Garcia, Director of Management Services

SUBJECT: First Amendment to Contract between the City of Monterey Park and Bank of the West

RECOMMENDATION:

It is recommended that the City Council:

- (1) Authorize the City Manager to execute an Amendment, in a form approved by the City Attorney, to a banking services contract with Bank of the West; and
- (2) Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The City contracts with financial institutions for the processing of collections, disbursements, online banking services/reporting, reconciliation services, and investment transactions. To ensure that the City's banking services are of the highest quality and cost effectiveness, in March 2012, staff sent banking services requests for proposals to various banks. Seven proposals were received and on July 18, 2012, City Council authorized the City Manager to execute an agreement with Bank of the West.

BACKGROUND:

The City's service banking requirements include the processing of checks, deposits, electronic payments, credit card transactions, payroll tax deposits, account reconciliation, and on-going cash management and investment transaction support. Specifically, the City's service bank should maintain a branch office in the City; provide a full-range of services; be a qualified depository for public funds pursuant to state law; and have adequate capitals. Bank of the West provides all necessary services to the City of Monterey Park at a cost neutral price, bank charges are offset with bank credits.

Bank of the West has updated its Contract for Deposit of Public Funds and is requesting the City's signature authority. The primary update is in Section 8 in which Bank of the West clarifies that City deposits are collateralized for the full amount of deposits in excess of the currently set amount of FDIC insurance. Another addition includes City's consent to permit the Bank to use securities that may include Letters of Credit issued by the Federal Home Loan Bank of San Francisco (FHLBSF) as collateral for agency deposits. A new Section 11 permits the document to be executed electronically provided both parties are in agreement. In addition, counterpart signatures are permitted.

FISCAL IMPACT:

Cost of banking services is paid through the use of a compensating balance system (the amount necessary to cover the City's outstanding checks) and there is no budget appropriation require for banking services.

Respectfully Submitted and prepared by:



Martha Garcia
Director of Management Services



Ron Bow
City Manager



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Agreement No. 1753-A
- Attachment 2: First Amendment to Agreement No. 1753-A

ATTACHMENT 1

Agreement No. 1753-A

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF MONTEREY PARK AND
BANK OF THE WEST**

This AGREEMENT is entered into this 18th day of July, 2012, by and between the CITY OF MONTEREY PARK, a municipal corporation and general law city ("CITY") and BANK OF THE WEST, a California Chartered Bank, backed by the parent company BNP Paribas Group.

1. CONSIDERATION.

- A. As partial consideration, BANK OF THE WEST agrees to perform the work listed in the SCOPE OF SERVICES, below;
- B. As additional consideration, BANK OF THE WEST and CITY agree to abide by the terms and conditions contained in this Agreement;

2. SCOPE OF SERVICES.

- A. BANK OF THE WEST will perform services listed in the attached Exhibit "A," entitled Banking Services Bid Form, which is incorporated by reference.
- B. BANK OF THE WEST 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 BANK OF THE WEST by this Agreement.

3. PERFORMANCE STANDARDS. While performing this Agreement, BANK OF THE WEST 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 BANK OF THE WEST banking services. CITY will notify BANK OF THE WEST of any deficiencies and BANK OF THE WEST 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 BANK OF THE WEST.

4. PAYMENTS. The City compensates for bank services primarily with compensating balances and is charged for any deficiencies based on monthly account analysis as described on Page 8 in the Request for Proposal (Bank Compensation).

5. NON-APPROPRIATION OF FUNDS. Payments due and payable to BANK OF THE WEST 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 suf-

ficient funds for payment of BANK OF THE WEST 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 BANK OF THE WEST must perform additional work ("Additional Work") to complete the Scope of Work. If Additional Work is needed, the Manager will give written authorization to BANK OF THE WEST to perform such Additional Work.
- B. If BANK OF THE WEST believes Additional Work is needed to complete the Scope of Work, BANK OF THE WEST 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 \$5,000 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, BANK OF THE WEST 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, BANK OF THE WEST agrees that BANK has or will investigate the site and is or will be fully acquainted with the conditions there existing, before commencing the services hereunder. Should BANK OF THE WEST discover any latent or unknown conditions that may materially affect the performance of the services, BANK OF THE WEST will immediately inform CITY of such fact and will not proceed except at BANK's own risk until written instructions are received from CITY.

8. TERM. The term of this Agreement will be a four (4) year contract with an option to renew for an additional two (2) year term. Unless otherwise determined by written amendment between the parties, this Agreement will terminate in the following instances:

- A. Completion of the work specified in the Request for proposal for banking services.
- B. Termination as stated in Section 16.

9. TIME FOR PERFORMANCE.

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

10. TIME EXTENSIONS. Should BANK OF THE WEST be delayed by causes beyond BANK's control, CITY may grant a time extension for the completion of the contracted services. If delay occurs, BANK OF THE WEST 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: Proposal for Services;

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 BANK OF THE WEST 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. BANK OF THE WEST will provide CITY with a Taxpayer Identification Number.

14. PERMITS AND LICENSES. BANK OF THE WEST, 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 BANK OF THE WEST 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 BANK OF THE WEST'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. BANK OF THE WEST 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, BANK OF THE WEST 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 BANK OF THE WEST after receiving a termination notice will be performed at BANK' own cost; CITY will not be obligated to compensate BANK OF THE WEST for such work.
- D. Should the Agreement be terminated pursuant to this Section, CITY may procure on its own terms services similar to those terminated.
- E. By executing this document, BANK OF THE WEST 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 BANK OF THE WEST under this Agreement are CITY's property. BANK OF THE WEST 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 BANK OF THE WEST 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 BANK OF THE WEST 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. **BANK OF THE WEST agrees to the following:**
 - i. *Indemnification for Professional Services.* BANK OF THE WEST 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

gross negligence or willful misconduct, error or omission by BANK or any of BANK OF THE WEST'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.* BANK OF THE WEST 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, BANK OF THE WEST 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 BANK OF THE WEST 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 BANK OF THE WEST pursuant to this Agreement, including, without limitation, to the provisions concerning indemnification.

20. ASSIGNABILITY. This Agreement is for BANK OF THE WEST's professional services. BANK'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 BANK OF THE WEST agree that BANK will act as an independent contractor and will have control of all work and the manner in which is it performed. BANK OF THE WEST will be free to contract for similar service to be performed for other employers while under contract with CITY. BANK OF THE WEST 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 BANK OF THE WEST as to the details of doing the work or to exercise a measure of control over the work means that BANK OF THE WEST will follow the direction of the CITY as to end results of the work only.

22. AUDIT OF RECORDS. BANK OF THE WEST 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. BANK OF THE WEST 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, BANK OF THE WEST 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:	\$1,000,000
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,” BANK OF THE WEST 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 BANK OF THE WEST for all claims made by CITY arising out of any errors or omissions of BANK OF THE WEST, 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. BANK OF THE WEST 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 BANK OF THE WEST, for any reason, fail to obtain and maintain the insurance required by this Agreement, CITY may obtain such coverage at BANK's expense and deduct the cost of such insurance from payments due to BANK OF THE WEST under this Agreement or terminate pursuant to Section 16.

24. USE OF SUBCONTRACTORS. BANK OF THE WEST 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 banking services and the terms of compensation.

25. INCIDENTAL TASKS. BANK OF THE WEST 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:

If to BANK:

Bank of the West Government Banking
500 Capitol Mall, Suite 1200
Sacramento, CA 95814
Attention: Caren B. Galloway, CTP
Senior Vice President & Manager

If to CITY:

City of Monterey Park
320 W. Newmark Ave
Monterey Park, CA 91754
Attention: Paul Talbot, City Manager

Or

Bank of the West Government Banking
300 S. Grand Avenue, 5th Floor
Los Angeles, CA 90071
Attention: Lily Ng, Vice President

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. BANK OF THE WEST will comply with all conflict of interest laws and regulations including, without limitation, CITY's conflict of interest regulations.

28. SOLICITATION. BANK OF THE WEST maintains and warrants that it has not employed nor retained any company or person, other than BANK's bona fide employee, to solicit or secure this Agreement. Further, BANK OF THE WEST warrants that it has not paid nor has it agreed to pay any company or person, other than BANK'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 BANK OF THE WEST 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 BANK OF THE WEST and CITY and not for the benefit of any other party. There will be no incidental or other beneficiaries of any of BANK'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. BANK OF WEST agrees to comply with all federal, state, and local laws applicable to this Agreement.

32. ENTIRE AGREEMENT. This Agreement, and its Attachments (all bank related agreements), sets forth the entire understanding of the parties. There are no other understandings, terms or other agreements expressed or implied, oral or written. 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, BANK OF THE WEST represents that it has demonstrated trustworthiness and possesses the quality, fitness and capacity to perform the Agreement in a manner satisfactory to CITY. BANK OF THE WEST 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 BANK OF THE WEST is capable of performing the proposed contract and has a demonstrated capacity to deal fairly and effectively with and to satisfy a public CITY.

[Signatures on next page]

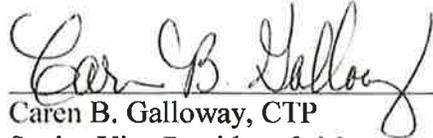
IN WITNESS WHEREOF the parties hereto have executed this contract the day and year first hereinabove written.

CITY OF MONTEREY PARK

BANK OF THE WEST



Paul Talbot,
City Manager



Caren B. Galloway, CTP
Senior Vice President & Manager
Bank of the West

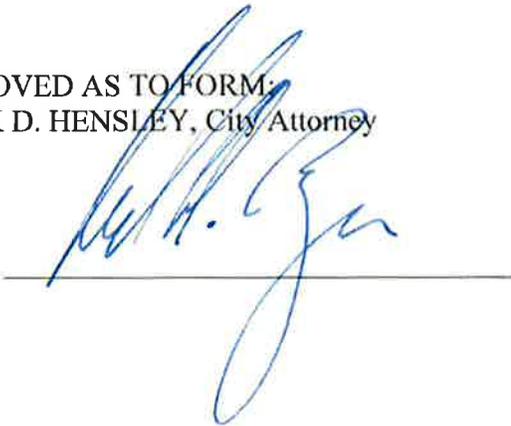
ATTEST:



David Barron, CMC, City Clerk
City of Monterey Park

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

By:



ATTACHMENT 2

First Amendment to Agreement No. 1753-A



BANK OF THE WEST
BNP PARIBAS

**CONTRACT FOR DEPOSIT OF
PUBLIC FUNDS
[California – Inactive and Active]**

Depository:	<u>Bank of the West</u>
Local Agency:	<u>City of Monterey Park</u>
Agent of Depository:	<u>Wells Fargo Bank N.A., MN</u>
Security Safe keeper:	<u>Wells Fargo Bank N.A., MN</u>
Depository's Net Worth as of	<u>06/30/2020: \$13,104,614.137.62</u>
Depository's Paid-up Capital and Surplus:	<u>\$13,085,250,540.78</u>
Depository's Most Recent CRA Rating:	<u>Satisfactory</u>
Effective Date of this Agreement:	<u>08/03/2020</u>

This Contract for Deposit of Public Funds ("Agreement") is made by and between Bank of the West ("Depository") and Treasurer of the local agency named above ("Agency") on behalf of the Agency with respect to the Agency's deposit of funds with Depository. This Agreement, supplements the applicable Deposit Account Disclosure and Safe Deposit Box Rental Agreement Terms and Conditions, Schedule of Fees and Charges for Business Deposit Accounts, current Rate Sheet, the Agency's signature card and other addenda that may be provided to you with reference to the Agency's deposit accounts as those documents are added to, deleted from or otherwise amended from time to time ("Account Agreement"). Any inconsistency between this Agreement and the Account Agreement shall be controlled by this Agreement.

Depository and Agency agree, as follows:

1. **Governing law.** This Agreement is entered into pursuant to California Government Code Title 5, Division 2 (the "Code"). (Note: all sections referenced in this Agreement shall be to the California Government Code).
2. **Agency Representations.** Agency has determined that the deposit accounts and services contracted for in the Account Agreement and covered in this Agreement are to the public advantage. The person(s) executing this Agreement on behalf of Agency represent and warrant that: (a) they are authorized by the Agency and under applicable law to bind the Agency to this Agreement; (b) no further approval by any other person, board or governing body is required to make this Agreement effective and binding on the Agency; and (c) Agency's funds may be deposited with Depository in accordance with this Agreement.
3. **Depository Representations.** Depository represents and warrants that its net worth and latest Community Reinvestment Act rating are as set forth at the top of this Agreement.
4. **Interest.** Interest shall accrue on interest-bearing accounts maintained by Agency at the rate set forth in Agency's Account Agreement with Depository. If Depository does not have a system that can accrue interest on a 360-day basis for inactive deposits, Depository may increase the rate of interest on the account so that the interest yield is equivalent to an account where interest is calculated on a 360-day basis. Interest shall be paid quarterly or more frequently, as set forth in the Account Agreement.

5. **Expenses.** Unless otherwise agreed by the parties: (a) Depository shall bear the expense of transportation of eligible securities maintained as collateral to and from the designated Agent of the Depository; (b) Agency shall bear the expense of transportation of funds to and from Depository; and (c) Depository shall handle, collect, and pay checks, drafts, and other exchange for the fees set forth in the Account Agreement between Depository and Agency.
6. **Other Deposit Terms.** Each deposit shall be subject to the terms of the Account Agreement between Depository and Agency.
7. **Deposits.** At the time of each deposit, Depository will issue a receipt to Agency. Each deposit shall be subject to the terms of this Agreement and the Account Agreement, which shall state if and when interest is to be paid, the rate of interest, the duration of the deposit, and the terms of withdrawal.
8. **Security for Deposits; Waiver of Security for Deposits Insured by Federal Law; Authorization to Collateralize Deposits with Letters of Credit Issued by the Federal Home Loan Bank of San Francisco.** Depository shall at all times maintain the required amount of eligible securities with the Agent of Depository named above to secure the deposits of the Agency, in accordance with the Code. The Agent of Depository is authorized to place such securities for safekeeping with the bank named above as "Security Holder" or with any Federal Reserve Bank or branch thereof or with any other Approved Agents of Depository, in accordance with Section 53659.

Pursuant to Section 53653, Treasurer waives security for the portion of any deposits that is insured pursuant to federal law. Treasurer also waives security for the interest accrued on the deposits which, when added to the local agency deposits, would cause the sum of the interest and deposits to exceed the maximum amount insured pursuant to federal law, provided the interest is computed by the depository on the average daily balance of the deposits, paid monthly and computed on a 360-day basis.

Treasurer consents that Depository is hereby authorized to collateralize the deposits of the agency with letters of credit issued by the Federal Home Loan Bank of San Francisco provided those letters of credit comply with Section 53651.6.

Depository may add, substitute or withdraw securities being used as security for deposits in accordance with Section 53654. Depository shall not interchange classes of security, as defined in Section 53632.5, without the prior written approval of Treasurer.

Depository shall have and hereby reserves the right to collect interest on the securities maintained as collateral, except in cases where the securities are liable to sale or are sold or converted in accordance with the provisions of California Government Code §53665.

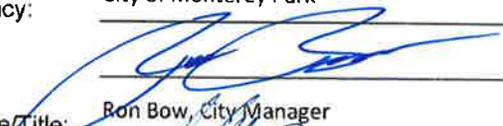
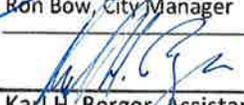
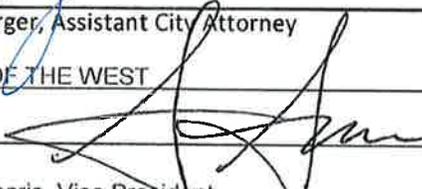
9. **Default by Depository.** If Depository fails as an institution or fails to pay all or part of the deposits of the Agency secured by pooled securities in accordance with this Agreement and upon the demand of Treasurer or any other authorized official, Treasurer will send written notice to the Administrator of Local Agency Security of the State of California (the "Administrator"), who shall draw on any applicable letter of credit and/or convert into money any securities necessary to cover (a) the deposits of the Agency, (b) any accrued interest, and (c) the reasonable expenses of the Administrator, which shall be distributed and used by the Administrator, as provided in Section 53665 of the Code. If the Administrator determines that a security is not qualified to secure public deposits, Depository will substitute other securities to comply with the requirements of this Agreement.

Upon notice to Treasurer from the Administrator, Treasurer may withdraw deposits in the event the Depository fails to pay the assessments, fines, or penalties assessed by the Administrator or may withdraw authorization for the placement of pooled securities in an agent of depository in the event the Agent of Depository fails to pay the fines or penalties assessed by the Administrator.

10. **Compliance.** Subject to Section 53648 and applicable federal law, the parties shall comply in all respects with the provisions of the Code and other applicable provisions of law.
11. **Electronic Record; Counterpart.** This Agreement may be in the form of an Electronic Record and may, if Depository has expressly agreed with you to accept Electronic Signatures, be executed using Electronic Signatures (including manually executed paper documents that are sent by facsimile, .pdf or other electronic means), which shall be considered an original and shall have the same legal effect, validity and enforceability as an original paper record. For purposes hereof, each of the terms "Electronic Record" and "Electronic Signature" has the respective meaning assigned to it in 15 USC §7006 (as the same may be amended from time to time).

This Agreement may be executed in one or more counterparts, including both paper and electronic counterparts, but all such counterparts shall constitute one and the same agreement.

12. **Termination.** Either party may terminate this Agreement as to future deposits by providing 30 days prior written notice to the other party.

Date: 08/13/2020 Agency: City of Monterey Park
 By: 
 Name/Title: Ron Bow, City Manager
 By:  Approved as to form
 Karl H. Berger, Assistant City Attorney
 Date: 08/03/2020 Depository: BANK OF THE WEST
 By: 
 Name/Title: Abe Amerie, Vice President



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D

TO: Honorable Mayor and Members of the City Council
FROM: Diana Garcia, City Librarian
SUBJECT: Waive further reading and adopt an Ordinance amending Monterey Park Municipal Code ("MPMC") § 2.80.060 to change the date the Bruggemeyer Library Board of Trustees must submit its annual report to the City Council

RECOMMENDATION:

It is recommended that the City Council:

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

EXECUTIVE SUMMARY:

The Ordinance was introduced at the August 5, 2020 City Council meeting. On August 5, 2020, the City Council conducted the first reading. The original staff report is attached for reference. Second reading and adoption of this Ordinance is recommended; it will take effect in 30 days.

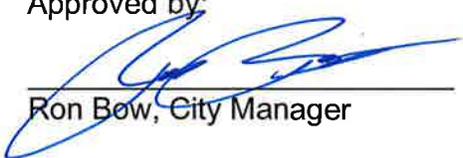
Respectfully submitted and prepared by:

By:



Diana Garcia,
City Librarian

Approved by:



Ron Bow, City Manager

Reviewed by:



Natalie C. Karpeles, Deputy City
Attorney

ATTACHMENTS:

1. Draft Ordinance
2. August 5, 2020 City Council Staff Report

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE (“MPMC”) § 2.80.060 TO CHANGE THE DATE THE BRUGGEMEYER LIBRARY BOARD OF TRUSTEES MUST SUBMIT ITS ANNUAL REPORT TO THE CITY COUNCIL.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. Monterey Park Municipal Code (“MPMC”) § 2.80.060 is amended to read as follows:

“2.80.060 Annual report. Not later than November 30th of each year, the board of library trustees must report to the city council and to the state librarian, or designee, on the condition of the library. The report must contain the information required by the state librarian in addition to any other matters deemed expedient by the board of library trustees.”

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 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.

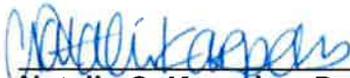
PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL ON _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Natalie C. Karpeles, Deputy City Attorney

ATTACHMENT 2
August 5, 2020 Staff Report to City Council



City Council Staff Report

DATE: August 5, 2020

AGENDA ITEM NO:

TO: Honorable Mayor and Members of the City Council
FROM: Diana Garcia, City Librarian
SUBJECT: Consideration and possible action to introduce and waive first reading of an Ordinance amending Monterey Park Municipal Code ("MPMC") § 2.80.060 to change the date the Bruggemeyer Library Board of Trustees must submit its annual report to the City Council

RECOMMENDATION:

It is recommended that the City Council:

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

EXECUTIVE SUMMARY:

The draft Ordinance proposes changing the date the Library Board of Trustees must submit its annual report to the City Council to coincide with the date this same information must be submitted to the State Librarian.

