MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
HOUSING SUCCESSOR AGENCY (HSA)
REGULAR MEETING
NOVEMBER 21, 2012

The City Council of the City of Monterey Park held a Regular Meeting of the Council in the Council Chambers, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, November 21, 2012 at 7:00 p.m.

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

CALL TO ORDER:
Mayor Ing called the meeting to order at 7:00 p.m.

FLAG SALUTE:
The Monterey Park Police Explorers led the flag salute.

ROLL CALL:
City Clerk Barron called the roll:
Council Members Present: Lau, Wong, Real Sebastian, Ing
Council Members Absent: None

ALSO PRESENT: City Manager Talbot, City Attorney Hensley, City Treasurer Leon, Director of Public Works Saykali, Fire Chief Birrell, Police Chief Smith, Recreation and Community Services Costley, City Librarian Arvizu, Financial Services Manager Yaung, Acting Economic Development Specialist Ramirez

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTION
None.

CONSENT CALENDAR ORAL AND WRITTEN COMMUNICATIONS
None.

SUCCESSOR AGENCY CONSENT CALENDAR CONSISTS OF ITEM NOS. 1-2
Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: The City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency approved and adopted Item Nos. 1-2, and reading resolutions and ordinances by title only and waiving further reading thereof.

Motion: Moved by Council Member Wong and seconded by Vice Mayor Real Sebastian, motion carried by the following vote:

Ayes:	Council Members:	Lau, Wong, Real Sebastian, Ing
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

1. SUCCESSOR AGENCY RESOLUTIONS, DEMANDS, PROGRESS PAYMENTS AND INTERFUND TRANSFERS

It is required that the City Council (acting on behalf of the Successor Agency) approve all disbursements.

Action Taken: The City Council approved the payment of warrants and adopted **Resolution No. SA-25** of the Successor Agency to the former Monterey Park Redevelopment Agency allowing certain claims and demands per warrant register dated **November 21, 2012 totaling $5,992.90** and specifying the funds out of which the same are to be paid on Consent Calendar.

Resolution No. SA-25, entitled:
A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (SA) ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED **November 21, 2012 totaling $5,992.90** AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

2. SUCCESSOR AGENCY INVESTMENT REPORT AS OF OCTOBER 2012

In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council disclosing types of investments, dates of maturities, amounts of deposits, rates of interest, and for securities with a maturity of more than 12 months, current market values.

Action Taken: Received and filed the investment report as of October 2012 on Consent Calendar.

SUCCESSOR AGENCY NEW BUSINESS ITEM NO. 3

3. ADOPT RESOLUTION NO. SA - 26 APPROVING THE AMENDED THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS) AND ADMINISTRATIVE BUDGET FOR JANUARY - DECEMBER 2013

On October 11, 2012, the California Department of Finance issued its findings upon review of the third ROPS and staff is requesting approval to amend the Resolution with the changes.

Action Taken: The City Council (1) adopted **Resolution No. SA - 26** approving the Amended Third Recognized Obligation Payment Schedule for the period between January-June 2013; (2) approved the Amended Successor Agency Administrative

Budget for January-June 2013; (3) approved the Amended Successor Agency Administrative Budget for July-December 2012 and (4) directed staff to post and transmit the amended ROPS and administrative budget to the appropriate public agencies.

Resolution No. SA - 26, entitled:
A RESOLUTION OF THE SUCCESSOR AGENCY TO THE MONTEREY PARK REDEVELOPMENT AGENCY AMENDING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR JANUARY THROUGH JUNE 2013 AND ADMINISTRATIVE BUDGET FOR JULY THROUGH DECEMBER 2012 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177

Motion: Moved by Council Member Wong and seconded by Council Member Lau, motion carried by the following vote:

Ayes:	Council Members:	Lau, Wong, Real Sebastian, Ing
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

This is the end of Successor Agency (SA) items.

HOUSING SUCCESSOR AGENCY CONSENT CALENDAR CONSISTS OF ITEM NO. 4
Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: The City Council acting on behalf of the Housing Successor Agency of the former Community Redevelopment Agency (Housing SA) approved and adopted Item No. 4 and reading resolutions and ordinances by title only and waiving further reading thereof.

