

**CITY COUNCIL OF MONTEREY PARK
THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY, THE HOUSING AUTHORITY, THE MONTEREY PARK FINANCING
AUTHORITY AND THE MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT
AGENDA**

**REGULAR CITY COUNCIL MEETING
MONTEREY PARK CITY HALL COUNCIL CHAMBERS
320 W. NEWMARK AVENUE, MONTEREY PARK, CA 91754**

**Wednesday
July 20, 2022
6:30 p.m.**

MISSION STATEMENT

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

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>.

PUBLIC PARTICIPATION

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers. Written Communication will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov.

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

CALL TO ORDER	Mayor
FLAG SALUTE	The Monterey Park Fire Explorers
ROLL CALL	Peter Chan, Hans Liang, Henry Lo, 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.

STAFF COMMUNICATIONS:

- Recreation and Community Services Department
- Library

[1.] PRESENTATION – NONE.

[2.] OLD BUSINESS – NONE.

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

3-A. MINUTES

It is recommended that the City Council consider:

- (1) Approving the minutes from the regular and special meetings of June 1, 2022, and the special meeting of June 8, 2022;
- (2) Taking such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – JUNE 2022

It is recommended that the City Council consider:

- (1) Receiving and filing the monthly investment report; and
- (2) Taking such additional, related, action that may be desirable.

3-C. AUDITING SERVICES AGREEMENT - AWARD OF CONTRACT EXTENSION

It is recommended that the City Council consider:

- (1) Awarding a three-year contract extension of the City's auditing services to the City's current audit service provider, CliftonLarsonAllen LLP a certified public accounting and consulting firm;
- (2) Authorize the City Manager to execute an agreement amendment for the three-year extension, in a form approved by the City Attorney; and
- (3) Taking such additional, related, action that may be desirable.

3-D. CANNABIS TAX FUND GRANT PROGRAM (CTFGP) FUNDING FISCAL YEAR 2022/2023 RESOLUTION

It is recommended that the City Council consider:

- (1) Adopting a Resolution authorizing the City Manager to receive grant funds and execute an agreement, in a form approved by the City Attorney, with the California Highway Patrol in the amount of \$82,713.42 for the Cannabis Tax Fund Grant Program (CTFGP);
- (2) Taking such additional, related, action that may be desirable.

3-E. STATE HOMELAND SECURITY PROGRAM – AWARD OF CONTRACT TO MICHAEL T. LITTLE, OF COUNTERRISK, INC., FOR THE REGIONAL TRAINING GROUP (RTG) INTELLIGENCE CHIEF POSITION

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a year agreement, with the potential to extend for an additional two years, with Michael T. Little of CounterRisk, Inc., in a form approved by the City Attorney, to provide and coordinate effective intelligence-sharing between Los Angeles area fire service agencies and intelligence, counterterrorism, and homeland security stakeholders for an amount of \$606,720; and
- (2) Taking such additional, related, action that may be desirable.

3-F. PREQUALIFICATION OF CONTRACTORS TO BID ON PUBLIC WORKS CONTRACTS

It is recommended that the City Council consider:

- (1) Adopting a Resolution establishing a procedure for Prequalifying Contractors to bid on Public Works Contracts pursuant to the Public Contracts Code;
- (2) Adopting a Resolution establishing a procedure allowing Contractors to appeal decisions regarding prequalification for Public Works Contracts; and
- (3) Taking such additional, related, action that may be desirable.

3-G. PURCHASE OF PASSIO TECHNOLOGIES AUTOMATIC PASSENGER COUNTING SYSTEM

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute an Agreement, in a form approved by the City Attorney, with Passio Technologies, in an amount not-to-exceed \$101,809 for the purchase and installation of an Automatic Passenger Counting System for the City's Spirit Buses;
- (2) Appropriate \$101,809 from Proposition A funds for this purchase; and
- (3) Taking such additional, related, action that may be desirable.

3-H. AMENDMENT TO AGREEMENT 2057-A WITH ATHENS SERVICES FOR STREET SWEEPING SERVICES

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute an Amendment, in a form approved by the City Attorney, to Agreement 2057-A with Athens Services, in an amount not-to-exceed \$345,092 per year (plus annual CPI), to extend the contract for street sweeping services for an additional three years; and
- (2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING – NONE.