BACKGROUND & DISCUSSION:

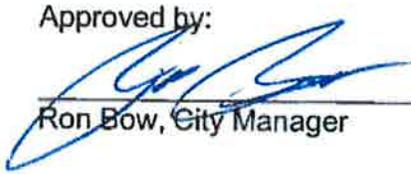
The State Library annually collects public library statistics throughout the state via the Public Libraries Survey ("PLS"). The data/information collected through the PLS provides information that policymakers and practitioners can use to make informed decisions about the support and strategic management of libraries. Specifically, this data includes information about library visits, circulation, size of collections, public service hours, staffing, electronic resources, operating revenues and expenditures and number of service outlets. The PLS is collected annually; typically, in November of each year.

MPMC § 2.80.060 requires that the Library Board of Trustees submit a "report" to the City Council and the state librarian on the condition of the library not later than August 31st of each year. Per MPMC § 2.80.060, the report must contain substantially the same information required by the PLS. A sample PLS is attached to this staff report.

Respectfully submitted and prepared by:

By: 

Diana Garcia,
City Librarian

Approved by:


Ron Bow, City Manager

Reviewed by:


Natalie C. Karpelas, Deputy City
Attorney

ATTACHMENTS:

1. Sample Public Libraries Survey and Instructions
2. Ordinance



City Council Staff Report

DATE: August 19, 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: Demolition & Reconstruction of Fire Station 62 – Update on Award of Contract

RECOMMENDATION:

It is recommended that the City Council:

1. Receive a status on the Demolition & Reconstruction of Fire Station 62 project; and
2. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

On May 20, 2020, the City Council gave direction to City Manager to terminate the control of the previous contractor over the agreement for Demolition & Reconstruction of Fire Station 62 (“project”) due to non-performance; and adopted Resolution No. 12157 declaring an emergency and authorizing contracting without the need for formal bidding pursuant to Public Contracts Code §2205 and Monterey Park Municipal Code (“MPMC”) Chapter 2.52.

Staff solicited bids informally and the lowest bidder was Robert Clapper (RC) Construction Services, Inc. On July 13, 2020, the City Manager executed a public works contract with RC Construction Services, Inc. in the amount of \$5,128,000, which is just over \$269,000 less than the original contract.

BACKGROUND:

After the direction received at the May 20, 2020 City Council meeting, staff solicited bids, informally, beginning on June 1, 2020. Bids were opened on June 15, 2020 and included the following four bids:

RANK	BIDDER	BASE BID AMOUNT
------	--------	-----------------

1	Robert Clapper (RC) Construction Services, Inc.	\$5,128,000.00
2	New Dynasty Construction, Co.	\$5,329,810.00
3	Monet Construction, Inc.	\$5,375,000.00
4	Caliba, Inc.	\$5,393,000.00

The bid submitted by Robert Clapper (RC) Construction Services, Inc., from Rialto, CA, is the lowest responsive bid from a responsible bidder. RC Construction Services, Inc.'s license was verified with the California State Contractor's License Board to be current, active and in good standing. Registration with the California Department of Industrial Relations (DIR) was verified. Staff also checked the contractor's references and received positive feedback.

FISCAL IMPACT:

The project is currently funded by Fire Suppression Development Impact Fees (DIF), General Fund Capital Improvement Project (CIP) reserve funds, Measure R funds, and Measure M funds. Below is a summary of the funding sources.

Fiscal Year	Fund	Amount
Budgeted FY2018-19	Fire Suppression DIF (0071)	\$420,521
	General Fund (0010)	\$4,686,456
Budgeted FY2019-20	Fire Suppression DIF (0071)	\$100,000
	General Fund (0010)	\$150,000
	Measure R	\$100,000
	Measure M	\$100,000
TOTAL		\$5,556,977

Respectfully submitted by:


 Mark A. McAvoy
 Director of Public Works/
 City Engineer

Approved by:


 Ron Bow
 City Manager

Prepared by:


 Frank A. Lopez
 Assistant City Engineer

Reviewed by:


 Karl H. Berger
 Assistant City Attorney

ATTACHMENT(S):

1. Robert Clapper (RC) Construction Services, Inc. - Bid Proposal

ATTACHMENT - 1
Robert Clapper Construction Services, Inc. Bid Package

SECTION C. BIDDERS PROPOSAL
(Entire section C shall be submitted with the bid)

BIDDER'S NAME: Robert Clapper Construction Services, Inc.

In accordance with the City's Notice Inviting Sealed Bids, the undersigned BIDDER, hereby proposes to furnish all materials, equipment, tools, labor, and incidentals required for the above stated project as set forth in the Plans, Specifications, and contract documents therefore, and to perform all work in the manner and time prescribed therein.

BIDDER declares that this proposal is based upon careful examination of the work site, Plans, Specifications, Instructions to Bidders, and all other contract documents. If this proposal is accepted for award, BIDDER understands that failure to enter into a contract in the manner and time prescribed will result in forfeiture to the City of Monterey Park of the guarantee accompanying this proposal.

BIDDER understands that a bid is required for the entire work. The contract will be awarded on the prices shown on the bid schedule. It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties and fees. In the case of discrepancies in the amounts of bid, unit prices shall govern over extended amount, and words shall govern over figures.

If awarded the Contract, the undersigned further agrees that in the event of the BIDDER'S default in executing the required contract and filing the necessary bonds and insurance certificates within ten working days after the date of the City's notice of award of contract to the BIDDER, the proceeds of the guarantee accompanying this bid shall become the property of the City and this bid and the acceptance hereof may, at the City's option, be considered null and void.

BID SCHEDULE

To the Monterey Park's City Council, herein called the "Council".

Pursuant to and in compliance with your Notice Inviting Bids and the other documents relating thereto, the undersigned bidder, having familiarized himself with the work, and with the terms of the contract, the local conditions affecting the performance of the contract, and the cost of the work at the place where the work is done, and with the drawings and specifications and other contract documents, hereby proposes and agrees to perform, within the time stipulated, the contract, including all of its component parts, and everything required to be performed, and to provide and furnish any and all of the labor, materials, tools, expendable equipment, and all applicable taxes, utility and transportation services necessary to perform the contract and complete in a workmanlike manner, all in strict conformity with the Contract Documents on file at the office of the City Clerk of said City, per the following bid schedule:

**BID SCHEDULE
DEMOLITION AND RECONSTRUCTION OF FIRE STATION 62**

TOTAL BASE BID AMOUNT IN WORDS _____
five million one hundred twenty eight thousand
_____ DOLLARS

TOTAL BASE BID AMOUNT IN NUMBERS \$ 5,128,000.00

- The bid prices shall include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.
- All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.
- A bid is required for the entire work. The quantities set forth in the Bid Schedule will be used to calculate total bid amount. The final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.

DESIGNATION OF SUBCONTRACTORS

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: <u>Beck Co. Inc.</u> Address: <u>972 Reservoir Pomona 91766</u> Tel: <u>909-868-0883</u>	<u>Demolition</u>	<u>\$55,000</u>
Name: <u>JRN Engineering</u> Address: <u>9280 Tormosa Ct Altadena 91737</u> Tel: <u>909-815-8273</u>	<u>Grading</u>	<u>\$43,700</u>
Name: <u>Team West Contracting</u> Address: <u>2733 Vista Ave Birmingham Ct 92316</u> Tel: <u>909-421-4450</u>	<u>Fence & Gates</u>	<u>\$68,500</u>
Name: <u>Golden State Roofing</u> Address: <u>22120 Avalon Blvd Carson, Ct 90749</u> Tel: <u>310-808-9242</u>	<u>Roofing</u>	<u>\$67,555</u>
Name: <u>Circle City Electric</u> Address: <u>18786 Van Buren Blvd - Riverside Ct 92508</u> Tel: <u>951-789-6872</u>	<u>Electrical</u>	<u>\$630,000</u>
Name: <u>APS Construction</u> Address: <u>1303 Brand Blvd #6 Glendale 91202</u> Tel: <u>818-641-9221</u>	<u>HVAC</u>	<u>\$169,000</u>
Name: <u>Air Exchange Clean Air</u> Address: <u>495 Edison Ct. Suite A Fairfield Ct 94534</u> Tel: <u>909-923-7952</u>	<u>Vehicle Exhaust Removal</u>	<u>\$90,000</u>

DESIGNATION OF SUBCONTRACTORS

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: Kincaid Industries Address: 31065 Portation Drive Thousand Palms ct 92276 Tel: 760-343-5457	Fire Sprinklers Plumbing	\$405,000
Name: Floored Tile & Stone Address: 7200 Helena Place Fontana, ct 92336 Tel: 909-574-8090	Ceramic Tile	\$97,000
Name: Hard Rock Mat Corp. Address: 130 S. Prospect Ave. Tustin, ct 92780 Tel: 714-617-5585	Cement Plaster; Gypsum Board	\$328,000
Name: McKernan Inc. Address: 808 Stuart Ave Redlands ct 92374 Tel: 909-307-5650	Doors, Glazing ? Hardware	\$140,000
Name: Overhead Door Co. Address: 12401 S. La Cadena Dr Colton ct 92324 Tel: 909-783-3131	Overhead Doors	\$36,000
Name: Apple Valley Comm. Address: 21845 Hwy 18 Apple Valley ct 92307 Tel: 760-247-2668	Low Voltage	\$69,000
Name: Camblin Steel Svc. Address: 4175 Cincinnati Rochlin ct 95765 Tel: 916-644-1300	Rebar	\$41,500

DESIGNATION OF SUBCONTRACTORS

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: majestic Masonry Address: 1357 O'malley Way Highland CA 91786 Tel: 909-981-0809	masonry	\$ 80,000
Name: Crown Steel, Inc. Address: 11045 maple Ave. Bloomington CA 92376 Tel: 951-739-5837	Structural Steel	\$ 242,000
Name: Pennsylvania Coatings Address: #105 27640 Commerce Ct Dr Temecula 92590 Tel: 951-808-8800	Painting	\$ 61,000
Name: Floor Tech America Address: 125 Mercury Circle Pomona, CA 91768 Tel: 909-598-6328	Floor Coverings	\$ 43,000
Name: Rodriguez Brothers Eng. Address: 2023 S. Bonview Ave Ontario 91761 Tel: 909-923-2837	Site Utility	\$ 208,000
Name: Hardy Landscape Const Address: Diamond 21520 Ambassadors Bar 91765 Tel: 909-632-6052	Landscape	\$ 44,000
Name: Statewide Structures Address: 20258 Hwy 18 #430-472 Apple Valley CA 92307 Tel: 951-286-4750	Rough Carpentry	\$ 520,000

DESIGNATION OF SUBCONTRACTORS

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: <i>NewStar Const. Svc. Inc.</i> Address: <i>807 E. Orangehurst #13</i> <i>Anheim, CA 92801</i> Tel:	<i>Finish Carpentry</i>	\$ <u><i>154,000</i></u>
Name: Address: Tel:		
Name: Address: Tel:		\$ _____

REFERENCES

References shall be for projects constructed by the bidding company; references for other projects performed by principals or other individuals of the bidding company may not be included. References shall be either minimum from 3 Public Agencies; or minimum from 2 Public Agencies plus 2 Private Entities for which BIDDER has performed similar work within the past three years.

Reference 1		
Agency Name <u>City of Rancho Cucamonga</u>	Project Name and Brief Description Rancho Cucamonga Fire Training Facility	
Contact Name and Title <u>Michael Courtney - Fire Chief</u>	New Fire Training Facility with demolition existing structures, and new construction of 3 buildings.	
Tel: <u>(909) 239-6617</u> E-mail: <u>michael.courtney@cityofrc.us</u>	Contract Value: \$ <u>15,621,346</u>	Year Completed: <u>2018</u>

Reference 2		
Agency Name <u>Soboba Band of Luiseno Indians</u>	Project Name and Brief Description Soboba Fire Station No. 1	
Contact Name and Title <u>Michael Castello - Tribal Administrator</u>	New Construction of a 3 bay Fire Station with all new site utilities, and related site work.	
Tel: <u>(951) 654-5544</u> E-mail: <u>mcastello@soboba-nsn.gov</u>	Contract Value: \$ <u>7,181,322</u>	Year Completed: <u>2019</u>

Reference 3		
Agency Name <u>City of Ontario</u>	Project Name and Brief Description Ontario Fire Training Facility	
Contact Name and Title <u>Dave Simpson - Director of Design & Construction</u>	New Construction of a 10,476 sqft Fire Station, single story with related site work.	
Tel: <u>(909) 395-2185</u> E-mail: <u>dsimpson@ci.ontario.ca.us</u>	Contract Value: \$ <u>8,282,610</u>	Year Completed: <u>2020</u>

Reference 4		
Agency Name _____	Project Name and Brief Description	
Contact Name and Title _____		
Tel: _____ E-mail: _____	Contract Value: \$ _____	Year Completed: _____

SITE INSPECTION

The Bidder declares that he/she has carefully read and examined the plans, specifications, bid documents, and he/she has made a personal examination of the site (indicate name of the person, representing the bidder, who inspected the site and date below) and that he/she understands the exact scope of the Project without question.

Name of Person who inspected the site: Brad McMurray

Date of Inspection: October 1, 2019

ADDENDA ACKNOWLEDGMENT

The Bidder acknowledges receipt of the following Addenda and has included their provisions in this Proposal:

Addendum No. 1 Dated 6/1/20

Addendum No. 2 Dated 6/1/20

Addendum No. 3 Dated 6/1/20

Addendum No. 4 Dated 6/2/20

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

BIDDER certifies that all previous contracts or subcontracts, all reports which may have been due under the requirements of any Agency, Site, or Federal equal employment opportunity orders have been satisfactorily filed, and that no such reports are currently outstanding.

AFFIRMATIVE ACTION CERTIFICATION

BIDDER certifies that affirmative action has been taken to seek out and consider minority business enterprises for those portions of work to be subcontracted, and that such affirmative actions have been fully documented, that said documentation is open to inspection, and that said affirmative action will remain in effect for the life of any contract awarded hereunder. Furthermore, BIDDER certifies that affirmative action will be taken to meet all equal employment opportunity requirements of the contract documents.

INSURANCE REQUIREMENTS

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

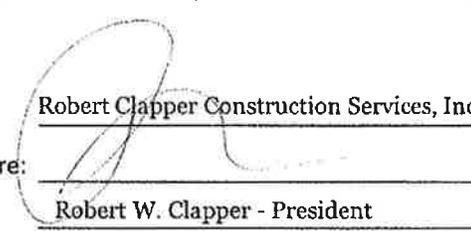
<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability:	\$2,000,000
Business automobile liability	\$2,000,000
Workers compensation	Statutory requirement.

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

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

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

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

Bidder's Name: Robert Clapper Construction Services, Inc.
 Authorized Signature: 
 Name and Title: Robert W. Clapper - President
 Date: June 15, 2020

PUBLIC CONTRACT CODE SECTION 7106

Noncollusion Declaration by Bidder

The undersigned declares:

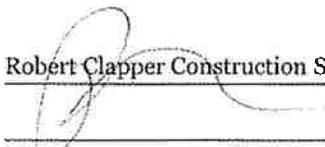
I am the President of Robert Clapper Construction Services, Inc., the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bidder's Name: Robert Clapper Construction Services, Inc.

Authorized Signature: 

Name and Title: Robert W. Clapper - President

Date: June 15, 2020

PUBLIC CONTRACT CODE SECTION 10162

In conformance with the above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder

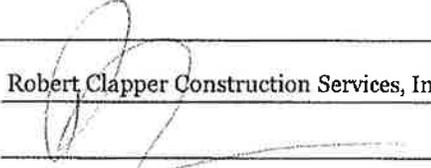
has never been Yes has been No (indicate YES or NO after applicable answer)

disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

If the answer is has been YES explain the circumstances below:

N/A

Bidder's Name: Robert Clapper Construction Services, Inc.

Authorized Signature: 

Name and Title: Robert W. Clapper - President

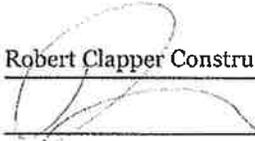
Date: June 15, 2020

PUBLIC CONTRACT CODE SECTION 10232

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that no more than one final, unappealable finding of contempt of court by a federal court

has not been Yes has been No (indicate YES or NO after applicable answer)

issued against the bidder within the immediately preceding two-year period because of the contractor's failure to comply with an order of a federal court which orders the contractor to comply with an order of the National Labor Relations Board. For purposes of this section, a finding of contempt does not include any finding which has been vacated, dismissed, or otherwise removed by the court because the contractor has complied with the order which was the basis for the finding.

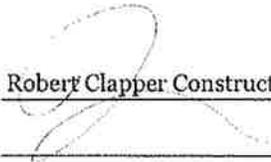
Bidder's Name: Robert Clapper Construction Services, Inc.
Authorized Signature: 
Name and Title: Robert W. Clapper - President
Date: June 15, 2020

PUBLIC CONTRACT CODE SECTION 10285.1

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder or any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof

has never been Yes has been No (indicate YES or NO after applicable answer)

convicted within the preceding three years by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including, for the purposes of this article, the Regents of the University of California or the Trustees of the California State University.

Bidder's Name: Robert Clapper Construction Services, Inc.
Authorized Signature: 
Name and Title: Robert W. Clapper - President
Date: June 15, 2020

BIDDER INFORMATION

Bidder's Name: Robert Clapper Construction Services, Inc.

Address: 2223 N. Locust Ave., Rialto, CA 92377

Form of Legal Entity: Corporation

If a Corporation, State of Incorporation: California

State Contractor's Class and License No.: B, C-8 716719

Contact Person Information:

Name: Robert W. Clapper Title: President

E-mail: bob.clapper@rcconstruction.com Tel: (909) 829-3688

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

Robert Clapper Construction Services, Inc.
2223 N. Locust Ave., Rialto, CA 92377 (909) 829-3688
Robert W. Clapper - President Rebecca A. Clapper - Secretary

The date(s) of any voluntary or involuntary bankruptcy judgements against any principal having an interest in this proposal are as follows:

N/A

All current and prior DBA'S, alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

R. C. Construction Services

Previous contract performance history:

Was any contract terminated previously: No

If the answer to the above is "yes", provide the following information:

Contract/project name and number: N/A

Date of termination: N/A

Reason for termination: N/A

Owner's name: N/A

Owner contact person and tel. no.: N/A

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 15th day of June, 2020.

BIDDER

Robert Clapper Construction Services, Inc.

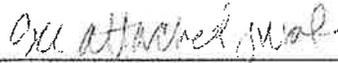
Robert W. Clapper - President

Rebecca A. Clapper - Secretary



Subscribed and sworn to this 15th day of June, 2020

NOTARY PUBLIC Brianne Brissette



CALIFORNIA JURAT

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 San Bernardino

Subscribed and sworn to (or affirmed) before me on this 14th day of June, 2020 by ROBERT W. CLAPPER and REBECCA A. CLAPPER, proved to me on the basis of satisfactory evidence to be the persons who appeared before me.

Signature 



(Seal)



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-F

TO: Honorable Mayor and Members of the City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer/City Planner
SUBJECT: One-year Time Extension (EX-20-02) for Tentative Map No. 71473 (TM-17-01) to subdivide one lot into four lots – Southeast Corner of South Orange Avenue and Pepper Street.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution approving a time extension (EX-20-02) for Tentative Map No. 71473 (TM-17-01) which includes amendments and additions to the Conditions of Approval;
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On May 7, 2020, the City Manager executed an Administrative Order that – retroactively to March 11, 2020 – suspended the timelines within the Monterey Park Municipal Code (“MPMC”) regarding automatic extensions, etc., on subdivision maps and applications.

On June 20, 2020, Paul Cheung of Goldstar Development Inc., submitted an application pursuant to MPMC Title 20 requesting approval of a one-year time extension for Tentative Map No. 71473 (TM-17-01) to subdivide one lot into four lots at southeast corner of South Orange Avenue and Pepper Street (“Project”). Pursuant to MPMC § 20.10.020, the City Council “shall grant the extension and any subsequent extensions; provided, that it finds good cause for doing so and that such extensions do not exceed an aggregate of three years.” It is recommended that the City Council determine whether good cause for the extension exists.