Motion: Moved by Vice Mayor Real Sebastian and seconded by Council Member Wong, motion carried by the following vote:

Ayes:	Council Members:	Lau, Wong, Real Sebastian, Ing
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

4. HOUSING SUCCESSOR AGENCY RESOLUTIONS, DEMANDS, PROGRESS PAYMENTS AND INTERFUND TRANSFERS

It is required that the City Council (acting on behalf of the Housing Successor Agency) approve all disbursements.

Action Taken: The City Council approved payment of warrants and adopted **Resolution No. HSA – 13** of the Housing Successor Agency to the former Community

Redevelopment Agency (HSA) allowing certain claims and demands per warrant register dated **November 21, 2012 totaling $11,048.30** and specifying the funds out of which the same are to be paid on Consent Calendar.

Resolution No. HSA – 13, entitled:
A RESOLUTION OF THE HOUSING SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (HSA) ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED **November 21, 2012 totaling $11,048.30** AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

This is the end of Housing Successor Agency (HSA) items.

PRESENTATION: None.

CITY OF MONTEREY PARK CONSENT CALENDAR CONSISTS OF ITEMS 5-11
Matters listed under consent calendar are considered to be routine, ongoing business and are enacted by one motion unless specified.

Action Taken: Council Members approved and adopted Item Nos. 5 - 11 except for Item No. 9, which was approved as amended and reading resolutions and ordinances by title only and waiving further reading thereof.

Motion: Moved by Vice Mayor Real Sebastian and seconded by Council Member Wong, motion carried by the following vote:

Ayes:	Council Members:	Lau, Wong, Real Sebastian, Ing
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

5. **RESOLUTIONS, DEMANDS, PROGRESS PAYMENTS AND INTERFUND TRANSFERS**

It is required that the City Council approve all disbursements.

Action Taken: The City Council approved payment of warrants and adopted **Resolution No. 11535** allowing certain claims and demands per Warrant Register dated **November 21, 2012 Totaling $546,287.87** and specifying the funds out of which the same are to be paid.

Resolution No. 11535, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED **November 21, 2012 Totaling $546,287.87** AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

6. **INVESTMENT REPORT AS OF OCTOBER 2012**

In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council disclosing types of investments, dates of maturities, amounts of deposits, rates of interest, and for securities with a maturity of more than 12 months, current market values.

This item was pulled for separate discussion only.

Action Taken: Received and filed the investment report as of October 2012 on Consent Calendar.

7. ELECTION FOR SAN GABRIEL BASIN WATER QUALITY AUTHORITY

According to the bylaws of the San Gabriel Basin Water Quality Authority, a city with prescriptive water pumping rights, of which Monterey Park falls under, may nominate and elect a representative to the Water Quality Authority Board. Based on population figures, the City of Monterey Park is entitled to cast (6) votes, each city has one vote per 10,000 residents, or majority thereof. All votes cast must be for only one candidate.

Action Taken: The City Council (1) adopted **Resolution No. 11536** of the Monterey Park City Council, casting its votes for Council Member Luis Ayala from the City of Alhambra, to represent Cities with prescriptive pumping rights on the Board of the San Gabriel Basin Water Quality Authority and (2) directed the City Clerk to send a copy of the Resolution to the Central Basin Water Quality Authority no later than 12:00 pm December 18, 2012 via certified mail, UPS, FedEx with a signature required or hand delivered on Consent Calendar.

Resolution No. 11536, entitled:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, CASTING ITS VOTES FOR COUNCIL MEMBER LUIS AYALA TO REPRESENT CITIES WITH PRESCROPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY

8. PLAY DAYS CARNIVAL CONTRACT

The Recreation and Community Services Department is requesting that the City accept a proposal for a new three year contract with J.A. Blash Enterprises/Shamrock Shows to provide entertainment and amusement devices for the annual Play Day Festival held in May.

This item was pulled for separate discussion only.

Action Taken: The City Council (1) authorized the City Manager to execute and agreement, in a form approved by the City Attorney, with J. A. Blash Enterprises/ Shamrock Shows/North American Amusements Inc., for three years and (2) authorized the revenue generated from the agreement to be budgeted for the Play Days Parade, Play Days entertainment, and for the ancillary costs to Play Days on Consent Calendar.

9. CITY PROSECUTOR CONTRACT RENEWAL

The law firm of Dapeer, Rosenblitt & Litvak has been providing City Prosecutor services for the City since the early 1990's. Currently, the firm is performing under a City executed contract dated June 4, 2008 at the hourly rate of $150. The firm is asking for the contract to be renewed at the hourly rate of $160.