[5.] NEW BUSINESS

5-A. BALLOT PROPOSITION TO IMPOSE A ¾ CENT SALES TAX FOR GENERAL MUNICIPAL PURPOSES

It is recommended that the City Council consider:

- (1) Adopting a resolution placing a proposition on the November 8, 2022, ballot which, if adopted by a majority of voters, would impose a general sales tax;
- (2) Determining whether to designate person(s) for filing an argument favoring the ballot proposition(s);
- (3) Adopting a resolution requesting that the City Attorney prepare an impartial analysis for the ballot measure(s);
- (4) Adopting a Resolution establishing regulations for ballot arguments;
- (5) Adopting a Resolution supporting the sales tax proposition; and
- (6) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

These actions are exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because they establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, neither the proposition nor any other action constitutes a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

5-B. PROPOSED DISSOLUTION OF THE NEWMARK AVENUE UNDERGROUND UTILITY DISTRICT; CREATION OF THE MONTEREY PASS ROAD UNDERGROUND UTILITY DISTRICT

It is recommended that the City Council consider:

- (1) Adopting the attached Resolution of Intent to dissolve the existing Underground Utilities District on Newmark Avenue from Garfield Avenue to New Avenue and, also, to create the Monterey Pass Underground Utility District. The date for considering such actions would be August 17, 2022 at 6:30 p.m.;
- (2) Directing the City Manager, or designee, to notify all affected property owners of the Underground Utility Districts in accordance with Monterey Park Municipal Code (“MPMC”) § 14.16.020;
- (3) Directing the City Manager, or designee, to file necessary documents with all affected utility companies; and
- (4) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

If eventually approved by the City Council, undergrounding associated with the MPR UUD would be exempt as a Class 1 categorical exemption since it involves the alteration (undergrounding) of an existing public utility service and does not expand the existing use.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

[7.] FUTURE AGENDA ITEMS

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

ADJOURN



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Minutes

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving the minutes from the regular and special meetings of June 1, 2022, and the special meeting of June 8, 2022; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Prepared by:

Handwritten signature of Vincent D. Chang in blue ink.

Vincent D. Chang
City Clerk

Handwritten signature of Viridiana Martinez in blue ink.

Viridiana Martinez
Senior Clerk Typist

Approved By:

Handwritten signature of Ron Bow in blue ink.

Ron Bow
City Manager

ATTACHMENT(S):

1. Draft Minutes

ATTACHMENT 1

Draft Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
JUNE 1, 2022**

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Special Meeting of the Council in Room 266, Second Floor of City Hall located at 320 West Newmark Avenue in the City of Monterey Park on Wednesday, June 1, 2022 at 5:30 p.m.

CALL TO ORDER:

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

ROLL CALL:

City Manager Ron Bow called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Manager Ron Bow, City Attorney Karl Berger, Assistant City Manager Inez Alvarez, Director of Human Resources and Risk Management Christine Tomikawa, Director of Management Services Martha Garcia

ORAL AND WRITTEN COMMUNICATIONS – None.

1. CLOSED SESSION

The City Council adjourned to Closed Session at 5:30 p.m.

1-A. CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO CALIFORNIA GOVERNMENT CODE § 54957.6

City Negotiators: Steve Berliner, Esq. from Liebert Cassidy & Whitmore (the City's special counsel for labor matters) and Christine Tomikawa, Director of Human Resources and Risk Management

Employee Organizations: Confidential Employees' Association, Firefighters' Association, Mid-Management Association, Police Captains' Association, Police Officers' Association, Police Officers' Mid-Management Association, Professional Chief Officers' Association, and Service Employees International Union, Local 721

MISSION STATEMENT

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RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:09 p.m.

Action Taken: No reportable action taken.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
JUNE 1, 2022**

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Regular Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, June 1, 2022 at 6:30 p.m.

CALL TO ORDER:

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

FLAG SALUTE:

The Monterey Park Fire Explorers led the Flag Salute

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Hans Liang, Henry Lo, Yvonne Yiu
Council Members Absent: None.

ALSO PRESENT: City Treasurer Joseph Leon, City Manager Ron Bow, City Attorney Karl Berger, Assistant City Manager Inez Alvarez, Police Chief Kelly Gordon, Director of Recreation and Community Services Robert Aguirre, Director of Management Services Martha Garcia, City Librarian Diana Garcia, Interim Director of Community & Economic Development Steve Sizemore, Interim Director of Public Works Anthony Antich, Support Services Manager Tim Shay, Economic Development Manager Joseph Torres, Deputy City Clerk Cindy Trang, Community Communications Coordinator Randy Ishino

VIRTUALLY PRESENT: Fire Chief Matt Hallock, Director of Human Resources and Risk Management Christine Tomikawa.

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Manager Bow requested to move Item No. 3D to be heard before Presentation items.