CEQA (California Environmental Quality Act):

The Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15315 as a Class 15 categorical exemption (Minor Land Divisions). The Project consists of the division of property in an urbanized area that is zoned for residential use. The Project conforms to the General Plan because, according to the Land Use Element, the Single-Family Residential land use category allows for low density residential units, traditionally single-family homes with one dwelling permitted per legal lot. The Project is the subdivision of one lot into four lots for the construction of four new single-family residential dwelling units. The Project is consistent with zoning. Furthermore, the Project does not require any variances or exceptions, all services and access to the proposed parcels are available (to the City’s standards), the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

BACKGROUND & DISCUSSION:

The applicant, Paul Cheung, is requesting a one-year time extension for Tentative Map No. 71473 (TM-17-01) to subdivide one lot into four lots at the Southeast Corner of South Orange Avenue and Pepper Street. The property is zoned R-1 (Single-Family Residential) and is designated Low Density Residential (LDR) in the General Plan.

On June 26, 2018, the Planning Commission adopted Resolution No. 10-18 approving Tentative Map No. 71473 (TM-17-01). Once a tentative map is approved, the final map must be submitted and recorded before the tentative map expires; in this instance, the tentative map was due to expire June 26, 2020.¹ On June 20, 2020, the Applicant filed an extension application with the City Planner.

The recommended action includes consideration of an extension of an approved tentative map and amending the conditions of approval as requested by the applicant and detailed below. Pursuant to MPMC § 20.10.020, the City Council “shall” extend the time to record a final map for one year if it finds good cause for doing so and that such extensions do not exceed an aggregate of three years (see, also, Government Code § 66451.3). The applicant submitted the Final Map for review on July 23, 2020 and grading plans on July 27, 2020.

It should be noted that during the plan check process it was determined that a “Home Owners Association” or HOA would be necessary to ensure maintenance of a private sump pump to ensure conveyance of the sites storm water and sewer lift station design to convey the lots waste water. Further, it was determined that applicant must secure access to Parcel 4 though the “Not A Part” or N.A.P. parcel. The Conditions of Approval, therefore, were amended to add two additional Conditions of Approval, Engineering Conditions No. 21 and 22.

This is the first extension requested by the Applicant and it is only for a period of one year. If approved, Tentative Map No. 71473 (TM-17-01) will expire on June 26, 2021.

Respectfully submitted:

By:



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

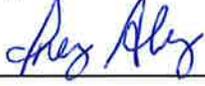
Prepared by:



Jason Moquin
Contract Planner

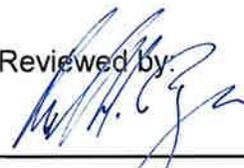
¹ See MPMC § 20.10.010.

Approved by:



for Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachments 1A & 1B: Time extension letter, dated June 20, 2020 and subsequent request dated August 11, 2020
- Attachment 2: Planning Commission Staff Report, dated June 26, 2018
- Attachment 3: Planning Commission Resolution No. 10-18
- Attachment 4: Tentative Map No. 71473
- Attachment 5: Draft Resolution and Amended Conditions of Approval

ATTACHMENTS 1A & 1B

Time extension letters, dated June 20,
2020 and August 11, 2020

GOLDSTAR DEVELOPMENT INC.

100 N. Brand Blvd., #418, Glendale, CA 91203

(818)-334-4300

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

6/20/2020

RE: Extension request of planning application extension for project at SE corner of S. Orange Ave & Pepper St. (Parcel Map No. 71473)

Dear Ms. Samantha Tewart,

We would like to request an extension for the planning application TM-17-01 on the development of vacant lots on SE corner of S. Orange Ave and Pepper Street.

Due to some delays from our engineering staffs, we are still trying to complete the response to the plan check comments relating to the Final Map and Grading plans.

We have most of the plan check comments corrected and are finishing up on the followings which might need a meeting with the plan checker/ consultant to get them resolved.

1. FINAL MAP – Re-submittal is expected within one week after a pre-submittal meeting with plan checker sometime in next week. (Our civil engineer thinks that the final approval may need two months or more after we re-submit)
2. GRADING PLAN – Still working on the Hydrology & Hydraulic analysis report and we will need to discuss/ clarify some of the plan check comments before we can finalize it.
3. Easements need to be added on the final parcel map, such as sewer, ingress and egress between lots. We are working with SC Edison and AT&T to relocate the communication easement.
4. Soil Engineering and Geotechnical report will need to be updated.

We will be resubmitting the updated Final Map and Grading plans as soon as possible, but since the application will be expiring very soon, we would like to request a one year extension so we can have enough time to prepare a proper resubmit and to take care of any final detail necessary.

Thank You very much in advance.

Sincerely,



Paul Cheung
CFO, Goldstar Development Inc.

RECEIVED

JUN 22 2020

CITY OF MONTEREY PARK
COMMUNITY DEVELOPMENT DEPARTMENT

GOLDSTAR DEVELOPMENT INC.

100 N. Brand Blvd., #418, Glendale, CA 91203

(818)-334-4300

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

8/11/2020

RE: Extension request of planning application extension for project at SE corner of S. Orange Ave & Pepper St. (Parcel Map No. 71473)

Dear Mr. Frank Lopez,

We would like to request an extension for the planning application TM-17-01 on the development of vacant lots on SE corner of S. Orange Ave and Pepper Street.

Due to some delays from our engineering staffs, we are still trying to complete the response to the plan check comments relating to the Final Map and Grading plans.

We have most of the plan check comments corrected and are finishing up on the followings which might need a meeting with the plan checker/ consultant to get them resolved.

1. FINAL MAP – Re-submittal is expected within one week after a pre-submittal meeting with plan checker sometime in next week.
2. GRADING PLAN – Still working on the Hydrology & Hydraulic analysis report and we will need to discuss/ clarify some of the plan check comments before we can finalize it.
3. Soil Engineering and Geotechnical report will need to be updated.

We would like to include the following conditions as part of the approval for the extension.

1. HOA and CC&R will be established for all associated lots to address all maintenance issues.
2. Access to lot 4 shall be provided and recorded via a separate instrument prior to map recordation. In event that lot 4 access cannot be obtained, the proposed subdivision will be subjected to a re-submittal map per Subdivision Map Act.

We will be resubmitting the updated Final Map and Grading plans as soon as possible, but since the application will be expiring very soon, we would like to request a one year extension so we can have enough time to prepare a proper resubmit and to take care of any final detail necessary.

Thank You very much in advance.

Sincerely,



Paul Cheung
CFO, Goldstar Development Inc.

ATTACHMENT 2

Planning Commission Staff
Report, dated June 26, 2018



Planning Commission Staff Report

DATE: June 26, 2018

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Community and Economic Development Director
SUBJECT: A Public Hearing to consider Tentative Map No. 71473 (TM-17-01) to subdivide one lot into four lots – Southeast Corner of South Orange Avenue and Pepper Street (Assessor's Parcel Number: 5276-008-045).

RECOMMENDATION:

It is recommended that the Planning Commission consider:

- (1) Opening the public hearing;
- (2) Receiving documentary and testimonial evidence;
- (3) Closing the public hearing;
- (4) Adopting the Resolution approving Tentative Map No. 71473 (TM-17-01) subject to conditions of approval; and
- (5) Taking such additional, related, action that may be desirable.

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 the subdivision of one lot into four lots for the construction of four new single-family dwelling units. The division is in conformance with the General Plan and zoning in that the subject property is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan Land Use Element. The proposed development occurs within city limits on a project 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 older residential dwelling units that will be demolished as part of the proposed project. Approval of the project would 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. The site can be adequately served by all required utilities and public services in that the City provides the utilities and public services.

EXECUTIVE SUMMARY:

The applicant, Paul Cheung of Goldstar Development, seeks a Tentative Map to subdivide one lot into four lots at the southeast corner of South Orange Avenue and Pepper Street ("Project Site").

The proposed project meets the City's zoning regulations and development standards. The Low Density Residential land use allows traditional single-family homes, with one dwelling unit permitted per legal lot. Residences in this category consist generally of single-family detached houses with private yards. The subject property is a hillside lot that is currently vacant. The existing developments on Pepper Street and Orange Avenue include one and two-story, single-family dwellings with attached garages all of which were constructed in the 1960s.

Property Description

The project site is located on the southeast corner of South Orange Avenue and Pepper Street. The property is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan. The properties to the north, south, and east of the project site are R-1 zoned lots, and west is South Orange Avenue and the Garvey Reservoir. The project site is irregular shaped, sloped, and has a frontage of approximately 233.12 feet on Pepper Street and 148.96 feet on Orange Street, with a total lot area of 41,080 square feet (0.94 acres) in size.

Project Description

The subject property is currently vacant. The proposed subdivision is to divide the existing lot into four lots. Lot 1 will be 6,181 square feet, Lot 2 will be 7,116 square feet, Lot 3 will be 17,274 square feet, and Lot 4 will be 13,054 square feet. According to Monterey Park Municipal Code (MPMC) § 21.08.080, the minimum lot area required for an R-1 zoned lot is 6,000 square feet and the minimum lot width is 50 feet. All four lots will exceed these minimum requirements. A 40 feet wide easement for the Metropolitan Water District runs through Lot 4. The Metropolitan Water District has reviewed the proposed project and found the plans to be acceptable and did not express any concerns therewith.

Following the proposed subdivision, all four lots will comply with the R-1 development standards. The floor area ratio for Lots 1 and 2 will be 40 percent of the lot size, which is the maximum allowed in the R-1 zone for a lot between 6,000 to 10,000 square feet in lot area. The floor area ratio for Lots 3 and 4 will be 35 percent of the lot size, which is the maximum allowed in the R-1 zone for a lot greater than 10,000 square feet in lot area. All four units will be two-stories and will range in size from 2,472 square feet to 2,997 square feet.

The dwelling units will have a front setback of 25 feet and a rear setback that will exceed the minimum 25 feet requirement; the side setbacks will meet the 5 feet minimum requirement for the first story and 10 feet for the second story. The dwelling unit on Lot 2 will have a 15 feet front setback, which is an allowed encroachment per MPMC § 21.08.080(C) for a garage with entrance at right angle to the street/turn-in driveway. According to MPMC § 21.22.050, a single-family dwelling with 4 or fewer bedrooms must have two enclosed garage spaces. All four dwelling units will have attached 2-car garages.

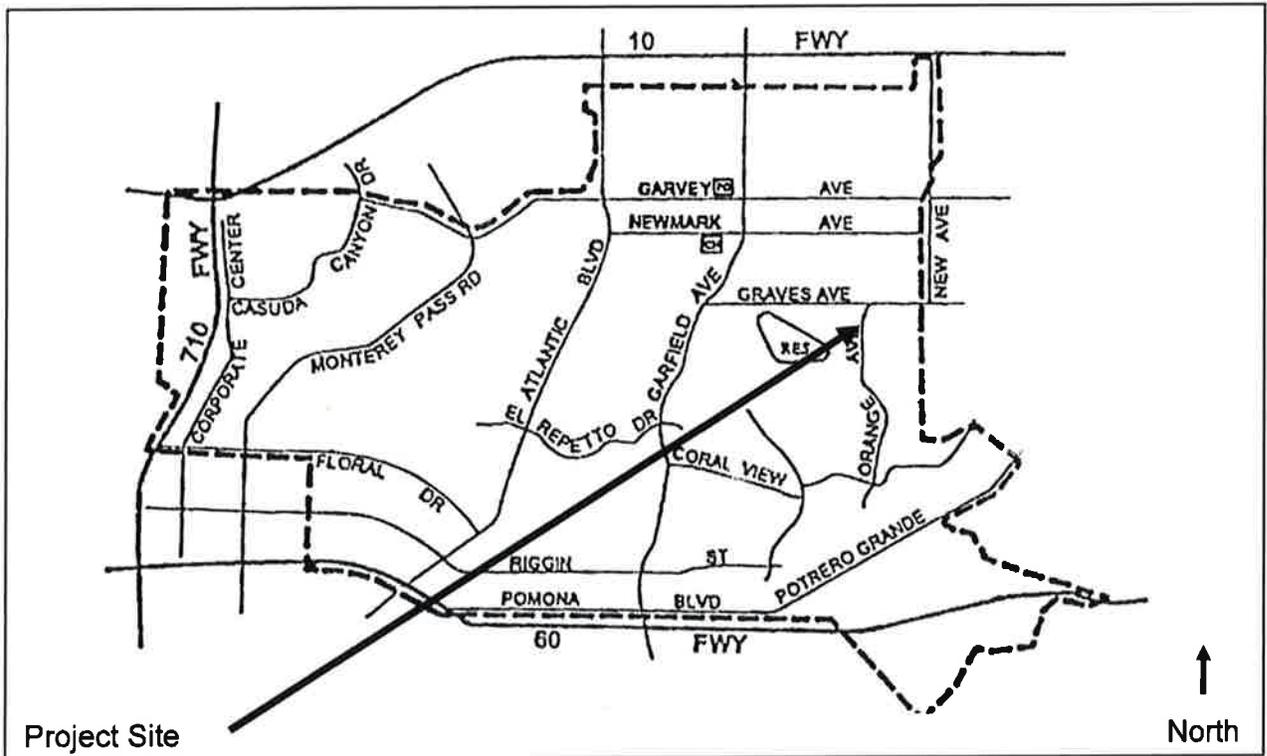
Ballot Measures

There are no voter approved ballot measures that affect single-family subdivisions.

Legal Notification

The legal notice of this hearing was posted at the subject site, City Hall, Monterey Park Bruggemeyer Library, and Langley Center on **May 25, 2018** and published in the Wave on **May 31, 2018**, with affidavits of posting on file. The legal notice of this hearing was mailed to **43** property owners within a 300 foot radius and current tenants of the property concerned on **May 25, 2018**.

Vicinity Map



Aerial Map



ALTERNATIVE COMMISSION CONSIDERATIONS:

None.

FISCAL IMPACT:

There may be an increase in sales tax revenue and business license tax revenue. Calculations of the exact amount would be speculative.

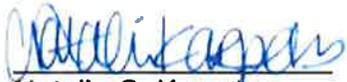
Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Natalie C. Karpeles
Deputy City Attorney

Attachments:

Attachment 1: Draft Resolution

Attachment 2: Tentative Map 71473

Attachment 3: The Metropolitan Water District of Southern California Letter dated
September 29, 2017

ATTACHMENT 3

Planning Commission
Resolution No. 10-18

RESOLUTION NO.

A RESOLUTION APPROVING TENTATIVE MAP NO. 71473 (TM-17-01) TO SUBDIVIDE ONE LOT INTO FOUR LOTS AT THE SOUTHEAST CORNER OF SOUTH ORANGE AVENUE AND PEPPER STREET (ASSESSOR'S PARCEL NUMBER: 5276-008-045)

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On August 16, 2017, Paul Cheung of Goldstar Development, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of Tentative Map No. 71473 (TM-17-01) to subdivide one lot into four lots at southeast corner of South Orange Avenue and Pepper Street ("Project");
- B. The proposed Project was reviewed by the Community and Economic Development Director for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, 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");
- D. The Community and Economic Development Department completed its review and scheduled a public hearing regarding the proposed Project, before the Planning Commission for June 26, 2018. Notice of the public hearing on the proposed Project was posted and mailed as required by the MPMC;
- E. On June 26, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed Project including, without limitation, information provided to the Planning Commission by City staff and public testimony, and representatives of the Applicant; and
- F. This Resolution and its findings are made based upon the testimony and evidence presented to the Commission at its June 26, 2018 hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

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

- A. The project consists of the division of property in an urbanized area zoned for residential use into four or fewer parcels. The Applicant seeks to divide one lot into four lots;
- B. The project site is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan. The Low-Density Land Use category

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 5**

allows for traditional single-family homes, with one dwelling allowed per lot. Residences in this category consist generally of single-family, detached houses with private yards. The proposed subdivision would allow for the development of four new single-family dwelling units. The proposed project is less than the maximum density (0 to 8 dwelling units per acre) for this site;

- C. The project site is located on the southeast corner of South Orange Avenue and Pepper Street (a local street with a 60-foot right-of-way). The site is bordered by residentially developed lots to the north, south, east and west. The properties to the north, south, and east of the project site are R-1 zoned lots, and west is South Orange Avenue and the Garvey Reservoir;
- D. The project site is irregular shaped, sloped, and has a frontage of approximately 233.12 feet on Pepper Street and 148.96 feet on Orange Street, with a total lot area of 41,080 square feet (0.94 acres) in size. The subject property is currently vacant. The proposed subdivision is to divide the existing lot into four lots. Lot 1 will be 6,181 square feet, Lot 2 will be 7,116 square feet, Lot 3 will be 17,274 square feet, and Lot 4 will be 13,054 square feet. While a 40-foot wide easement for the Metropolitan Water District runs through Lot 4, the Metropolitan Water District has reviewed the proposed project and finds the plans to be acceptable;
- E. The division is in conformance with the General Plan and zoning in that the subject property is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan Land Use Element. There is no specific plan adopted for this area. The design of the subdivision will not require a school site dedication, land reservations for public use, or soil report.
- F. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- G. The project site has no value as habitat for endangered, rare or threatened species in that the property is already developed with older residential dwelling units that will be demolished as part of the proposed project. Additionally, there are no rare plants, wild animals or cultural, historical or scenic aspects within the surrounding area.
- H. Approval of the project would 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.
- I. The site can be adequately served by all required utilities and public services in that the City provides the utilities and public services. There are no public easements for access within the proposed development;

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 5**

- J. The proposed subdivision will be created according to all City, State, and Federal regulations and specifications.

SECTION 3: Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects).

SECTION 4: Tentative Map Findings. The Commission finds as follows pursuant to Government Code § 66474 and MPMC Title 20:

- A. The proposed tentative map is consistent with the general plan, as required by Government Code § 66473.5. The size of the property is 41,080 square feet (0.94 acres). The proposed subdivision is to divide the existing lot into four lots. Lot 1 will be 6,181 square feet, Lot 2 will be 7,116 square feet, Lot 3 will be 17,274 square feet, and Lot 4 will be 13,054 square feet. The proposed project is less than the maximum density (0 to 8 dwelling units per acre) for this site. Additionally, the property is located on the southeast corner of the South Orange Avenue and Pepper Street, a local street with a 60-foot right-of-way, which is adequate in size and capacity to accommodate the anticipated traffic that will be generated by the subdivision. There is no specific plan adopted for this area.
- B. The design or improvement of the proposed subdivision is consistent with the general plan. The General Plan designation is Low Density Residential. The proposed subdivision is located in the City's R-1 residential zone and is bordered by residentially developed lots to the north, south, east, and west. The proposed subdivision would allow for the development of four new single-family dwelling units.
- C. The site is physically suitable for the type of development and the proposed density of the project. The size of the property is 41,080 square feet (0.94 acres). The proposed subdivision is to divide the existing lot into four lots. Lot 1 will be 6,181 square feet, Lot 2 will be 7,116 square feet, Lot 3 will be 17,274 square feet, and Lot 4 will be 13,054 square feet. The proposed project is less than the maximum density (0 to 8 dwelling units per acre) for this site. According to Monterey Park Municipal Code (MPMC) § 21.08.080, the minimum lot area required for an R-1 zoned lot is 6,000 square feet and the minimum lot width is 50 feet. All four lots will exceed these minimum requirements.
- D. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject property is bordered by residentially developed lots to the north, south, east, and west. There are no rare plants, wild animals or cultural, historical or scenic aspects within the surrounding area.

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RESOLUTION NO.
PAGE 4 OF 5**

- E. The design of the subdivision is not likely to cause serious public health problems. The proposed subdivision will not cause any public health problems in that the subdivision will be created according to all City, State, and Federal regulations and specifications.
- F. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There are no public easements for access within the proposed development. The design of the subdivision will not require a school site dedication, land reservations for public use, or soil report. A 40 feet wide easement for the Metropolitan Water District runs through Lot 4. The Metropolitan Water District has reviewed the proposed project and found that plans be acceptable and did not express any concerns.

SECTION 5: *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the Planning Commission approves Tentative Map No. 71473 (TM-17-01).

SECTION 6: *Reliance on Record.* Each and every one 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 Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The Planning Commission'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 Planning Commission's lack of knowledge of future events. In all instances, best efforts have been 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 8: *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 9: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10: A copy of this Resolution will be mailed to the applicant, Paul Cheung of Goldstar Development, and to any other person requesting a copy.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 5 OF 5**

SECTION 11: This Resolution may be appealed within ten (10) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 12: Except as provided in Section 11, this Resolution is the Planning Commission's final decision and will become effective immediately upon adoption.

ADOPTED AND APPROVED this 26th day of June 2018.