Action Taken: The City Council authorized the City Manager to execute the agreement, in a form approved by the City Attorney, to continue City Prosecutorial Services with Dapeer, Rosenblitt, & Litvak as amended to include the City Council comments that a termination date is placed in the agreement and payments be submitted and approved by the City Council on Consent Calendar.

10. EMERGENCY OPERATIONS CENTER (EOC) - AWARD OF CONTRACT

The project involves excavation and grading of the site located at 329 W. Newmark Avenue, as well as construction of a reinforced concrete building foundation, installation of pre-fabricated modular building; connection of all utilities; construction of concrete pavement, walkways, masonry block perimeter wall, planter walls, covered entryway, access ramp, sidewalk and curb & gutter; and installation of landscaping and irrigation.

Action Taken: The City Council (1) awarded the contract for construction of the Emergency Operations Center to the lowest bidder, Accelerated Modular Concepts Inc. of Victorville in the amount of $443,282 and (2) authorized the City Manager to execute a standard public works agreement in a form approved by the City Attorney on Consent Calendar.

11. APPROPRIATION AND PURCHASE OF A MID-SIZE PICK-UP TRUCK FOR THE WATER DIVISION

Staff is requesting replacement of the Water Division Vehicle that was totaled in a collision on June 21, 2012. This vehicle is used as a daily service truck and stand-by vehicle for the Delta Plant.

Action Taken: The City Council (1) authorized the City Manager to purchase a replacement vehicle and (2) appropriated monies from the Water Fund, in an amount not to exceed $40,000 per Monterey Park Municipal Code § 3.20.050(14) on Consent Calendar.

ORAL AND WRITTEN COMMUNICATIONS

- Betty Tom Chu addressed the council and spoke in favor of the proposed City of Monterey Park Safe and Affordable Fire and Emergency Services Maximization Ordinance. She recommended that the city council place the proposed ordinance on the city's March 5, 2013 election ballot.

- City Clerk Barron summarized a written communication letter from David Diaz that was received, distributed and filed. Mr. Diaz states that as the proponent of the City of Monterey Park Safe and Affordable Fire and Emergency Services Maximization Ordinance, he is requesting that the council place the proposed ordinance on the March 5, 2013 Municipal Election Ballot.

PUBLIC HEARING(Open public hearing, hear staff, hear audience, close public hearing)

12. ADOPT RESOLUTION NO. 11537 CONFIRMING THE 2012 ANNUAL REPORT AND THE LEVY OF ASSESSMENTS FOR BUSINESS IMPROVEMENT DISTRICT NO. 1 FOR PROGRAM YEAR 2013

Based on its October 2, 2012 Annual Meeting, the Business Improvement District Advisory Committee requested Council to set a public hearing date to consider the 2013 levy of Assessment Fees for the Business Improvement District No. 1. The law provides an opportunity for all potential assesses to protest the proposed renewal of or change to the assessments.

Council Member Wong recused himself from the dais due to a potential conflict of interest as his business is in the Business Improvement District.

Mayor Ing opened the public hearing at 8:01 p.m. and closed the public hearing at 8:02 p.m. with no speakers registered.

Action Taken: The City Council adopted **Resolution No. 11537** Levying Assessments for Business Improvement District No. 1 for Program Year 2013 in accordance with Government Code §36624 as amended to increase funding at 3% with additional conditions to present a report to the council of how expenditures will be spent.

Resolution No. 11537, entitled:
A RESOLUTION LEVYING ASSESSMENTS FOR BUSINESS IMPROVEMENT DISTRICT NO.1 FOR PROGRAM YEAR 2013 IN ACCORDANCE WITH GOVERNMENT CODE § 36624

Motion: Moved by Mayor Ing to adopt Resolution maintaining the current percentage funding without the 5% increase pending a report of how funding will be spent. Motion failed due to a lack of a second.

Motion: Moved by Council Member Lau to adopt Resolution Levying Assessments for the Business Improvement District No. 1 for Program Year 2013 in accordance with Government Code §36624 with additional conditions to present a report to the council of how expenditures will be spent. Seconded by Vice Mayor Real Sebastian, motion failed as City Attorney Hensley ruled that adoption requires three affirmative votes.