Chairperson Delario Robinson

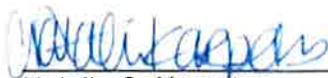
I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 26th day of June 2018, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael A. Huntley, Secretary

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

By:



Natalie C. Karpeles,
Deputy City Attorney

ATTACHMENT 4

Tentative Map No. 71473

ATTACHMENT 5

Draft Resolution and
Amended Conditions of
Approval

RESOLUTION NO. _____

A RESOLUTION APPROVING A ONE -YEAR EXTENSION (EX-20-02) FOR TENTATIVE MAP NO. 71473 (TM-17-01) TO SUBDIVIDE ONE LOT INTO FOUR LOTS AT THE SOUTHEAST CORNER OF SOUTH ORANGE AVENUE AND PEPPER STREET (ASSESSOR'S PARCEL NUMBER: 5276-008-045)

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

SECTION 1: The City Council finds as follows:

- A. On June 22, 2020, Paul Cheung of Goldstar Development, submitted an application pursuant to Title 20 of the Monterey Park Municipal Code ("MPMC") requesting approval of a one-year time extension for Tentative Map No. 71473 (TM-17-01) to subdivide one lot into four lots at southeast corner of South Orange Avenue and Pepper Street ("Project");
- B. The proposed Project was reviewed by the City Planner for, in part, consistency with the General Plan and conformity with the MPMC;
- C. In addition, 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");
- D. The City Planner completed review and scheduled a public hearing regarding the proposed Project, before the City Council for August 19, 2020, pursuant to Government Code §66451.3.

SECTION 2: *Factual Findings and Conclusions.* Based upon the entire administrative record and the evidence provided during the public hearing, the City Council finds as follows:

- A. On June 26, 2018, the Planning Commission adopted Resolution No. 10-18 approving Tentative Map No. 71743 (TM-17-01); the tentative map is due to expire June 26, 2020;
- B. The Applicant seeks a one-year time extension to record the final map related to the construction of three new residential dwelling units and subdivide the air rights for condominium purposes. Applicant timely filed this written extension request on June 22, 2020;
- C. The project site is zoned R-1 (Single-Family Residential) and designated Low Density Residential in the General Plan. The Low-Density Land Use category allows for traditional single-family homes, with one dwelling allowed per lot. Residences in this category consist generally of single-family, detached houses with private yards. The proposed subdivision would allow for the development of four new single-family dwelling units. The proposed project is less than the maximum density (0 to 8 dwelling units per acre) for this site;

- D. The project site is located on the southeast corner of South Orange Avenue and Pepper Street (a local street with a 60-foot right-of-way). The site is bordered by residentially developed lots to the north, south, east and west. The properties to the north, south, and east of the project site are R-1 zoned lots, and west is South Orange Avenue and the Garvey Reservoir;
- E. The project site is irregular shaped, sloped, and has a frontage of approximately 233.12 feet on Pepper Street and 148.96 feet on Orange Street, with a total lot area of 41,080 square feet (0.94 acres) in size. The subject property is currently vacant. The proposed subdivision is to divide the existing lot into four lots. Lot 1 will be 6,181 square feet, Lot 2 will be 7,116 square feet, Lot 3 will be 17,274 square feet, and Lot 4 will be 13,054 square feet. While a 40-foot wide easement for the Metropolitan Water District runs through Lot 4, the Metropolitan Water District has reviewed the proposed project and finds the plans to be acceptable;
- F. The time extension is necessary to record the final map. The final map and ancillary grading plans and required studies for the Project have been submitted for first review by the Engineering Division.

SECTION 3: *Environmental Assessment.* Because of the facts identified in Section 2 of this Resolution, the Project is categorically exempt from additional environmental review pursuant to CEQA Guidelines § 15332 as a Class 32 categorical exemption (In-Fill Development Projects).

SECTION 4: *Determination.* Subject to the amended conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the City Council approves Time Extension (EX-20-02) for Tentative Map No. 71743 (TM-17-01) to June 26, 2021.

SECTION 5: *Reliance on Record.* Each and every one 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: *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 7: *Notice.* The City Clerk is directed to provide a copy of this Resolution to the Planning Commission and any other person requesting a copy.

SECTION 8: *Effective Date.* This Resolution becomes effective immediately upon adoption and memorializes the City Council's final decision made on August 19, 2020. Note that persons dissatisfied with the City Council's decision may appeal it in accordance with application law to the Los Angeles Superior Court within 90 days of the City Council's decisions.

ADOPTED AND APPROVED this ____ day of August 2020.

Peter Chan, Mayor

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

CITY COUNCIL RESOLUTION NO. _____

Exhibit A

CONDITIONS OF APPROVAL

SOUTHEAST CORNER OF SOUTH ORANGE AVENUE AND PEPPER STREET (ASSESSOR'S PARCEL NUMBER: 5276-008-045)

In addition to all applicable provisions of the Monterey Park Municipal Code ("MPMC"), Paul Cheung agrees that he will comply with the following conditions for approval of Tentative Map No. 71473 (TM-17-01) ("Project Conditions").

PLANNING:

1. Paul Cheung (the "Applicant"), agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of TM-17-01 except for such loss or damage arising from the City's sole negligence or willful misconduct. Should the 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 the City approval of TM-17-01, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Monterey Park's elected officials, appointed officials, officers, and employees.
2. This approval is for the project as shown on the plans reviewed and approved by the Planning Commission and on file. Before the City issues a building permit, the Applicant must submit plans, showing that the project substantially complies with the plans and conditions of approval on file with the Planning and Building and Safety Divisions. Any subsequent modification must be referred to the City Planner for a determination regarding the need for Planning Commission review and approval of the proposed modification.
3. Tentative Map No. 71473 (TM-17-01) expires twenty-four months after its approval if the use has not commenced or if improvements are required, but construction has not commenced under a valid building permit. A total of three, one year, extensions may be granted by the Planning Commission upon finding of good cause. An application requesting an extension must be filed with the City Planner before the expiration date.
4. All conditions of approval must be listed on the plans submitted for plan check and on the plans for which a building permit is issued.
5. Before building permits are issued, the applicant must obtain all the necessary approvals, licenses and permits and pay all the appropriate fees as required by the City.

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6. The real property subject to TM-17-01 must remain well-maintained and free of graffiti. Any graffiti must be removed within 24 hours after discovery.
7. Landscaping/irrigation must be maintained in good condition at all times.
8. A final map must be approved and recorded before the City issues a certificate of occupancy.
9. All enclosed garage spaces must be used for off-street parking only. There cannot be any personal storage or conversion of this space that would prevent the parking of vehicles in the enclosed garage.

BUILDING:

1. The second sheet of the building plans must list all City of Monterey Park conditions of approval.
2. A building permit does not permit excavations to encroach into adjacent properties. Requirements for protection of adjacent properties are defined in the California Civil Code §832.
3. The site plan must indicate the proposed path of building sewer, size of sewer line, location of cleanouts, and the invert elevation of the lateral at the property line.
4. A soils and geology report is required as part of plan check submittal.
5. Before the City issues a building permit, the applicant must obtain a permit from CAL-OSHA to construct the project.
6. The applicant must submit a compaction report for demolition of previous buildings to the City Planner for approval before the City allows the applicant to excavate new foundations.

ENGINEERING:

1. Pursuant to the Los Angeles County Municipal “National Pollutant Discharge Elimination System (NPDES) Permit,” under which the City of Monterey Park is a permittee, this project involves the distribution of soils by grading, clearing and/or excavation. The applicant/property owner is required to obtain a “General Construction Activity Storm Water” Permit, and the City of Monterey Park will condition a grading permit on evidence of compliance with this permit and its requirements. Compliance information is available in the office of the City Engineer. The project will require the preparation of a Low Impact Development (LID) Plan. The LID Plan must be reviewed and approved by the City’s storm water consultant prior to issuance of permits. Upon approval of the NPDES document by the City, the applicant/property owner must submit an electronic

**CITY COUNCIL
RESOLUTION NO. TBD**

copy of the approved NPDES file, including site drawings, before the City issues a building or grading permit.

2. The applicant must record the final map after the City approves the final map in accordance with the MPMC and accepts any applicable bonds or agreements. A refundable \$187 cash deposit must be submitted to guarantee that developer will provide the City with one transparent 4 mil thick mylar tracing; one electronic file of approved final map tracings transferable to City's AutoCAD and GIS systems; and two copies of the recorded final map which must be filed with the City Engineer within three months of recordation. If a recorded copy is not submitted by the end of the three-month time period, developer will forfeit the \$187 cash deposit.
3. The applicant/property owner must provide written proof that there are no liens against the subdivision for unpaid taxes or special assessments and submit Los Angeles County tax bill, tax payment receipt, and copy of cancelled check before filing a Final Map with the City for approval.
4. Applicant agrees to pay City any development impact fees ("DIFs") that may be applicable to the Project. Applicant takes notice pursuant to Government Code § 66020(d) that City is imposing the DIFs upon the Project in accordance with the Mitigation Fee Act (Government Code § 66000, *et seq.*). Applicant is informed that it may protest DIFs in accordance with Government Code § 66020.
5. All improvement plans, including grading and public improvement plans must be based upon City approved criteria. Benchmark references to be obtained from the Engineering Division.
6. The City does not have the authority to grant permission to enter or place material or building any structures on or over Metropolitan Water District's easement. Therefore, the applicant must obtain MWD's written approval of the Site Improvement Plan, Grading and Drainage Plan, Hydrology and Hydraulic Report, "build-over" agreement, right-of-way, etc, as applicable. The applicant/owner must also provide written proof/correspondence from the MWD that they agree with the dedication and the layout of the 20-foot access easement.
7. A water plan must be submitted for review and approval by the City Engineer. This plan must substantiate adequate water service for domestic flow, fire flow and identify backflow prevention. This plan must be completed prior to the approval of the grading and drainage plan. If current fire flow and pressure tests are not available to substantiate adequate pressure and flow to serve the development, the developer will be responsible for conducting the appropriate tests and submitting copies of the test results for review and ultimate approval by the City Engineer.

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RESOLUTION NO. TBD**

8. Water Division requirements are to be determined upon completion and submittal of a water meter sizing sheet by the applicant. This may include up sizing of water meter and water services. All upgrading costs are the responsibility of the property owner and must be completed prior to approval of the grading and drainage plans.
9. The applicant must provide survey monuments denoting the new property boundaries and lot lines to the satisfaction of the City Engineer. All maps must be prepared from a field survey. Compiled maps are not permitted. Whenever possible, lot lines must be located to coincide with the top of all man-made slopes. Any deviation from this requirement must be approved by the City Engineer.
10. The applicant must provide a site drainage plan for review and approval by the City Engineer. The property drainage must be designed so that the property drains to the public street or in a manner otherwise acceptable to the City Engineer. Drainage from contiguous properties must not be blocked and must be accommodated to the satisfaction of the City Engineer. A hydrology and hydraulic study of the site may be required for submittal to the City Engineer for review and approval.
11. All storm drainage facilities serving the development must accommodate a 50-year storm. If existing storm drain facilities are inadequate they must be enlarged as necessary. All storm drain facilities must be designed and constructed to Los Angeles County Department of Public Works standards and specifications and also the satisfaction of the City Engineer before approving grading and drainage plans.
12. For any future subdivision and/or development, the developer must prepare a Street Lighting/Photometric Plan for the proposed development. The Street Lighting Plan must include lighting on South Orange Avenue and Pepper Street adjacent to the development frontage. Design plans and standards must comply with the Los Angeles County Department of Public Works and Southern California Edison standards. The developer must be responsible for the construction and installation costs of said improvements and any incidental work thereof and must be approved by the City Engineer.
13. Provide a street improvement plan for South Orange Avenue and Pepper Street up to the street centerline. The street improvement must consist of pavement grinding and rubberized asphalt overlay and may require localized pavement repairs depending on the conditions of the streets. Construct new curb and gutter, main entry driveway, and 5-foot-wide sidewalk. The improvements must be along the entire property frontages on South Orange Avenue and Pepper Street as approved by the City Engineer.
14. Landscaping and irrigation plans must be prepared and all parkway tree types must be reviewed and approval by the City Parks Department.

**CITY COUNCIL
RESOLUTION NO. TBD**

15. All public works improvements must comply with the standards and specifications of the City and to the satisfaction of the City Engineer. All public works improvements must be completed and accepted by the City or a public works improvement guarantee and agreement posted before final map approved by the City Council.
16. All electric, telephone and cable TV utility services must be installed fully underground and to required City standards. Satisfactory provisions for all other utilities and service connections, including water, sewer and gas, must be made to City and public utility standards. A utility plan must be prepared and submitted showing all existing and proposed utilities prior to approval of the Grading and Drainage Plans. The utilities may be shown on either a separate plan or on the proposed site plan.
17. At the direction of the Public Works Director, the applicant must construct wheelchair ramp(s) in the curb return at the street intersection.
18. All buildings must have roof gutters and all roof drainage must be constructed to the streets or an approved drainage facility in a manner approved by the City Engineer prior to the drainage plans.
19. The grading and drainage plan must be submitted by the first plan check and must incorporate all pertinent site development comments from the City's geological and geotechnical consultants and must also include the approved geological and geotechnical report submitted by the developer's consultant. The geotechnical report approval must be obtained prior to the issuance of the grading permit.
20. The tentative map must comply with the adopted conditions of approval for the tentative map and the specific criteria noted by the City Engineer. Verify and submit the correct drainage pattern of adjacent properties.
21. Before the final map is recorded, the applicant must record covenants, conditions and restrictions ("CC&Rs"), in a form approved by the City Attorney, and establish a homeowner's association ("HOA") for the purposes of maintaining a private sump pump and sewer lift station.
22. Before recording a final map, the applicant must secure access to Lot 4 via an access easement. The easement must be recorded via a separate instrument and shown on the final map. In event that access to Lot 4, cannot be obtained as proposed, the applicant must submit a new map application in accordance with the MPMC.

**CITY COUNCIL
RESOLUTION NO. TBD**

FIRE:

1. All conditions identified by the Monterey Park Fire Department are subject to the review and approval of the Fire Chief, or designee, for determination of applicability and extent to which any condition may be required.
2. All structures must be fully sprinklered in accordance with the National Fire Protection Association (NFPA) 13D as adopted by the MPMC.
3. Fire flow for entire project is 1,500 gpm at 20 psi for 2 hour duration. Verification of water supply available must be provided by the water purveyor upon building plan submittal. A reduction in the required fire flow up to 50 percent is allowed by a written request to the Monterey Park Fire Department ("MPFD") per California Fire Code (CFC) Appendix B/C.
4. A written request must be made to the MPFD for fire lane grade greater than 10 percent per CFC D103.2.
5. Fire hydrants must be provided to ensure all points of all structures are within 600 feet of a hydrant. Hydrants must be in place and operational before construction commencing per CFC 507.5.1.
6. All curbs must be painted red to indicate no parking allowed per CFC Appendix D103.6.1.
7. Address numbers must be provided on the street curb. Numerals must be 4 inches in height, two and one-half inches in width with a stroke width of approximately $\frac{3}{4}$ inches. The house number must be centered on a 6-inch by 16-inch rectangular background per MPMC § 13.17.050.

POLICE:

1. Adequate exterior lighting must be provided so that the units are visible from the street during the hours of darkness.
2. The shrubbery on the property must be installed and maintained in such condition to permit good visibility of the units from the streets. Any shrubbery surrounding the complex and in the courtyard areas must be planted and maintained where the height of the greenery would not easily conceal persons.
3. Address number must be illuminated during hours of darkness and positioned as to be readily readable from the street.

**CITY COUNCIL
RESOLUTION NO. TBD**

By signing this document, Paul Cheung, certifies that the Applicant read, understood, and agrees to the Project Conditions listed in this document.

Paul Cheung, Applicant



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: Honorable Mayor and Members of the City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Consideration and possible action to introduce and waive first reading of an ordinance amending section 3.90.050 of the Monterey Park Municipal Code ("MPMC") regarding signature authority for the City Manager and Department Directors when executing contracts on the City's behalf.

RECOMMENDATION:

It is recommended that the City Council:

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

EXECUTIVE SUMMARY:

Government Code § 40602 generally requires that the City's contracts be signed by the Mayor in order to become binding. It also provides, however, that the City Council may, by ordinance, authorize a city officer to sign contracts on behalf of the City. Monterey Park Municipal Code § 3.90.050 currently authorizes the City Manager and Department Directors to sign contracts for purchasing services and supplies under specified dollar amounts; \$25,000 and \$2,500, respectively. By increasing the signature authority thresholds, Purchasing and Contracts Administration staff will be able to focus on improving turn-around performance, training, strategic procurement, and other valued areas, while improving project-management oversight. Additionally, staff will be able to shift time to the larger, more complex contracts in an effort to further reduce turn-around time.

BACKGROUND & DISCUSSION:

Unless otherwise provided by ordinance, there is a two-step process by which Monterey Park may enter into a contract: (1) the contract must be approved by the City Council; and (2) the Mayor must sign the contract. Monterey Park Municipal Code § 3.90.050 provides authority to the City Manager and Department Directors to sign contracts on the City's behalf. Specifically, the authority for the City Manager is limited to contracts less than \$25,000, and the authority for Department Directors is limited to \$2,500.

All workflow and signature authorities will be documented for auditing via the City's new Financial System, Tyler Munis; any purchases over-budget will be flagged by this

System and disallowed. It is anticipated that increasing the signature authority limit will have the following benefits:

- Bring the City of Monterey Park up to par with neighboring cities. (The surrounding cities of Alhambra, El Monte, and Montebello each have signature thresholds for their city managers in excess of \$25,000; for instance, Alhambra and Montebello each have a signature threshold of \$50,000, while El Monte has a signature threshold of \$30,000);
- Provide continuity for all purchases authorized by the City Manager for Public Projects (which is currently approved at \$60,000);
- Allow staff to shift time and attention to larger, more complex contracts; and
- Obviate the need for Council involvement in smaller and low dollar amount contracts. Pursuant to the current process, purchases are delayed because these contracts must be presented to Council for consideration.

FISCAL IMPACT

No fiscal impact is anticipated.

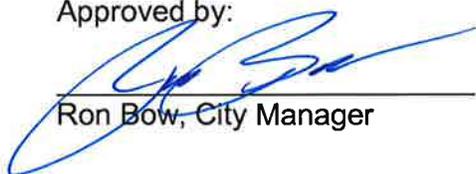
Respectfully submitted and prepared by:

By:



Martha Garcia,
Management Services Director

Approved by:



Ron Bow, City Manager

Reviewed by:



Natalie C. Karpeles, Deputy City
Attorney

ATTACHMENT:

1. Draft Ordinance

ATTACHMENT 1
Draft Ordinance

ORDINANCE NO. ____

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

The Council of the City of Monterey park does ordain as follows:

SECTION 1: Section 3.90.050 of the Monterey Park Municipal Code (“MPMC”) is amended to read as follows:

“3.90.050. Signature Authority. In accordance with Government Code § 40602, the following officers are authorized to sign contracts on the city’s behalf:

- (a) The mayor or, in the mayor’s absence, the mayor pro tem;
- (b) The city manager when directed to do so by the city council, resolution, ordinance, or any provision of this code;
- (c) The city manager for contracts not to exceed \$60,000;
- (d) Department directors for contracts not to exceed \$25,000.”

SECTION 2: 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 3: The City Clerk 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 4: *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 5: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By: _____
Natalie C. Karpeles, Deputy City Attorney



City Council Staff Report

DATE: August 19, 2020

AGENDA ITEM NO: New Business
Agenda Item 5-B

TO: The Honorable Mayor and City Council

FROM: Ron Bow, City Manager & Director of Emergency Services

SUBJECT: Adopt a Resolution ratifying certain actions completed by the City Manager regarding COVID-19 Pandemic and continue to extend the existence of a local emergency

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution Ratifying Certain Actions Completed by the City Manager; and
2. Taking such additional, related, action that may be desirable.

CEQA:

The Resolution itself and the actions anticipated by the Resolution 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, this action 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

EXECUTIVE SUMMARY:

On March 18, 2020, the City Council adopted Resolution No. 12142 which declared a local emergency resulting from the COVID-19 Pandemic (the "COVID-19 Pandemic"). Pursuant to Resolution No. 12142 and Monterey Park Municipal Code ("MPMC"), the City Manager implemented certain emergency policies and procedures ("EP&P") to protect public health and safety. Generally, these relate to designation of quarantine sites; protection of public employees; and continuity of government.

On April 15, the City Council adopted Resolution No.12151 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.

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

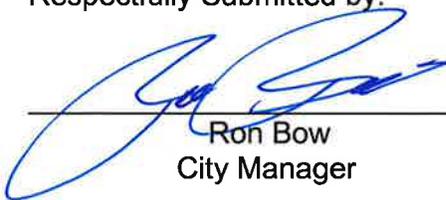
On June 3, the City Council adopted Resolution No.12164 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.