Ayes:	Council Members:	Lau, Real Sebastian
Noes:	Council Members:	Ing
Absent:	Council Members:	Wong (recused)
Abstain:	Council Members:	None

Motion: Moved by Council Member Lau to adopt **Resolution No. 11537** Levying Assessments for Business Improvement District No. 1 for Program Year 2013 in accordance with Government Code §36624 as amended to increase funding at 3% with additional conditions to present a report to the council of how expenditures will be spent. Seconded by Vice Mayor Real Sebastian, motion carried by the following vote:

Ayes:	Council Members:	Lau, Real Sebastian, Ing
Noes:	Council Members:	None
Absent:	Council Members:	Wong (recused)
Abstain:	Council Members:	None

UNFINISHED BUSINESS

None.

NEW BUSINESS

13. **CONSIDERATION AND POSSIBLE ACTION TO PLACE AN INITIATIVE ON THE BALLOT FOR THE PREVIOUSLY CALLED MARCH 5, 2013 MUNICIPAL ELECTION TO AMEND THE CITY'S UTILITY USER TAX ("UUT") REGULATIONS (MONTEREY PARK MUNICIPAL CODE CHAPTER 3.38) TO UPDATE THE LANGUAGE WITH REGARD TO MAINTAINING THE CITY'S REVENUES FROM THE UUT TAX BASED UPON TECHNOLOGICAL CHANGES IN COMMUNICATIONS METHODS**

The City's existing utility user tax ("UUT"), which covers telephone, electricity, and gas services, was adopted in 1983 and modified several times since then. The existing telephone UUT, applicable only to commercial and industrial service users, generates approximately $1.1 million annually. A large portion of this revenue is at risk due to outdated language in the telephone tax and changes in federal law.

Action Taken: The City Council (1) adopted **Resolution No. 11538** placing an initiative on the ballot amending utility user tax regulations and (2) adopted **Resolution No. 11539** directing the City Attorney to prepare an impartial analysis for the ballot initiatives.

Resolution No. 11538, entitled:
A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR THE PREVIOUSLY CALLED MUNICIPAL ELECTION ON MARCH 5, 2013

Resolution No. 11539, entitled:
A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE BALLOT MEASURE REGARDING UTILITY USER TAXES

Motion: Moved by Vice Mayor Real Sebastian and seconded by Council Member Lau, motion carried by the following vote:

Ayes:	Council Members:	Lau, Wong, Real Sebastian, Ing
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

14. CITY COUNCIL TERM LIMITS

On October 17, 2012, the City Council requested that the City Manager and City Attorney prepare appropriate documents for placing an initiative on the ballot regarding term limits. Government Code § 36502(b) allows voters to impose term limits for serving on the City Council.

Action Taken: No action required. The City Council directed the City Manager and City Attorney to bring back to Council for approval at the next regular City Council meeting.

COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

City Manager Talbot informed the residents that the Farmer's Market will be closed on Friday, November 23, 2012 for the Thanksgiving Holiday and return the following Friday, November 30, 2012. Council Member Lau reported his attendance at the city's annual Veteran's Day celebration at City Hall on November 11, 2012, the Red Cross Disaster Preparedness Training at Langley Senior Center, the Business to Business Luncheon at Monterey Hills Steakhouse Restaurant and the Thanksgiving Luncheon at Langley Senior Center. Council Member Wong stated he will be leaving on November 22, 2012 to Quanzhou, China. He will be meeting with the Mayor of Quanzhou and the members of the Quanzhou Sister City Associations to discuss business improvements. Vice Mayor Real Sebastian reported that she also attended the Business to Business Luncheon at Monterey Hills Steakhouse. She stated that the Monterey Pass Road businesses were also in attendance and that the city will continue meeting with local businesses on a quarterly basis to discuss strategic business plans. She also invited the residents to attend the City Hall Tree Lighting and Holiday Sing on Friday, December 7, 2012 at 5:30 p.m. at City Hall and that the next Community Clean-up will be on January 13, 2012 from 8:00 a.m. – 12:00 p.m. at Sunny Slope Park. Mayor Ing informed the residents that MERCI will be hosting its 23rd Annual Trees of Enchantment brunch on Sunday, December 2, 2012 at 11:00 a.m. – 2:00 p.m., at The Luminarias Restaurant.

CLOSED SESSION
None.

ADJOURNMENT
There being no further business for consideration, the meeting adjourned at 9:02 p.m. in memory of Wilbur K. Woo, a long time resident, banker, and community leader.

David M. Barron

David M. Barron, CMC
City Clerk

Approved on December 19, 2012 at the regular City Council Meeting