Pursuant to the Governor's March 4, 2020 Proclamation of Emergency (see paragraph 8), the reporting and extension requirements of Government Code § 8630 are suspended for the duration of this emergency. However, the City is regularly updating the City Council regarding the ongoing emergency and seeks City Council ratification for the exercise of emergency powers. Based upon readily available information, it does not appear that the Pandemic will end any time soon.

FISCAL IMPACT:

The fiscal impact is unknown at this time. The City Manager's Office will provide reports as the information becomes available.

Respectfully Submitted by:



Ron Bow
City Manager

Reviewed by:



Kelly Gordon
Police Chief

Reviewed by:



Matt Hallock
Fire Chief

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. Draft Resolution

ATTACHMENT 1
Draft Resolution

RESOLUTION NO.

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER AND EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY.

BE IT RESOLVED by the Council of the City of Monterey Park as follows:

SECTION 1: The City Council finds as follows:

- A. On March 18, 2020, the City Council adopted Resolution No. 12142 which confirmed the existence of a local emergency related to the COVID-19 Pandemic (the "COVID-19 Pandemic").
- B. Section 4 of Resolution No. 12142 authorizes the City Manager to undertake all actions needed to preserve public health and safety in accordance with applicable law.
- C. Responses to the COVID-19 Pandemic have occurred on nearly a daily basis since March 11, 2020 which is when the City Manager declared a local emergency to exist. As a result, the City Manager has undertaken a number of actions as reflected in the attached Exhibit "A," which is incorporated by reference (the "Emergency Policies and Procedures" or "EP&P").
- D. On April 15, 2020 the City Council adopted Resolution No.12151 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.
- E. On June 3, 2020 the City Council adopted Resolution No. 12164 ratifying certain actions completed by the City Manager and extending the existence of a local emergency.
- F. The Governor's March 4, 2020 Proclamation of Emergency (see paragraph 8) suspended the reporting and extension requirements of Government Code § 8630 for the duration of the COVID-19 Pandemic. Notwithstanding that suspension, however, the City Council is reviewing and ratifying actions taken by the City Manager when exercising his emergency powers. Based upon the verbal and written reports of the City Manager regarding the COVID-19 Pandemic, the City Council is satisfied that the local emergency will continue for the foreseeable future.

Resolution No.
Page 2 of 3

SECTION 2: The City Council reviewed the state of the community and continues to extend the COVID-19 Pandemic emergency. The EP&P are ratified and approved.

SECTION 3: This Resolution supplements Resolution No. 12151 and confirms the ongoing COVID-19 Pandemic emergency. This local emergency will continue to exist until otherwise determined by City Council Resolution.

SECTION 4: This Resolution will take effect immediately upon adoption.

PASSED AND ADOPTED this 19th day of August 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, Assistant City Attorney

Attachments:

Exhibit A: Emergency Policies and Procedures

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 adopted by the City Council of the City of Monterey Park at a regular meeting held on the 19th of August 2020, by the following vote of the Council:

Ayes:	Council Members:
Noes:	Council Members:
Absent:	Council Members:
Abstain:	Council Members:

Dated this 19th day of August, 2020.

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

EXHIBIT A

- City Manager orders Help Desk closed July 2nd .
- City Manager orders temporary emergency policies implemented for employees.
- City Manager orders that no fireworks be sold in the City of Monterey Park.
- City Manager authorized virtual recreational programming.
- City Manager cancels all traditional in person City sponsored events through December 2020 (modified programming such as drive through and virtual being considered by event).
- City Manager authorized the “Text a Librarian” service launched at the Library on July 16th .
- On 6/29/20 the first claim to FEMA for Covid related expenses from inception through 6/10/2020 was submitted for \$107,595.87.
- The Fire Department developed a COVID-19 Task Force to address exposures and decontamination procedures.
- The City Manager approved Task Order No. 1701-2019-003 with Phoenix Civil Engineering, Inc. in an amount not to exceed \$50,000 for contract planning assistance services, to assist the Planning Division due to the resignation of the Senior Planner.
- The City Manager approved Second Amendment to Agreement No. 1788-A with Accela, Inc. in an amount not to exceed \$43,163.11, for a five-year subscription for online permitting software for the Building Division.
- The City Manager approved First Amendment to Agreement No. 2161-A with Ingram Kern Consulting, LLC in an amount not to exceed \$29,700.00, for services related to implementation of online permitting software and updating existing permitting software for the Building Division.
- City Manager hires Economic Development Manager at Step #7.
- The City Manager approved a policy to ensure the health and safety of working conditions for all City employees through appropriate response methods for employees when there has been a positive workplace diagnosis.
- The City Manager approved a policy for social distancing, cleaning/disinfecting and individual responsibility in the workplace.

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

I. Purpose

The purpose of the California Occupational Safety and Health Act of 1973 is to ensure safe and healthy working conditions for all workers (Labor Code §§ 6300, *et seq.*).

The Centers for Disease Control and Prevention (“CDC”) recommends social (“physical”) distancing to reduce the spread of SARS-CoV-2, the virus that causes COVID-19 (“COVID-19”). COVID-19 primarily spreads when an infected person’s respiratory droplets contact a non-infected individual. Respiratory droplets may be expelled by an infected person into the air via coughing, sneezing, or talking. Studies find that people who are infected, but do not display symptoms, also play a role in the spread of COVID-19.

To reduce the risk of exposure, the CDC recommends cleaning and disinfecting public spaces, such as the workplace, to lower the risk of spreading the virus that causes COVID-19.

The City therefore implements this Emergency Policy and Procedure (“EP&P”) for Social Distancing, Cleaning/Disinfecting and Individual Responsibility in the Workplace for the protection of employees and members of the public.

II. Statement of Policy

The purpose of this policy is to ensure the health and safety of working conditions for all City employees, volunteers and the public by complying with federal, state, and local social distancing, cleaning/disinfecting requirements, recommendations, principals and best practices.

III. Compliance

The City intends to comply with all applicable state and federal laws including, without limitation, the Americans with Disabilities Act (“ADA”), the Rehabilitation Act of 1973, the Fair Employment and Housing Act (“FEHA”), the Health Insurance Portability and Accountability Act (“HIPAA”), the California Confidentiality of Medical Information Act (“CMIA”), and local regulations and guidance regarding cleaning and disinfecting worksites in implementing this EP&P.

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

IV. Policy

This EP&P will apply to all properties and facilities over which the City has custody and control, and all City employees, volunteers and members of the public as preventing the transmission of the virus that causes COVID-19 in the workplace is reasonably related to all City jobs.

This EP&P is effective immediately upon approval and remains in effect until the City Manager advises that the policy is no longer operative due to the end of the present public health emergency.

Minimum Spacing of Six Feet:

Persons entering City facilities must maintain a minimum physical distance of six feet between themselves and any other person at all times unless doing so is impracticable and of short duration. Entry to any City facility must be limited to a number of people that can easily maintain, at all times, a minimum six-foot physical distance from others, except as necessary to complete the business for which the person is at the facility.

To the extent that existing arrangements of workstations or furniture, including in break rooms or lunchrooms, do not currently provide for adequate spacing, they must be rearranged to provide for such spacing. If furniture cannot be rearranged to allow for adequate spacing, seats or desks that would encroach on the six-foot distance must be clearly marked as prohibited for use.

Employees are prohibited from unnecessary physical contact with any person including, without limitation, handshakes and hugs, while on City premises or otherwise while on duty outside of their home (telework) workspace.

Hand Washing:

Employees are expected to wash their hands (for a minimum of 20 seconds) or use hand sanitizer (when a sink is not available) after any of the following activities: using the restroom; sneezing; touching their face; blowing their nose; cleaning; smoking; eating; drinking; entering or leaving the facility; going on break; and before and after their work shift.

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

Social Visits to be Avoided:

Employees should refrain from unnecessary non-work related (e.g., social) visits to other employees' workstations and from congregating in confined spaces.

Employees are prohibited from permitting social visitors (visitors who are not on official business) into any non-public areas of any City facility.

Physically Distanced Meetings Only When Necessary:

Where feasible, in-person meetings must be replaced with other means of communication including, without limitation, telephone calls, e-mails, or videoconferences. Non-essential meetings should be canceled or postponed. Staff meetings normally held in meeting rooms or shop settings should take place outside when physical distancing is not practicable in the usual space.

If an in-person meeting is held, it must take place in a conference room or other space that allows the participants sufficient space to maintain the minimum spacing of six feet. All meeting attendees are required to wear a mask. After a conference room is used for a meeting, the conference room must be cleaned and disinfected in accordance with the City's Cleaning/ Disinfecting Policy before it can be used again.

Cleaning and Disinfecting Workspace:

(a) City's Responsibilities:

Effective disinfectants (as identified by the CDC) such as disposable wipes, must be provided so that commonly used surfaces (e.g., doorknobs, keyboards, remote controls, desks, staplers, copiers, other work tools and equipment) can be wiped down by employees before and after each use. Tissues and no-touch disposal receptacles must be placed at locations where they can be easily accessed by employees and members of the public.

Each workday, the City will clean and disinfect frequently touched (hard) surfaces and objects, such as light switches and doorknobs, to further reduce the risk of spreading COVID-19. Disinfecting will be conducted using an CDC-approved disinfectant, when available. The City requires that the use of any cleaning and disinfectant products adhere to the instructions from each product's manufacturer related to concentration, application method, contact time, etc.

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

(b) Employee Responsibilities:

It is each employee's responsibility to use these wipes and other supplies to sanitize surfaces they touch before and after each use including, without limitation, doorknobs, tables, desk and counter tops, chairs, copiers, printers, books/binders, refrigerators, microwaves, file cabinets and shelves, shared computers, phones, tools, and other equipment. It is further each employee's responsibility to similarly sanitize their own office at the end of their work day or before that space is shared or used by any other person (e.g., an employee must wipe down all surfaces in his or her office before allowing another person to enter for a meeting).

Cleaning and Disinfecting Shared City Vehicles:

Wherever feasible, City vehicles should be occupied by only one person. If two employees are required for a task in the field, they should ride in separate vehicles. If sharing a vehicle cannot be avoided, employees should wear their face coverings while in the vehicle. CDC recommendations related to vehicles cleaning, disinfection and sharing: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/disinfecting-transport-vehicles.html>

(a) City's Responsibilities:

The City will provide hand sanitizer and effective disinfectant, such as disposable wipes, in each City vehicle. The City will maintain its practice of routinely cleaning City vehicles.

(b) Employee Responsibilities:

In addition to the efforts undertaken by the City employees must disinfect frequently touched surfaces and objects within a City vehicle before and after use of a City vehicle, if that vehicle is shared, or at the beginning and end of each shift, if no one else uses the vehicle during the employee's shift. These surfaces and objects include, without limitation, door handles, seatbelts, seats, steering wheels, indicator and window buttons.

Employees or Volunteers Assigned to Clean or Disinfect City Facilities:

The following requirements regarding personal protection equipment ("PPE") apply with equal force to employees of third-party companies who are responsible for cleaning City facilities and worksites, except that the City will not provide PPE to employees or third

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

party companies or provide training to such employees. The City will communicate to the third-party company its expectations regarding the use of PPE by their employees when cleaning City facilities and worksites.

(a) City's Responsibilities:

The City will provide the necessary and appropriate PPE at no cost to any City employee whose job duties require them to clean or disinfect its buildings or facilities, as set forth in Occupational Safety and Health Administration (“OSHA”) regulations (*see* 29 C.F.R. § 1910.132 (h)).

Appropriate PPE includes disposable gloves and gowns that are compatible with the disinfectant products being used. Any reusable (washable) clothing worn during the cleaning/disinfecting process must be laundered afterwards.

The City will ensure that any employees utilizing PPE as described in this section are trained on when to use PPE, what PPE is necessary, how to properly don (put on), use, and doff (take off) PPE, how to maintain and dispose of PPE, and the limitations of PPE. The City will also ensure that any employees utilizing PPE as described in this section are trained on proper eye and face protection, hand protection, and respiratory protection.

(b) Employee Responsibilities:

City employees must wear appropriate PPE throughout the cleaning/disinfecting process, including the handling of trash.

The City may require that employees whose job duties require them to clean and disinfect its buildings or facilities wear additional PPE, such as goggles or face shields, based on the cleaning/disinfectant products being used and whether a risk of splashing reasonably exists. If disposable gowns are unavailable, employees whose job duties require them to clean and disinfect its buildings or facilities must wear a similar type of covering, such as coveralls, aprons, or work uniforms. Employees whose job duties require them to handle dirty laundry, must clean their hands after handling dirty laundry.

City employees utilizing PPE must carefully remove gloves and gowns at the end of the cleaning/disinfecting process to avoid contamination of the wearer and surrounding area. After the removal of gloves, employees must wash their hands thoroughly with soap and water.

EMERGENCY POLICIES AND PROCEDURES

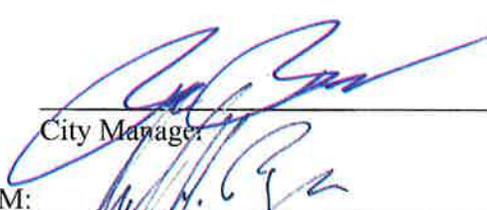
APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

V. City Employees and Personnel Rules

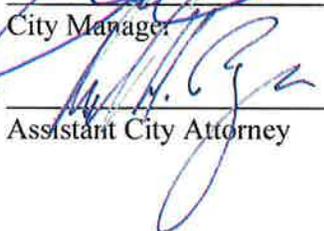
The various temporary personnel rules implemented by this EP&P were promulgated during the COVID-19 Pandemic and are only intended to be in effect during the time of emergency. To the extent practicable, the City Manager, Police Chief, and Fire Chief met with representatives of employee bargaining units to discuss implementation of these temporary personnel rules. If these EP&P further require a meet and confer with bargaining units, those meetings will be held at the earliest practicable time pursuant to Government Code § 3504.5(b).

APPROVED:



City Manager

APPROVED AS TO FORM:



Assistant City Attorney

Date: August 13, 2020

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

I. Purpose

The purpose of this policy is to ensure the health and safety of working conditions for all City employees through appropriate response methods. Ensuring healthy and safe working conditions and the health and safety of employees is a business necessity for the City.

This emergency policy and procedure (“EP&P”) is adopted pursuant to Monterey Park Municipal Code (“MPMC”) § 2.52.060(a)(6)(A) to, in part, implement Labor Code § 6300, *et seq.* (the Occupational Safety and Health Act of 1973) to help ensure safe and healthy working conditions for all City employees.

II. Policy

Scope of Coverage:

Unless otherwise provided, this EP&P applies to all City employees. The City Manager the Human Resources Director may determine the applicability of this EP&P to individual employees based upon good cause shown.

Effective Dates:

This EP&P is effective immediately upon approval and remains effective until the City Manager advises employees that the Policy is no longer operative due to the end of the present public health emergency.

Contact Investigation

If a confirmed COVID-19 case is identified among employees, the City will conduct an investigation to identify all close contacts associated with the workplace (both employees and non-employees who spent time at the site) that had exposure to the case during the infectious period.

Beginning July 24, 2020, a COVID-19 case is deemed infectious from two days before symptoms first appear (as described in the most recent Home Isolation Instructions for People with COVID-19). A person with a positive COVID-19 test but no symptoms is deemed infectious from two days before their test was taken until 10 days after their test.

A “close contact” is any individual within the workplace with the following exposures to a case while a diagnosed person was infectious:

- Presence within six feet of the person for more than 15 minutes; or

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

- Contact with the person's bodily fluids and/or secretions including, without limitation, exposure to coughs, sneezes, or sharing drinks or food utensils.

In all cases, the City will follow requirements of the most recent Health and Safety Order issued by the Los Angeles County Department of Public Health.

Notification of Potential Exposure:

The City will notify individuals who had close contact to a diagnosed person as outlined above in writing and in a confidential manner.

Outbreak Response:

If a cluster is identified at a worksite (currently defined as 3 confirmed cases of COVID-19), the City will contact the Los Angeles County Department of Public Health.

Effect of Positive COVID-19 Diagnosis:

In the event that a City employee tests positive for COVID-19, the City will instruct the employee not to return to work until such time as either of the following occur: (1) The employee's health care provider advises the employee that it is safe for them to return to work and provided the employee with a note certifying this, which the employee provides to the City; or (2) The employee self-certifies that they are and have been: (A) Free of fever (a "fever" is defined as 100.4° F [37.8° C] or greater using an oral thermometer) for at least 72 hours without the use of fever-reducing medicines; (B) Any other signs of other COVID-19-related symptoms as determined by the Centers for Disease Control ("CDC") (e.g., cough, shortness of breath, fever, chills, headache, sore throat, repeated shaking with chills, new loss of taste or smell, and/or muscle pain) have significantly improved in the last 72 hours; and (C) At least 10 days after their COVID-19 symptoms first appeared and three days after recovery; and (D) Complying with all directives provided by their health care provider before seeking to return to work including, without limitation, directives regarding the length of time that the employee needs to self-isolate/quarantine, follow-up testing, and physical distancing.

Leave Status of Employee with Positive COVID-19 Diagnosis:

The City will place any employee who tests positive for COVID-19 on paid sick leave status for the remainder of the day following the positive diagnosis. Thereafter, the employee may elect to remain on paid sick leave if they have a balance of such leave, may elect to use Emergency Paid Sick Leave as provided under the Families First Corona virus Response Act

EMERGENCY POLICIES AND PROCEDURES

APRIL 9, 2020 – AUGUST 19, 2020

COVID-19 PANDEMIC

if they have a balance of such leave; may elect another form of other earned or accrued leave; or may take such leave on an unpaid basis.

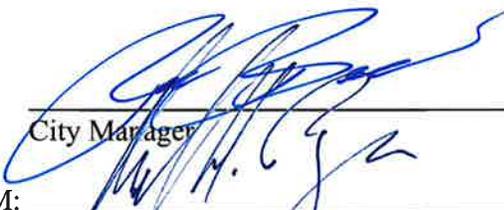
Reservation of Right to Require Additional or Subsequent Testing:

The City may require that employees submit to additional or subsequent tests in order to ensure healthy and safe working conditions for all employees.

III. City Employees and Personnel Rules

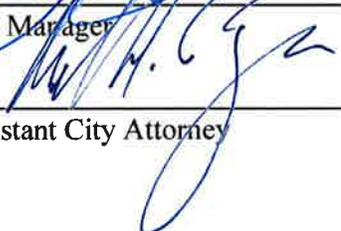
The various temporary personnel rules implemented by this EP&P were promulgated during the COVID-19 Pandemic and are only intended to be in effect during the time of emergency. To the extent practicable, the City Manager, Police Chief, and Fire Chief met with representatives of employee bargaining units to discuss implementation of these temporary personnel rules. If these EP&P further require a meet and confer with bargaining units, those meetings will be held at the earliest practicable time pursuant to Government Code § 3504.5(b).

APPROVED:



City Manager

APPROVED AS TO FORM:



Assistant City Attorney

Date: August 13, 2020



City Council Staff Report

DATE: August 19, 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: Consideration and possible action to introduce and waive first reading of an Ordinance Amending Title 20 (Subdivisions) of the Monterey Park Municipal Code in its entirety in accordance with the Subdivision Map Act (Government Code §§ 66410, *et seq.*)

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of the draft Ordinance; or
2. Alternatively, take such additional related action that may be desirable.

EXECUTIVE SUMMARY:

The City's Subdivision Ordinance (Ordinance No. 1444) was adopted in 1977.¹ The draft Ordinance is intended to update the Monterey Park Municipal Code ("MPMC") to implement various changes in California law and codify some of the City's current practices.

BACKGROUND & DISCUSSION:

The Subdivision Map Act (Government Code §§ 66410 *et seq.*) regulates the subdivision of real property throughout California. The City may adopt local regulations to help facilitate the review and consideration of various maps and other documents regulating the subdivision of real property.

If adopted, the Ordinance would not only implement changes in California law, but also codifies the City's current practices.

The Ordinance would be scheduled for second reading and adoption on September 2, 2020.

FISCAL IMPACT

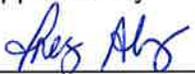
None.

¹ While some sections of MPMC Title 20 were amended as recently as 2007 (see Ordinance No. 2051), a large majority of Title 20 has remained unchanged since 1977.

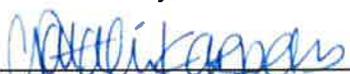
Respectfully submitted and prepared by:

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

Approved by:


for Ron Bow, City Manager

Reviewed by:


Natalie C. Karpeles, Deputy City
Attorney

ATTACHMENTS:

1. Draft Ordinance

ATTACHMENT - 1
Draft Ordinance

ORDINANCE NO. _____

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

The City Council does ordain as follows:

SECTION 1: Monterey Park Municipal Code (“MPMC”) Title 20, entitled “*Subdivisions*,” is amended in its entirety to read as follows:

“Title 20

SUBDIVISIONS

Chapter 20.02 GENERAL PROVISIONS

20.02.010 Purpose and Intent.

This Title is adopted pursuant to the provisions of the Subdivision Map Act set forth in Government Code §§ 66410, *et seq.* for the purpose of regulating and controlling the design and improvement of subdivisions within the city of Monterey Park. Such regulation is required to promote the public health, safety, and welfare; to ensure orderly growth and development; encourage appropriate land use; and assist with preserving property value. The regulations set forth in this Title are intended to supplement the Act and must be used in conjunction with the regulations set forth in the Act for all activities associated with subdividing land within the city’s jurisdiction. Nothing in this Title is intended to supersede the Act and the Act prevails over any conflicting part of this Title.

20.02.020 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 Title. Words and phrases not given a meaning by this Title have the meaning set forth in this Title and the Act.

- A. “Act” means the Subdivision Map Act as set forth in Government Code §§ 66510, *et seq.* and any subsequently adopted amendments or successor statutes. Unless specified otherwise, all citations in this Title to an unspecified code are to the Government Code.
- B. “Airspace subdivision” means the three-dimensional subdivision of space

above or below a lot, or partially above and below a lot, having finite width, length, and upper and lower elevations, occupied by a building or portion thereof. An airspace subdivision differs from a common interest development in that owners of the airspace lots are not required to share interest in a common area within the map boundaries.

- C. "Building Official" means the Building Official, or designee.
- D. "CEQA" means, collectively, the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines").
- E. "Code" means the Monterey Park Municipal Code.
- F. "Condominium conversion project" means the division of real property into common interest, the establishment of a community apartment project, or the conversion of five or more existing dwelling units to a stock cooperative as set forth in Civil Code § 1351.
- G. "Construction," means the building of any facility or structure or any portion thereof and includes, without limitation, design, acquisition of right-of-way, and the administration of construction contracts.
- H. "Director" means the City Engineer, or designee.
- I. "Lot line adjustment" means an adjustment of an existing lot line between four or fewer adjoining parcels where the land taken from one parcel is added to an adjoining parcel and a greater number of parcels than originally existed is not created.
- J. "Planning Commission" may be used interchangeably with "Advisory Agency" as defined in the Act.

20.02.030 Exemptions.

In accordance with § 66412, this Title does not apply to the following:

- A. Leases of agricultural land for agricultural purposes.
- B. Leases of land exclusively for the placement and operation of cellular radio transmission facilities. Establishing such facilities is subject to the city's discretionary approval.

- C. Leases of land or granting of easements in conjunction with financing, erecting, and selling or leasing wind-powered electrical generation devices. Establishing such facilities is subject to the city's discretionary approval.
- D. Financing or leasing of apartments, offices, stores, or similar spaces within apartment buildings, industrial buildings, commercial buildings, or mobile-home parks.
- E. Financing or leasing any parcel of land, or portion thereof, in conjunction with construction of commercial or industrial buildings on a single parcel, or the financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- F. Mineral, oil, or gas leases.
- G. Land dedicated for cemetery purposes under the Health and Safety Code.
- H. Any separate assessment under Revenue and Taxation Code § 2188.7.
- I. Conversion of a community apartment project or stock cooperative, as defined, respectively, in Civil Code §§ 4105, 4190 and 6566, to a condominium, as defined in Civil Code § 783, unless a parcel map or final map was approved by the City Council, and only if the requirements specified in § 66412(g) and (h) are met.
- J. Subdivisions of four or fewer parcels for constructing removable commercial buildings having a floor area of less than one hundred square feet.
- K. Construction, financing, or leasing of second dwelling units as authorized by §§ 65852.1 and 65852.2.

20.02.040 Modification of Requirements.

- A. The Planning Commission may modify the requirements of this Title for a specific application when, in its opinion, the land involved in the subdivision is of such size and shape, or is subject to such title limitations, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible or impractical for the subdivider to fully conform to the regulations contained in this Title.
- B. Such modification may be made only as reasonably necessary or expedient, provided modification ensures conformity with the spirit and purpose of the Act and this Title.

- C. Any request for a modification must be made in conjunction with a subdivision application and be reviewed by the planning division before a recommendation is made to the Planning Commission.

20.02.050 Maps Required.

- A. A tentative and final map is required for all subdivisions creating five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for conversion of a dwelling to a stock cooperative containing five or more dwelling units, unless otherwise exempt under § 66426 or other applicable law.
- B. Except as otherwise provided, a tentative and final parcel map are required for subdivisions that create four or fewer parcels.

20.02.060 Fees and Deposits.

All persons submitting maps required by this Title must pay all fees and deposits pursuant to City Council resolution. The fees must be fully paid before the maps are processed.

20.02.070 Plan Checking and Inspection Costs for Revisions.

Costs incurred by the city for the checking of plans, calculations or inspections as a result of revisions to the approved plans must be borne by the subdivider at actual cost. The city may require a deposit for these revisions, which can be applied toward the subdivider's actual costs.

Chapter 20.04 TENTATIVE MAPS

20.04.010 Application Requirements.

At a minimum, each tentative map submitted to the city must contain all the following information, as applicable:

- A. The tract or parcel number of a subdivision.
- B. The submittal date, north arrow, and scale.
- C. A sufficient legal description of the land to define the boundaries of the proposed division of land.
- D. A legend indicating the location of the proposed division of land in relation to the surrounding area.

- E. The name and address of the record owner, the subdivider, and the civil engineer or licensed surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor and the names and addresses of all operators of the utility systems of the subdivision.
- F. The existing topography of land proposed to be divided using contour intervals as follows:
 - 1. One foot when the slope of the ground is less than 5%;
 - 2. Two feet when the slope of the ground ranges from 5% to 10%;
 - 3. Five feet when the slope of the ground exceeds 10% but is less than 25%; and
 - 4. Ten feet when the slope of the ground is 25% or greater.
- G. At least every fifth contour of topography described above must be clearly and distinctively labeled and indicated. Contours of adjacent land must also be shown whenever the surface features of such land affect the design and/or improvement of the proposed division. The tentative map must contain a statement by the person preparing the map stating the source of information used to develop the contours shown on the map.
- H. The approximate location and outline to scale of each building or structure on the property proposed for division. Buildings or structures on adjacent property must also be shown if such buildings or structures affect the design of the proposed subdivision. Each building shown must be identified by house number or other identifying feature, including a notation on each building, structure, fence, wall, tree row, and land use to be retained.
- I. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse and existing flood control district channels within 1/2 a mile of the exterior boundaries of the subdivision.
- J. Descriptions of the proposed source of water supply and the proposed method of sewage disposal.
- K. A proposed method and plan for storm water treatment and conveyance in accordance with the Los Angeles Regional Water Quality Control Board's Low Impact Development ("LID") requirements.

- L. The approximate location of each area covered by trees, with a statement of the nature of the cover and the kind and approximate location of all trees standing within the boundaries of proposed public rights-of-way.
- M. The location, width, approximate grade, and curb radii of all existing and proposed streets and highways within and adjacent to the proposed subdivision.
- N. The width, purpose, and approximate location of all existing and proposed easements or rights-of-way, whether public or private, within and adjacent to the proposed subdivision, as well as the approximate radius and arc length of each centerline curve.
- O. The approximate lot layout and the approximate dimensions and net area of each lot and building site. Engineering data must show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale, and the number of each lot. All lot lines must be located at the top of the slopes.
- P. The proposed areas for public use.
- Q. The angle of intersecting streets or highways if such angle deviates from a right angle by more than four degrees.
- R. The location of all cut-and-fill slopes, or a separate grading plan.
- S. Each street shown by its actual street name or by a temporary name or letter for purpose of identification until the proper name of such street is determined.
- T. The name(s) of any geologist or soils engineer whose services were utilized in preparing the design of the tentative map.
- U. A geologic soils report based on adequate test borings or excavations prepared by a civil or geotechnical engineer, registered by the state of California, unless the Director or Building Official determines that, due to information the City has regarding the qualities of the soil of such subdivision or lot, no preliminary analysis is necessary. If stormwater infiltration is proposed as part of the project, liquefaction and percolation tests must also be included.
 - 1. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would

lead to structural defects, the person filing the tentative map must submit a soils investigation of each lot within the subdivision, prepared by a California-registered civil or geotechnical engineer, who must recommend corrective action likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.

2. The Building Official, or designee, must approve the preliminary soils report when a report proposes mitigation measures that would prevent structural damage to proposed structures. Additionally, the Building Official must ensure that proposed mitigation measures are incorporated into the conditions for issuing a building permit.
- V. A geologic hazards report, if the Director finds that a written geological hazards report is necessary to determine whether the property to be subdivided is subject to an existing or potential geological hazard. Such report must be prepared by a registered engineering geologist and must state:
1. Whether the proposed plan is feasible;
 2. Proposed solutions for all known hazardous conditions or problems;
 3. The location and lot numbers of any test borings;
 4. The effect of the geology on the proposed development and on adjacent properties; and
 5. A description of specific locations in which development may create hazardous conditions.
- W. Any additional information or necessary disclosures required by the Director or City Planner to be included on the tentative map and which may arise during the application review process.
- X. All tentative maps for airspace subdivisions that create airspace lots must provide cross-sectional drawings showing how the proposed building or buildings are to be divided into ownership boundaries, and record a deed restriction that ensures the following:
1. Airspace lots must have access to appropriate public rights-of-way, common spaces, ingress, egress, parking and other areas available for common use by means of CC&Rs, management documents, one or more easements, or other entitlements to use, in a form

satisfactory to the City Attorney, Director, and Building Official.

2. Inclusionary housing requirements, Building Code requirements, all other applicable property development standards required by the Municipal Code and any other technical code requirements affecting the development of the property, will be determined for the airspace lots as if all lots in the airspace subdivision were merged into the same lot.
3. Individual buildings that are subdivided by an airspace map will be reviewed as a single building for purposes of applying the Building Code, Municipal Code, and General Plan policies. Property development standards including, but not limited to, density, lot coverage, floor area ratio, parking, height, and setbacks will be calculated as if the subdivided building were one building within one lot.

20.04.020 Filing and Initial Review.

- A. Tentative maps must be filed with the Director on forms provided by the Planning Department and in accordance with procedures established by that Department.
- B. The City Planner will preliminarily review the tentative map application for completeness and required compliance with CEQA. Within thirty calendar days after receiving a tentative map application, the Director must inform the applicant in writing whether the application is deemed complete.
- C. If the application and submitted materials are determined not to be complete, the City's determination must specify those parts of the application which are incomplete and must indicate how they can be made complete. Such decision may be appealed to the Planning Commission in accordance with Title 21. The City must make a final written determination on the appeal within 60 days of receipt of the applicant's written appeal.
- D. Pursuant to § 65943, the applicant and City may mutually agree to extend any of the time limits provided by this section.

20.04.030 Notifying Other Agencies.

The Director must send notice of the tentative map application to other city departments, the fire department, schools, utility companies, and other agencies that may have an interest in the tentative map application for the purpose of receiving comment from those departments, companies, and agencies.

20.04.040 School District Notification.

Within five days after a tentative map is filed, the Director must send notice to the governing board of any school district within the boundaries of which the subdivision is proposed to be located. Such notice must contain information about the location of the proposed subdivision, the number of units, density and any other information which would be relevant to the affected school district. Failure of the school district to respond within fifteen days after receiving notice is deemed approval of the proposed subdivision by the school district.

20.04.050 Planning Commission Review and Action.

- A. The Planning Commission must hold a public hearing in accordance with this chapter to consider the tentative map application.
- B. At the conclusion of the public hearing, the Planning Commission must determine the extent to which the tentative map complies with the Code and decide whether to approve, conditionally approve, or deny the tentative map application. The decision of the planning commission is final.

20.04.060 Time Limit for Taking Action.

All actions by the Director and Planning Commission must occur within the time limits specified in §§ 66452.1 and 66452.2 and Public Resources Code § 21151.5.

20.04.070 Required Findings.

- A. In acting to approve or conditionally approve a tentative map, together with the provisions for its design and improvement, the City Council must find that the proposed subdivision is:
 - 1. Consistent with the Monterey Park General Plan;
 - 2. Consistent with any applicable Specific Plan or Planned Development;
 - 3. Consistent with the provisions of this Code;
 - 4. In the interest of public health and safety; and
 - 5. A necessary prerequisite to the orderly development of the surrounding area.

- B. The findings apply to the entire subdivision; to each proposed parcel within the subdivision; and any designated remainder parcel.
- C. For condominium conversions, the City Council must make the additional findings as set forth in § 66427.1.

20.04.080 Mandatory Denial.

A tentative map application must be denied if the Planning Commission finds any of the following findings consistent with § 66474:

1. The proposed map is not consistent with the General Plan or Specific Plans as specified by § 65451;
2. The design or improvement of the proposed subdivision is not consistent with an applicable General Plan or Specific Plan;
3. The site is not physically suitable for the type of development proposed;
4. The site is not physically suitable for the proposed density of development proposed;
5. The design of the subdivision or the proposed improvements will likely cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;
6. The design of the subdivision or type of improvements will likely cause serious public health or safety problems; or
7. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The City Council may approve a tentative map, however, if it finds that alternate easements will be provided, and that these will be substantially equivalent to the ones previously acquired by the public. All easements must be recorded or established by court order.

20.04.090 Alternative Findings for Denial.

The Planning Commission may also deny a proposed tentative map based on any of the following findings:

- A. The proposed subdivision is inconsistent with all applicable provisions of

this Code;

- B. The proposed subdivision is not compatible with surrounding developments in terms of density, patterns of development, access, or other considerations; or
- C. The city's cost of providing infrastructure support or services outweigh any benefits associated with the subdivision.

20.04.100 Conditions of Approval.

In acting to approve a tentative map, the Planning Commission may impose conditions on map approval in accordance with the Act, this code to, among other things, achieve the objectives of the General Plan, ensure consistency with the provisions of this Code, and mitigate against adverse environmental impact.

20.04.110 Modifications to an Approved Tentative Map or Conditions.

- A. A subdivider may request changes to an approved tentative map or its conditions of approval before the City Clerk records the map. Such a request must be made on forms provided by the Director and be accompanied with payment of required fees. Requested changes to an approved tentative map include:
 - 1. Adjustments to the locations of lot lines and improvements, provided no new lots are created.
 - 2. Reduction in the number of approved lots.
 - 3. Any changes to the conditions of approval.
- B. Changes other than as set forth in this Section requires a new tentative map application.
- C. The application for a change to an approved tentative map or map conditions is processed in the same manner as the tentative map.
- D. The Planning Commission must make either of the following findings, as applicable, to make any proposed changes to a previously approved tentative map:
 - 1. A material mistake of facts was made in the deliberations leading to the original approval; or

2. A change of circumstances has occurred which affects conditions related to the original approval.
- E. Modification of an approved tentative map or its conditions of approval does not extend the time limits applicable to the filing of a final map.

20.04.120 Expiration and Extensions of Time.

- A. Except as otherwise specified by a development agreement or pursuant to § 66452.6(a)(1), a tentative map expires twenty-four months after the date the map was approved.
- B. The person filing the tentative map may file a written request for an extension (§ 66452.6(e)) or stay (§ 66452.6(c)) of an approved tentative map with the Director before the map's expiration date. The request must state the reasons for the extension or stay. The written request must be filed at least 15 days before the tentative map's expiration date. The ultimate length of an extension or stay must be consistent with the Act.
- C. The City Council will either approve, conditionally approve or deny extension requests. Each extension of tentative map approval or conditional approval may be allowed for a period not exceeding one year from the anniversary date of the map's original approval. The total time of extensions cannot exceed six years from the initial expiration date.
- D. Within 40 days after receiving an application for a stay, the City Council must either approve the requested stay for a period not exceeding five years or deny the application. A stay may be for the period of time during which a lawsuit involving the tentative map is or was pending in a court of competent jurisdiction, not to exceed at total of five years.
- E. Modification of an approved tentative map or its conditions of approval does not extend the time limits imposed by this Section, unless an extension or stay is specifically granted.

Chapter 20.06 VESTING TENTATIVE MAPS

20.06.010 Applicability.

A vesting tentative map may be filed for either a residential or nonresidential development project. Whenever a provision of this Title or the Act requires the filing of a tentative map or parcel map, a vesting tentative map may be filed in accordance with the provisions of this Title.

20.06.020 Application Requirements.

- A. A vesting tentative map is filed using the same form, accompanying reports, and data as a tentative map, with all of the following additional requirements, as applicable:
1. *Identification.* At the time a Vesting tentative map is filed, it must have printed conspicuously on its face the words "Vesting Tentative Map."
 2. *Right-of-way.* The map must show proposed street widenings and extensions; existing and proposed sidewalks and curb cuts; existing and proposed fire hydrants within 300 feet of the project perimeter; and existing utility poles.
 3. *Site and Buildings.* Information must be provided regarding the type and use of all buildings, both existing and proposed; location of buildings to be removed; square footage of each floor, building, lot, and total project; all facilities and accessory structures related to underground utilities and street lighting; all mechanical equipment on the buildings or on the site; appropriate screening methods and materials; and the location and screening of outdoor trash and storage areas.
 4. *Parking and Circulation.* Information must be provided regarding the parking spaces to be provided, with total number of spaces given; wheel stops or curb substitute; parking space striping; handicap parking; ingress and egress to include all private drives; and pedestrian walkways.
 5. *Landscaping.* Diagrams must be provided showing and identifying all existing trees; existing and proposed landscaped areas in terms of proposed plants by type, size, spacing, and number; screening of adjacent properties, if required; and square footage of common usable and private open space (patio) areas, where such is required by this code.
 6. *Floor Plans.* Dimensioned preliminary floor plans must be provided for each proposed use.
 7. *Building Elevations, with Grading.* Diagrams must be provided to show two cross-section lines that clearly portray buildings and grading concepts; natural grade (dotted lines) and finished grade (solid lines); preliminary renderings of front, right side, left side, and rear elevations of all buildings; building height in feet and stories;

proposed construction materials; and the proposed colors of all buildings.

- B. Through the application review process, the Director may require that additional information be included with the vesting tentative map to provide important or necessary disclosures or other information.
- C. All development permit fees required subsequent to the approval of the vesting tentative map must be paid.

20.06.030 Processing Vesting Tentative Maps.

Except as they specifically differ in this Title, procedures for processing a vesting tentative map are the same as for processing a tentative map including, without limitation, filing, review, notification, Planning Commission approval, final decisions, changes after approval, expiration, and renewal.

20.06.040 Development Rights Vested.

- A. The approval of a vesting tentative map confers a vested right to proceed with development on recorded lots in substantial compliance with the ordinances, policies, and standards in effect on the date that the map is approved.
- B. The city may condition or deny a permit, approval, extension, or entitlement pursuant to the approved vesting map if the City Council determines any of the following:
 - 1. Failure to take such action would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health and safety, or both.
 - 2. The condition or denial is required to comply with state or federal law.

20.06.050 Expiration of Vested Rights on Recorded Map.

- A. The rights conferred upon a vesting tentative map are vested for an initial time period of twenty-four months from the date a final map is recorded. Where several final maps are recorded on various phases of a project, approved by a single vesting tentative map, the time period for each phase will begin when the final map for that phase is recorded.
- B. In the event that the city takes longer than 30 days to process a completed and filed application for a grading permit, design review or architectural

review, the initial time period will automatically be extended. The length of the extension will be calculated by the number of days required for the city to complete processing the application, in excess of thirty days.

- C. The conditions under which an extension of time or stay is granted for a vesting tentative map must be consistent with that established for tentative maps.

20.06.060 Construction Permit Applications and Vested Rights.

If a developer submits a complete application for a construction permit during the initial time period, or any granted extension, the rights conferred by the vesting map continue until the expiration of that construction permit or any extension to that construction permit that the city may issue.

Chapter 20.08 PARCEL MAP

20.08.010 When Required.

A parcel map is required for subdivisions (to which this Title applies) that create four or fewer parcels; and those subdivisions exempt from tentative and final maps by the Act or this Code. No parcel map is required for a land division of four or fewer parcels where such land is conveyed to a public utility for a public use.

20.08.020 Waiver of Parcel Map.

Pursuant to § 66428, a subdivider may request the waiver of a parcel map if the following conditions apply:

1. Each parcel created by the subdivision has a gross area not less than 40 acres or not less than a quarter of a quarter section.
2. The land consists of a parcel or parcels of land having approved access to a public street or highway, comprises part of a tract of land zoned exclusively for commercial or industrial development, and has City Council approval as to street widths and alignments.

20.08.030 Parcel Map Waivers – Application and Processing.

- A. A request to waive a parcel map must be filed on forms provided by the Director, together with required filing fees.
- B. The Director will review the application for compliance with the provisions of this code and the Act. The Director will report to the Planning Commission

and identify the extent to which the waiver request complies with the required findings in this Code, and recommend to the Commission to approve or deny the waiver request.

- C. The Planning Commission will consider the application for a waiver of the parcel map at a public hearing.
- D. At the conclusion of the public hearing, the Planning Commission must determine whether to approve or deny the waiver request. The action of the Planning Commission is final unless an appeal is filed in accordance with Title 21.

20.08.040 Parcel Map Waivers – Required Findings.

To grant a request for waiving a Parcel Map requirement, the Planning Commission must find that the proposed subdivision complies with this code with regard to area, improvement, and design; floodwater drainage control; appropriate improved public roadways; sanitary disposal facilities; water supply availability; environmental protection; and other applicable regulations.

20.08.050 Parcel Map Waivers – Certificate of Compliance.

If the Planning Commission waives a parcel map requirement, the city must issue a Certificate of Compliance required to complete the subdivision of property to the subdivider.

20.08.060 Parcel Map Waivers – Time Expirations and Extensions.

- A. A Parcel Map Waiver expires twenty-four months from the date it was approved.
- B. The subdivider may request an extension for a Parcel Map Waiver. Such requests must be made to the Director on forms provided by the Director, with the payment of any required fees, at least fifteen days before the Parcel Map Waiver expires.
- C. The Director can approve, conditionally approve, or deny an extension request pursuant to this Title. Any Director's decision may be appealed to the Planning Commission in accordance with Title 21. Any such extension is limited to a total of eighteen months.

20.08.070 Parcel Map Filing Requirements.

At a minimum, each parcel map submitted to the city must comply with the following:

- A. The parcel map must meet the requirements of the Act and be in the form and contain the required data set forth in this Section.
- B. The parcel map must be prepared by or under the direction of a licensed land surveyor or a civil engineer registered as such prior to January 1, 1982, and be based upon a property survey, and all statements on the map must comply with §§ 66449 and 66450.
- C. The scale of the map must be large enough (not smaller than the equivalent of 1 inch for every 100 feet) to show details clearly and contain sufficient sheets of paper for accomplishing these requirements.
- D. The title of each parcel map must include a name and a map number, as secured from the county surveyor, conspicuously placed at the top of the sheet, followed by the words "consisting of _____ sheets" (showing the number thereof), followed by the words "in the City of Monterey Park" or "partly in the City of Monterey Park and partly in unincorporated territory."
- E. Every sheet of the map must bear the title (but not subtitle), scale, north arrow, sheet number, and the number of each adjoining sheet in its proper location.
- F. Below the title, a subtitle must appear consisting of a description of all the property being subdivided. The subtitle must reference any such map or maps of the property which were previously recorded or filed in the County Recorder's office; or which were previously filed with the County Clerk pursuant to a final judgment in any action in partition; or which have been previously filed in the office of the County Recorder under authority of § 66499.55; or by reference to the plat of any United States survey.
- G. Each reference in such description to any tract or subdivision must be spelled out and worded identically with the original record thereof and show a complete reference to the book and page of records of such county.
- H. The description must also include reference to any vacated area, with the number of the ordinance of vacation included.
- I. The name of the surveyor or engineer, survey date, and map scale must be stated on the title sheet, below the subtitle. The map must also show the

basis of bearings by referencing to some recorded subdivision map, county surveyor's map, or other record acceptable to such county surveyor, or to a solar or polaris observation. The basis of bearings must not be in close proximity to the north arrow.

- J. Lots must be numbered consecutively, commencing with the number "1," with no omissions or duplications.
- K. Each lot must be shown entirely on one sheet.
- L. Names of proposed streets must conform to a street name list approved by the City Council. The names of all proposed streets must be shown without abbreviations.
- M. All streets, highways, easements (except easements indicated for privately owned public utility companies), and parcels of land shown on the parcel map and intended for any public use must be offered for dedication for public use.
- N. Where easements for conveyance to privately owned public utility companies are reserved, a certificate to that effect must be shown on the parcel map. In no event may this certificate show the erection of any dwelling house, building or other structure (excluding all, or portions, of a fence) upon, over or across any public utility easement without the express permission of the public utility companies occupying such easement.
- O. All of the following certificates and acknowledgments must appear on the title sheet of a parcel map:
 - 1. Owner's certificate and acknowledgment and offer of dedication, if any;
 - 2. Certificate of the City Clerk of approval by the City Council and acceptance of offer of dedication;
 - 3. Certificate of approval of the Director or City Surveyor if the Director is registered after January 1, 1982;
 - 4. Certificate of the subdivision engineer with that engineer's state registered engineer's number or of the subdivision surveyor with that surveyor's state licensed land surveyor's number; and
 - 5. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as are required by law.

- P. The parcel map must particularly define, delineate, and designate all lots intended for sale or reserved for private purposes; all lots offered for dedication for any purpose; and any private streets with all dimensions, minimum lot sizes, boundaries and courses clearly shown and defined in every case.
- Q. Lots offered for dedication other than for streets or easements must be designated by number.
- R. Private streets must be designated by name and include the words "not a public street."
- S. Sufficient linear, angular and curve data must be shown to readily determine the bearing and length of the boundary lines of the subdivision and of the boundary lines of every block, lot, and parcel which is a part thereof. Wherever practicable, all lots and blocks must be shown in their entirety on one sheet.
- T. Arc lengths, radii, and central angle and radial bearing of each curve at intersection with a line not tangent to such curve must be shown.
- U. The parcel map must fully describe and show the location of any stakes, monuments, or other evidence to determine the boundaries of the subdivision. Each adjacent corner of each adjoining subdivision or portion thereof by lot and block numbers, tract names and place of record, or by section, township and range or other proper designation must be shown and identified on the map.
- V. The location, size, and depth of all monuments placed in making the survey must be shown, and if any points were reset by ties, that fact must be noted.
- W. The boundary of the subdivision must be indicated by a distinctive symbol applied on the front side of the tracing and inside such boundary line. This symbol must be capable of transfer to a blue-line print of the map and must not to obliterate any line, figure or other data appearing on the map.
- X. All lines shown on the map that do not constitute a part of the subdivision itself must be clearly distinguishable from those lines which are a part of the subdivision, and any area enclosed by such lines is labeled "not a part of this subdivision."
- Y. City boundaries that cross or adjoin the subdivision must be clearly designated and located in relation to adjacent lot or block lines.

- Z. The parcel map must show the line of high water in instances where the subdivision is adjacent to a stream, channel, or any body of water. The parcel map must also show any area subject to periodic inundation by water, as required by the Engineer.

20.08.080 Review of Parcel Map.

- A. All parcel maps, together with any required reports or other relevant information, must be filed with the Director on forms provided by the Director.
- B. Upon deeming a parcel map application to be complete, the City Planner will forward the application to other appropriate city departments for review and comment. The Director is responsible for checking the parcel map as to correctness of surveying data, plans and specifications of improvements, certificates of dedication, acceptances of dedication and acknowledgments, and such other matters that require checking to ensure compliance with the provisions of law and this code. The Director must review the parcel map for consistency with this code, the General Plan, any applicable Specific Plan, and the city's development policies.
- C. If the Director determines that the parcel map conforms to all the requirements of this code and the Act, and provided the subdivider has posted all bonds or deposited money in a form acceptable to the City or negotiable bonds as required by this Title, the Director must approve the parcel map and forward it to the County Recorder for filing in compliance with § 66540. Otherwise, the subdivider will be notified and given the opportunity to make necessary changes and resubmit the parcel map, along with any other required information.

20.08.090 Parcel Maps – City Council Action.

The City Council must act on a parcel map in either of the following circumstances:

- A. When a dedication or offer of dedication is required. In this instance, the Director must forward the parcel map to the City Clerk who must then place the item on the next City Council agenda for acceptance of dedications; or
- B. When improvements are required pursuant to this Title or other regulations remain incomplete and the subdivider is requesting deferred completion. The Director cannot approve the map unless the subdivider enters into a subdivision improvement agreement with the city and agrees to post

security in the form of faithful performance and labor and materials bonds to guarantee the improvements, and the City Council approves of the agreement and the security.

20.08.100 Recordation of Parcel Map – Effect.

Recordation of a parcel map has the effect of eliminating any lot lines within the boundaries of the subdivision that existed before recordation of the parcel map.

20.08.110 Circumstances under which Corrections and Amendments Can Be Made.

After a parcel map is filed in the office of the County Recorder, such map may be amended pursuant to the Act and Sections 20.10.070 and 20.10.080 of this code.

Chapter 20.10 FINAL MAPS

20.10.010 Final Map – Time for Filing.

- A. Within 24 months after the date the City Council approves a tentative map, or any later date that may be authorized by an extension granted pursuant to this Title, the subdivider must cause the subject property to be accurately surveyed and a final map to be prepared in conformance with the tentative map and any and all applicable conditions.
- B. The final map must be submitted to the Director for review and action within the time period specified by this Title.

20.10.020 Survey Required.

- A. An accurate and complete field survey of the land to be subdivided must be made by a registered civil engineer or licensed land surveyor authorized to practice land surveying in the state of California. All monuments, property lines, centerlines of streets, alleys and easements adjoining or within the subdivision must be tied into the survey. The allowable error of closure on any portion of the final map must not exceed 1/10,000 for field closures and 1/20,000 for calculated closures.
- B. At the time of making the survey for the final map, the engineer or surveyor must set sufficient durable monuments to conform with the standards described in Business and Professions Code § 8771 so that another engineer or surveyor may readily retrace the survey. Monuments must be set as required by the Director, and the Director must be contacted for

monument inspection.

20.10.030 Final Map – Form and Content.

The original final map and one duplicate reproducible copy must be submitted to the Director, accompanied by the following:

- A. In the event any dedication is to be made for public use, a certificate of title, a subdivision guarantee, or a dedication letter must be furnished to the city. In the event a dedication is submitted, the letter must (1) be from a title company authorized by California law to write such letter and be in the name of the owner of the land issued to or for the benefit and protection of the city; and (2) show all parties whose consent is necessary to pass clear title to the land being subdivided, together with the nature of their interests therein. Where the land contained in such subdivision is registered under the Land Registration Act ("Torrens Act"), a certified copy of the certificate of title must be furnished.
- B. A white print of the final map showing the contemplated location of installations of facilities or all public utilities, whether publicly or privately owned, with a statement of the proposed work, with such statement to be filed by the Director.
- C. A grading plan as required by the Director or Building Official.
- D. The final map as submitted must be accompanied by:
 - 1. Traverse sheets and work sheets showing the closure, within the allowable limits of error, of the exterior boundaries and of each block and lot of the subdivision;
 - 2. Plans and specifications of all proposed improvements, together with the security, in a form approved by the City Attorney, to ensure completion of any public improvements;
 - 3. A copy of any protective covenants to be recorded;
 - 4. Plan checking fee; and
 - 5. A soils report prepared by a registered civil engineer pursuant to the Subdivision Map Act. If such report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision is required. The engineer will sign the final map indicating

that a soils report has been prepared.

- E. The subdivider may file multiple final maps on the approved tentative map, subject to the Director's approval.
- F. The final map must comply with the form, contain the data and meet all other requirements of the Act, Parcel Map Filing Requirements, and this Section.
- G. The lots must be numbered consecutively, commencing with the number "1," with no omissions or duplications; provided, that where the subdivision is a continuation of or an addition to an existing subdivision, the lot numbers may commence with the number immediately following the last or highest number of each existing subdivision and in all other respects must conform with the preceding requirements.

20.10.040 Approval by City Council.

- A. The City Council must act on a final map whenever any of the following circumstances apply:
 - 1. If a dedication or offer of dedication is required, the Director must forward the final map to the City Clerk. The Clerk must place the item on the next City Council agenda for acceptance of dedications.
 - 2. If improvements required pursuant to this Title or other regulations were not completed, the Director cannot approve the map unless the subdivider enters into a subdivision improvement agreement, in a form approved by the City Attorney, with the city and agrees to post security in the form of faithful performance and labor and materials bonds to guarantee the improvements, and the City Council approves of the agreement and the security.
- B. If City Council approval is required, the City Council must consider the final map for approval at the next available meeting after the Director has reviewed and approved the map.
- C. The City Council must approve the final map if it has previously approved a tentative map for the proposed subdivision, and if it finds that the final map is in substantial compliance with the previously approved tentative map, and if it conforms to all applicable requirements of this code and the Act.
- D. If the final map is unacceptable, the Council must make its recommended corrections, instruct the subdivider to revise the final map and defer

approval until the final map is resubmitted.

- E. The City Council must deny approval of the final map only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map. Where the council denies approval of the final map, such disapproval must be accompanied by a finding identifying the requirements or conditions which have not been met or performed. The City Council may waive the requirements of this section upon a finding that the failure of the map to meet the conditions set forth in the tentative map is the result of a technical and inadvertent error which does not materially affect the validity of the map.

20.10.050 Approval by Director.

- A. The Director may approve all other final maps not specified in this Chapter, pursuant to § 66458(d) and this Section.
- B. The Director's action may be appealed to the City Council in accordance with this code.
- C. The City Council must periodically review the delegation of authority to the Director as recommended by the City Manager.

20.10.060 Final Map Recordation.

Following action by the Director, and after the required signatures and seals are affixed, the City Clerk must transmit the final map to the County Recorder for recordation.

20.10.070 Circumstances under which Corrections and Amendments Can Be Made.

- A. After a final map or parcel map is filed in the office of the County Recorder, such map may be amended by a Certificate of Correction filed pursuant to Chapter 20.12 or an amending map for any of the following purposes:
 - 1. To correct an error in any course or distance shown thereon.
 - 2. To correct an error in the description of real property shown on the map.
 - 3. To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with the responsibilities for setting the monuments.

4. To show the proper location or character of any monument which has been changed in location or character and originally shown at the wrong location or incorrectly as to its character.
 5. To correct any additional information filed or recorded with the map, as required by the city, if the correction does not impose additional burden on the present fee owner of the property and does not alter the right, title, or interest in the real property reflected on the recorded map.
 6. To correct any other type of map error or omission as approved by the Director or County Surveyor that does not affect any property right and does not otherwise violate this code. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.
- B. As used in this Section, "error" does not include changes in courses or distances that cannot be proven from the data shown on the final map.

20.10.080 Additional Circumstances.

1. In addition to the circumstances specified above, changes or modifications may be made to a final map or parcel map if the City Council finds that:
 1. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;
 2. The modifications do not impose any additional burden on the present fee owner of the property;
 3. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
 4. The map, as modified, meets the findings for approval.
- B. A request for a change to or modification of a final map pursuant to this Section must be made on forms provided by the Director. Such change or modification is processed in accordance with the procedures established for a tentative map of this Title. The public hearings for such application are confined to the consideration of and action on the proposed change or modification.

Chapter 20.12 CERTIFICATES OF COMPLIANCE

20.12.010 Filing.

Upon determination by the Director that a Certificate of Compliance is required, the property owner or authorized representative must file a Certificate of Compliance application on forms provided by the Director, together with required filing fees, a chain of title, and other information that may be required by the Director to establish the status of the parcel.

20.12.020 Review of Application and Decision.

- A. The Director must forward the application for review by any other city or governmental agency that may have jurisdiction over any aspect of the application.
- B. The Director must review all available information, including information provided by other cities and governmental agencies, and make a determination whether the real property was divided in accordance with the Act and this Title or any city subdivision regulations.
- C. Upon making a determination that the real property complies with applicable provisions of the Act and this code, the Director must issue a Certificate of Compliance and cause such Certificate of Compliance to be recorded with the Los Angeles County Recorder.
- D. Upon making a determination that the real property does not comply with applicable provisions of the Act and this code, the Director may deny the application, or impose conditions on the granting of a Certificate of Compliance, in accordance with this Title.

20.12.030 Conditional Certificate of Compliance.

- A. The Director may impose conditions upon the granting of a Certificate of Compliance in the event that the real property does not comply with applicable provisions of the Act and this code. Such conditions are limited to those requirements that would have been applicable to the division of the property at the time the applicant acquired interest therein. However, if the current owners were responsible for the division, then current requirements of this Title may be imposed.
- B. Related information must include references to state law and city ordinances that were in effect at the time the property was subdivided.

- C. The Director may impose conditions on the approval of the Conditional Certificate of Compliance. Any decision of the Director regarding imposition of conditions may be appealed to the Planning Commission.
- D. If no appeals are filed within the designated appeal period, the Director must issue a Conditional Certificate of Compliance and cause such Conditional Certificate of Compliance to be recorded with the Los Angeles County Recorder.

20.12.040 Effect of Conditional Certificate of Compliance.

The Conditional Certificate of Compliance serves as notice to the property owner who has applied for the certificate or any subsequent owner or developer that the fulfillment and implementation of conditions is required before the subsequent issuance of a permit or other grant of approval for development of the property.

20.12.050 Information Required on Certificate of Compliance.

A recorded Certificate of Compliance or Conditional Certificate of Compliance must include all information specified in § 66499.35(f).

20.12.060 Certificates of Compliance for Multiple Parcels.

A single Certificate of Compliance or Conditional Certificate of Compliance application may be processed and recorded for multiple parcels, provided that such single Certificate of Compliance or Conditional Certificate of Compliance clearly identifies and distinguishes between the descriptions of each parcel.

Chapter 20.14 LOT LINE ADJUSTMENTS

20.14.010 Filing.

Lot line adjustment applications must be filed on forms provided by the Director, together with required filing fees and other information required by the Director to allow for review of the application.

20.14.020 Review and Processing.

- A. Upon receiving a completed lot line adjustment application, the Director must forward the application for review by any other city or governmental agency that may have jurisdiction over any aspect of the application.
- B. The Director must review all available information, including information provided by other city and governmental agencies, and make a

determination whether the proposed lot line adjustment conforms with the provisions of this Title, Title 21 and any applicable Specific Plan or Planned Development.

20.14.030 Action.

- A. The Director may approve or conditionally approve a request for a lot line adjustment in writing after investigating and receiving reports from other departments, if the Director finds that the proposed lot line adjustment conforms to all of the following requirements:
 - 1. The lots adjoin one another;
 - 2. The lot line adjustment will not create a greater number of lots than originally existed;
 - 3. The lot line adjustment conforms with the city's general plan; and
 - 4. The lot line adjustment conforms with the city's zoning and building regulations set forth in this Code.
- B. Any conditions the Director may impose on the approval of a lot line adjustment are limited to those conditions necessary to:
 - 1. Ensure conformance with the city's general plan;
 - 2. To conform with the city's zoning and building regulations;
 - 3. Require the prepayment of real property taxes before approval of the adjustment; or
 - 4. Facilitate the relocation of existing utilities, infrastructure, or easements.
- C. Should the lot line adjustment application fail to meet any of the criteria set forth above, the Director may deny the application.

20.14.040 Finalization of Adjustment.

Within twenty-four months after the Director approves a lot line adjustment, all record owners must cause to be recorded with the office of the Los Angeles County Recorder either a grant deed or quit claim deed reflecting the adjustment. No record of survey is required for a lot line adjustment. However, the legal

descriptions provided on the deed or deeds must be prepared by a licensed surveyor, licensed in the State of California, or qualified registered civil engineer.

Chapter 20.16 REVERSION TO ACREAGE

20.16.010 Initiation.

Either the City Council, on its own motion, or all owners of record of the real property within the subdivision, by formal application, may initiate proceedings for a Reversion to Acreage.

20.16.020 Filing.

- A. Reversion to Acreage applications initiated by owners of record of the real property within the subdivision must be filed on forms provided by the Director, together with required filing fees and other information required by the Director to allow for review of the application. At a minimum, information provided must include:
 - 1. Adequate evidence of title of the real property within the subdivision;
 - 2. Sufficient data to enable the City Council to make all of the findings and determinations required by this Title; and
 - 3. A final map that delineates dedications that will not be vacated and dedications that are a condition of reversion.
- B. Where the City Council initiates a Reversion to Acreage, the City Council will direct the Director to obtain the information necessary to initiate and conduct the proceedings.

20.16.030 Processing.

The Director must review the application for conformance with the provisions of this code and report to the City Council identifying the extent to which the Reversion to Acreage complies with this code and the findings set forth below.

20.16.040 City Council Action.

- A. The City Council must hold a public hearing to consider the application and any related, relevant, information.
- B. Following the public hearing, the City Council must act to approve, conditionally approve, or deny the Reversion to Acreage.

- C. In acting to approve or conditionally approve a Reversion to Acreage, the City Council must require all of the following:
 - 1. Dedications or offers of dedications necessary for purposes specified by city regulations;
 - 2. Retention of all previously paid fees, if necessary to accomplish the purposes of this Title; and
 - 3. Retention of any portion of required improvement security or deposits, if necessary to accomplish the purpose of this Title.

20.16.050 Required Findings.

As part of its action to approve or conditionally approve a Reversion to Acreage, the City Council must make the following findings:

- A. That dedications or offers of dedication to be vacated or abandoned by the Reversion to Acreage are unnecessary for present or prospective public purposes; and
- B. Any one of the following:
 - 1. All owners of interest in the real property within the subdivision consented to the reversion;
 - 2. None of the improvements required to be made were made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - 3. No lots on the final map or parcel map were sold within five years from the date such map was filed for record.

20.16.060 Finality of Action.

In order for a Reversion to Acreage to become effective, a final map must be recorded.

Chapter 20.18 MERGERS

20.18.010 Conditions Under Which a Merger Can Be Required.

Whenever two or more contiguous parcels are under common ownership and any one of the parcels does not conform to the standards for minimum parcel size set forth in this code, the city can require the merger of parcels before it issues a development permit, provided all of the requirements specified in § 66451.11 are satisfied.

20.18.020 Notice of Intention to Merge Parcels.

- A. Before initiating a merger, the city must mail to the owner of the affected parcels a Notice of Intention to Determine Status. The same notice is filed with the Los Angeles County Recorder on the same date that notice is mailed to the property owner. Such notice must inform the property owner that the affected parcels may be merged and advise the owner of the opportunity to request a hearing on determination of status.
- B. At any time within 30 days of the recording of the Notice of Intention to Determine Status, the property owner may file with the Director a request for a hearing.

20.18.030 Planning Commission Review and Action.

- A. Upon receiving a request for a hearing, the Director must schedule a public hearing before the Planning Commission in accordance with Title 21. The hearing should be conducted not later than sixty days after the Director receives the hearing request.
- B. The Planning Commission must hold a public hearing in accordance with Title 21 to consider the parcel merger application.
- C. At the conclusion of the public hearing, the Planning Commission must determine whether the parcels should or should not be merged.
- D. The decision of the Planning Commission is final unless an appeal is filed in accordance with Title 21.

20.18.040 Determination When No Hearing Is Requested.

If the Director does not receive a timely filed request for hearing, the Director may decide whether or not the parcels may be merged. Decisions allowing a merger must be recorded not later than ninety days after notice of the decision.

20.18.050 Finality of Action.

- A. A Notice of Merger must be filed with the Los Angeles County Recorder's

Office after a decision allowing a parcel merger. The notice must identify the names of the record owners and describe the property being merged.

- B. A release of the Notice of Intention to Determine Status must be filed with the Los Angeles County Recorder's Office after a decision that disallows a parcel merger.

Chapter 20.20 CONDOMINIUM CONVERSIONS

20.20.010 Applicability.

A condominium conversion requires the approval of a tentative map and final map, or a parcel map, unless the exemptions specified in §§ 66412(g) and (h) apply, or unless the city waives the requirement for conversion of a mobile-home park to resident ownership pursuant to § 66428.1.

20.20.020 Filing and Processing.

- A. Filing a condominium conversion application is the same as that established for a tentative map with the following exceptions and additional requirements:
 1. The tentative map for a condominium conversion project need not show the buildings or the manner in which the buildings or the airspace above the property are to be divided. However, the city may require that an exhibit be provided showing the manner in which buildings are to be arranged on the property.
 2. Addresses of all tenants of the property proposed for conversion must be provided with other required notice materials. The subdivider must also provide the city with notarized verification of provision of the Notice of Intent to Convert required by §§ 66452.8 and 66452.9
 3. Pursuant to § 66427.4, if a mobile-home park is proposed for conversion to another use, the applicant must submit a report on the impact of the conversion upon the displaced residents of the mobile-home park. Such report must be prepared in accordance with §§ 66427.4 and 66427.5.
 4. Pursuant to § 66452.10, if the proposed condominium conversion project involves a stock cooperative or community apartment project, the applicant must submit notarized verification of the vote.

- B. The processing of a condominium conversion project is the same as that established for a tentative map except that, pursuant to § 66451.3, notice of the public hearing must be provided to all tenants of the subject property.
- C. In acting to approve a condominium conversion project, the City Council must make the same findings as for a tentative map and the additional findings set forth in § 66427.1.

20.20.030 Completion of Conversion.

Filing of final map or parcel map is required for completion of the condominium conversion project, except when waived for a mobile-home park.

Chapter 20.22 SUBDIVISION IMPROVEMENTS

20.22.010 Conformance with City Plans and Standards.

All subdivision plans and associated street plans must conform to the Circulation Element of the Monterey Park General Plan Element and street standards adopted by the City Council.

20.22.020 Connections to Existing Streets.

All new streets must connect to existing streets and must provide street gap closures to the maximum extent feasible and practical to facilitate traffic circulation and ensure implementation of the General Plan Circulation Element.

20.22.030 Subdivision Access to Public Street.

Every subdivision must be designed to provide access to a public street as follows:

- A. Direct access to a public street where the property abuts an existing public street or a planned public street for which the right-of-way was defined and improvements to the planned street are provided pursuant to this chapter; or
- B. Via a non-exclusive easement for street, utility, drainage, or similar purposes, provided the easement is:
 - 1. Offered for dedication;
 - 2. Unencumbered by any rights that would restrict the proposed use; and

3. Of a width, grade, location, and configuration which, in the opinion of the Director, will allow it to serve its intended function.

20.22.040 Parcel Access.

- A. New parcels created by a subdivision must provide access to either a public street or a private street, if a private street is allowed by this Chapter.
- B. Direct parcel access to a state highway or a city Major Arterial, Arterial, Minor Arterial, Major Commercial/Industrial, or Commercial/Industrial may be denied to ensure traffic safety. Alternatively, the city may require construction of a frontage road between the parcel and the abutting highway or city street.

20.22.050 Private Streets.

Private streets may be permitted by the City Council when all of the following requirements are met:

- A. The street design provides a width, configuration, slope, and other design characteristics satisfactory to the Director and the Fire Department;
- B. Streets do not prevent the orderly development of adjacent properties, prevent future connections to planned public streets, or interfere with local circulation;
- C. Streets meet the circulation needs of the property they serve; and
- D. The owners, association of owners, or organization responsible for the private streets provides the city with written assurance, approved as to form by the City Attorney, that the street or streets will be adequately maintained.

20.22.060 Street Design and Improvement.

All new public streets proposed or required within or adjacent to a subdivision must be designed in accordance with adopted city street standards and all of the following requirements:

- A. Where a property for which a tentative or parcel map was filed is adjacent to a property which may be subject to a future subdivision, the review authority may require streets to be extended to the boundary of the adjacent property to allow for future access and street connections;
- B. Street intersections must be as near to right angles as practicable;

- C. Street grades between 6% and 10% are allowed only for limited distances in which, in the judgment of the review authority, topographical conditions make a lesser grade impractical. A grade exceeding 10% will be approved only when the review authority determines that a lesser grade is physically impractical based on substantial evidence;
- D. Where an existing city street adjoins, passes through, or otherwise provides access to a proposed subdivision, the review authority may require dedication of additional right-of-ways and/or improvements consistent with the General Plan Circulation Element;
- E. Cul-de-sacs must not exceed 660 feet in length; and
- F. All streets within a subdivision must be named in accordance with City Council resolution.

20.22.070 Alleys.

All new alleys must have a minimum width of 26 feet and is designed per adopted city standards.

20.22.080 Drainage.

- A. All subdivisions must be designed to accommodate storm drainage tributary to and originating within the subject subdivision and such storm water drainage must comply with the requirements of the most current Municipal Separate Storm Sewer System Permit (MS4 Permit) and the applicable Watershed Management Plan, including Standard Urban Storm water Mitigation Plan and Low Impact Development (Green Streets) requirements.
- B. All on grade storm water conveyance facilities, including ditches, channels, catch basins, and road improvements must be designed and constructed for flood frequency of ten years minimum or other threshold determined by the Director to be appropriate and necessary to provide adequate flood protection. All facilities serving sump locations must be designed for a flood frequency of fifty years or other threshold determined by the Director to be appropriate and necessary to provide adequate flood protection. The design of such facilities and systems is based upon information provided by a registered engineer and approved by the Director.
- C. To the maximum extent feasible, existing natural drainage courses must be retained.

- D. Facilities and systems must be designed to avoid concentrations of runoff and to avoid the creation of facilities that could pose a risk or hazard to public health and safety.
- E. Publicly-maintained drainage facilities must be located within street rights-of-way or public easements.

20.22.090 Lot Patterns.

- A. Every lot must be designed to conform to the minimum area and dimension requirements applicable to the zoning in which the lot is located or, in the case of a change of zone, proposed to be located.
- B. Each new lot created by a subdivision must have a physical shape and configuration that allows subsequent buildings and other improvements to be constructed in conformance with the development standards for the zone in which such lot is located, to ensure that safe driveways and other accesses can be provided, and to ensure that any required landscaping can be provided.
- C. The creation of flag lot configurations in any new subdivision is discouraged and may be cause for disapproval of a tentative map.
- D. The creation of lots with double street frontage is discouraged and may be cause for disapproval of a tentative map.
- E. Blocks longer than 1,200 feet in length are discouraged and may be cause for disapproval of a tentative map.

20.22.100 Sidewalks, Parkways and Trails.

- A. Sidewalks must be provided in new subdivisions, and be designed and installed in accordance with adopted city standards.
- B. Parkway must be provided where such parkways will contribute positively to overall subdivision design, will better integrate the subdivision with surrounding land uses, and will implement General Plan policies. Parkway must have a minimum width of four feet or a width as may be required by the responsible review authority. Parkway planting may be required through subdivision conditions of approval.
- C. Bikeways and trails must be provided in new subdivisions. Such bikeways and trails must be designed to eventually connect to a citywide system.

- D. Sidewalks, parkways and trails will comply with all Low Impact Development (Green Streets) requirements, to the maximum extent feasible.

20.22.110 Street Lighting.

Streetlight fixtures must be provided pursuant to city policies regarding street lighting, or as determined to be necessary by the Director.

20.22.120 Improvements – General.

- A. As a condition for approving any final map, the subdivider must improve or agree to make all improvements for all land designated for streets, highways, public ways, and easements. Such improvements include streets, sidewalks, curbs, gutters, culverts, bridges, storm drains, sanitary sewers, permanent subdivision monuments, and other structures or improvements set forth in this Title or as recommended by the Planning Commission and/or deemed by the City Council to be necessary for the general use of the lot owners in the subdivision and for traffic and drainage needs.
- B. All improvements must be installed to grades approved by the Director or Building Official, as applicable. Plans and specifications of proposed improvements must be furnished to the Director in conjunction with the final map. These plans and profiles must show full details of the proposed improvements in accordance with the must current city standards.
- C. The minimum improvements which the subdivider will be required to make at the subdivider's own cost in the subdivision before the acceptance and approval of the final map is as described generally below and in detail in this Title:
 - 1. Fire hydrants and adequate distribution lines to provide adequate domestic water supply to each lot and sufficient fire protection to meet local neighborhood needs, as determined by the Fire Department;
 - 2. City wastewater disposal system to each lot;
 - 3. Adequate drainage of the subdivision streets, highways, ways and alleys;
 - 4. Adequate grading and surfacing of streets, highways, ways and alleys;

5. Curbs, gutters and sidewalks; and
6. Permanent subdivision monuments.

20.22.130 Streets.

All required public and private streets must be installed in accordance with plans approved by the Director.

20.22.140 Drainage Facilities.

All required drainage and flood control facilities must be installed in accordance with plans approved by the Director.

20.22.150 Undergrounding of Utilities.

- A. Utility lines including, without limitation, electrical, telephonic, street, and cable television must be placed underground within all new subdivisions.
- B. All underground construction must be installed before the streets are paved if such construction occurs within streets and requires open excavation of the street surface. All construction must be performed to the satisfaction of the Director and in accordance with all applicable city standards.

20.22.160 Water and Sewer Service.

- A. Water mains and other required facilities must be installed to serve each lot within a proposed subdivision per the requirements of the water service provider. All such facilities must be installed consistent with applicable master plans. Where water facilities are to be installed in a public street, all improvement plans are subject to review by the Director, and fire hydrant locations and specifications are approved by the Fire Department.
- B. All new subdivisions and each lot within a proposed subdivision are required to connect to the city's sewer system. All sewer facilities must be installed consistent with applicable master plans. Where sewer facilities are to be installed in a public street, all improvement plans are subject to review by the Director and the Los Angeles County Sanitation District.

20.22.170 Landscaping.

Landscaping and associated automatic irrigation systems must be installed as required for erosion control and slope stabilization. Landscape designs must

emphasize water-efficient and/or drought tolerant plants and must comply with the most current Model Efficient Landscape Ordinance and any other applicable laws and regulations.

20.22.180 Utility Easements.

- A. When necessary, the subdivider must reserve and grant right-of-way easements, either overhead or underground, to public utility companies.
- B. Such right-of-way easements are delineated on the subdivision map and identified as "Public Utility Easement" or as an easement to a specific utility.

20.22.190 Cable Access.

As a condition of approval of a final map or parcel map, the subdivider must provide access to all cable operators within the city.

20.22.200 Monuments.

Monuments must be provided as required by the Act.

20.22.210 Supplemental Improvements.

- A. At the City Council's direction, the subdivider may be required to install improvements for the benefit of the subdivision which may be of such supplemental size, capacity, number, or length as will benefit property not within the subdivision. Such improvements may be a condition precedent to the approval of a subdivision or parcel map.
- B. The subdivider will be reimbursed for that portion of the costs of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

20.22.220 Security and Subdivision Improvement Agreement.

- A. A subdivider may record a final or parcel map pursuant to this Title before completing required improvements, provided the City Council approves a subdivision improvement agreement and the subdivider provides security in the form of a labor and materials bond and a faithful performance bond, as approved by the City Council in accordance with § 66499(a). The improvement agreement and security must be in a form approved by the City Attorney.

- B. The amount of security must be based upon 100% of the estimated cost of the required improvement or improvements. Such cost estimate is provided by the subdivider, based upon information provided by a qualified engineer, and is approved by the City Engineer or designee.
- C. Release of the security may be accomplished in accordance with §§ 66499.7 and 66499.8.

20.22.230 Securities and Special Assessments.

Should the required subdivision improvements be financed and installed pursuant to special assessment proceedings, the subdivider may apply to the City Council for a reduction in the amount of the improvement security required, up to an amount corresponding to the amount of faithful performance and labor and material bonds required by the special assessment act being used. The City Council may grant such reduction if it finds that such bonds have been in fact provided and that the obligations secured thereby are substantially equivalent to those required by this code.

20.22.240 Right-of-way Dedication.

- A. As a condition of approval of a map, the subdivider must dedicate or make an irrevocable offer of dedication of all adjacent or abutting parcels of land within the subdivision that are needed for streets and alleys (including access rights and abutters' rights), drainage, public utility easements, and other public easements.
- B. The subdivider must improve or agree to improve all streets and alleys (including access rights and abutters' rights), drainage, public utility easements, and other public easements offered for dedication. Such improvements must be performed in accordance with the requirements of this code or as may otherwise be approved by the City Council.

20.22.250 Bicycle Paths and Trails.

- A. For any residential subdivision containing 40 or more parcels, and where the dedication of roadways is required, the subdivider may be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of residents of the subdivision, as well as bicycle paths included as part of the General Plan Circulation Element Bicycle and Trail Plan.
- B. The subdivider may be required to dedicate additional land as may be necessary and feasible to accommodate trails included in the General Plan

Circulation Element Bicycle and Trail Plan.

20.22.260 Supplemental Size, Capacity or Number Required.

Improvements installed by the subdivider for the benefit of the subdivision must contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and such improvements must be dedicated to the public. Supplemental length may include minimum sized off-site sewer lines necessary to reach a sewer outlet in existence at that time.

20.22.270 Payment of Fees Required.

Pursuant to the provisions of this Title, as a condition of approval of a final map, parcel map, lot line adjustment or lot merger, or as a condition of issuing a construction permit, and before a final map is filed or a construction permit issued, every subdivider must pay any applicable fees established and apportioned to the property pursuant to this code.

20.22.280 In-Lieu Considerations.

The City Council may accept consideration in lieu of fees required pursuant to this Title, provided:

- A. The City Council finds, upon recommendation of the Director or Building Official, that the substitute consideration has a value equal to or greater than the fee; and
- B. The substitute consideration is in a form acceptable to the City Council.

Chapter 20.24 ENFORCEMENT

20.24.010 Compliance

No person may sell, lease or finance any parcel or parcels of real property or commence construction of any building or allow final occupancy until the final map fully complies with the Act and this code as determined by the Director.”

SECTION 2: Repeal of any provision of the MPMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 3: 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 Director 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 4: 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 5: 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 6: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 7: Recordation. The City Clerk, or 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.

SECTION 8: This Ordinance will become effective on the 30th day following its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2020.

Peter Chan, Mayor

Attest:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

By: 
Natalie C. Karpeles, Deputy City Attorney

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK RESPONDING TO THE TRUMP
ADMINISTRATION'S ATTEMPT TO EXCLUDE
UNDOCUMENTED PERSONS FROM THE 2020 CENSUS
COUNT APPORTIONMENT BASE AND RECOGNIZING THE
IMPORTANCE OF COUNTING ALL PERSONS IN THE 2020
CENSUS**

The City Council does resolve as follows:

SECTION 1. The City Council finds and declares that:

- A. The United States Constitution mandates a decennial count of the whole number of persons in each state, and such census count is used to apportion congressional seats in the House of Representatives based on population and by extension, political representation and federal resources at the state and local level;
- B. On July 21, 2020, President Trump issued a memorandum directing the Secretary of Commerce, who oversees the United States Census Bureau, to provide data regarding citizenship and immigration status for the purpose of using this data to exclude undocumented persons from the census apportionment count and this memorandum is unconstitutional and will compromise a complete and accurate census count;
- C. An accurate count is critical for California and all of its communities, such as Monterey Park, to ensure a fair share of federal funds for programs that fund services that support the well-being and quality of life for residents and to obtain its fair share of resources for infrastructure and schools;
- D. The City of Monterey Park is a diverse community where immigrants of many backgrounds represent more than half of the City's population and where all residents have access to provision of vital municipal services, regardless of immigration status;
- E. Given the City's large immigrant population, some of whom are also undocumented, the Trump Administration's purported actions would in effect erase a segment of the population from the census count, which would deprive the City and its residents of fair political representation and adequate federal funding that is commensurate with the City's total population;
- F. The Monterey Park City Council urges all residents to complete the 2020 Census and residents in our community can fill out the Census questionnaire online, by phone with thirteen language options, and by mail-in paper form;

G. The City of Monterey Park City Council will make every effort to oppose any efforts to disenfranchise its residents from their constitutional right to an accurate and complete Census Count and desires to have all persons counted in the 2020 Census for purposes of apportionment as constitutionally mandated.

SECTION 2. The City of Monterey Park condemns the Trump Administration's attempt to exclude undocumented persons from the census apportionment count, which will harm communities with high immigrant populations through diluted political representation and loss of federal funding.

SECTION 3. The City of Monterey Park finds and declares that the Trump Administration's actions run counter to established precedent, the census exclusion policy is unconstitutional, and the President lacks the authority to exclude undocumented persons from the apportionment base.

SECTION 4. The City of Monterey Park hereby recognizes that it is imperative to count all persons, regardless of citizenship or immigration status, to ensure a complete, fair and accurate 2020 Census.

SECTION 5. The Mayor, or presiding officer, is 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 19TH DAY OF August 2020.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

Resolution No.

Page 3 of 3

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 19th day of August 2020, by the following vote:

Ayes:	Council Members:
Noes:	Council Members:
Absent:	Council Members:
Abstain:	Council Members:

Dated this 19th day of August, 2020.

Vincent D. Chang, City Clerk
Monterey Park, California