PUBLIC COMMUNICATIONS

- Bill Lam inquired about Metro Public Transit on Monterey Pass Road.

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STAFF COMMUNICATIONS

Economic Development Manager Torres invited businesses to attend the Broker's Luncheon on June 28th at the Courtyard by Marriott.

Recreation and Community Services Director Aguirre introduced Alhambra Teacher's Association, President Tammy Scorgia, who invited the community to attend the 2nd Annual San Gabriel Valley Pride & Parade Festival on Saturday, June 4th. Director Aguirre invited the community to attend the JR MLB Homerun Derby event on Saturday, June 11th.

Senior Children's Librarian Olivarez and Senior Reference Librarian Niblick invited the community to participate in the 2022 summer reading program, Read Beyond the Beaten Path beginning on June 7th to July 30th.

1. PRESENTATION

Matters listed under presentation are for informational content and discussion only.

Presentations were heard after Item No. 3D.

1A. **SAN GABRIEL VALLEY TRANSIT FEASIBILITY STUDY UPDATES**

San Gabriel Valley Council of Governments (SGVCOG) Senior Management Analyst Alexander Fung, SGVCOG's Director of Government and Community Relations Ricky Choi, and Kimley-Horn Regional Vice President Brent Ogden gave a PowerPoint presentation updating Council on the San Gabriel Valley Transit Feasibility Study.

1B. **MONTEREY PARK U.S. ARMY RECRUITING OFFICE AND CAREER CENTER**

U.S. Army Staff Sargent Elijah Mockabee informed the community of the many opportunities available at the Monterey Park U.S. Army Recruiting Office and Career Center.

2. OLD BUSINESS - None.

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

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

Item No 3D. was heard before Presentations.

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

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

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

3A. MINUTES

Approving the minutes from the regular and special meeting of May 4, 2022.

Action Taken: The City Council approved the minutes from the regular and special meetings of May 4, 2022 on Consent Calendar.

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

Under the Political Reform Act (Government Code § 8100, *et seq.*), every local agency must review its conflict of interest code ("COI") on a biennial basis. If positions or titles changed in the local agency's organization, then the legislative body must amend the COI before October 3, 2022.

Action Taken: The City Council directed the City Clerk to perform the biennial review of the City's Conflict of Interest Code and report back before October 3, 2022 on Consent Calendar.

3C. REAPPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

The term for the Library Board of Trustees is three years with the possibility of reappointment for one additional consecutive three-year term.

Lisa Duong's first term on the Library Board of Trustees will end June 30, 2022. If reappointed, she will serve through June 30, 2024.

Public Speakers

- Jason Dhing voiced support for Lisa Doung's reappointment to the Library Board of Trustees.
- Lisa Duong shared her experience during her term on the Library Board of Trustees and shared her future goals if reappointed.

Action Taken: The City Council reappointed incumbent Lisa Doung to the Library Board of Trustees for a second term.

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

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

3D. GEORGE ELDER MEMORIAL DAY RESOLUTION

The Monterey Park Police Department is recognizing the day of June 9th, 2022 as George Elder Memorial Day. This day is celebrated annually and honors Officer George Elder. Officer George Elder was only twenty-nine years old when he was shot and killed in the line of duty.

This item was heard after Staff Communications.

Action Taken: The City Council adopted Resolution No. 2022-R37 declaring the day of June 9th to be George Elder Memorial Day in the City of Monterey Park.

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

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

Resolution No. 2022-R37: A RESOLUTION DECLARING JUNE 9th, 2022 GEORGE ELDER MEMORIAL DAY IN MONTEREY PARK

3E. NOTICE OF COMPLETION FOR GARFIELD AND GRAVES TRAFFIC SIGNAL IMPROVEMENTS SPECIFICATION NO. 2020-005

Pursuant to City Council Resolution No. 11701, the Public Works Director is authorized to record a Notice of Completion for the Garfield and Graves Traffic Signal Improvements, Specification No. 2020-005. The project is now complete, and the work was inspected and approved by the City Engineer.

Action Taken: The City Council received and filed the Notice of Completion recorded by the Public Works Director on May 24, 2022 accepting the Garfield and Graves Traffic Signal Improvements Specification No. 2020-005 completed by PTM General Engineering Services, Inc. on Consent Calendar.

3F. PROFESSIONAL SERVICE AGREEMENT WITH SA ASSOCIATES FOR ON-CALL ENGINEERING SERVICES

Staff recommends executing an on-call professional services agreement with SA Associates for General Engineering Services. SA Associates was previously under contract with the City, in which it provided both engineering and inspection services for various Capital Improvement Projects. While multiple task orders may be issued under the agreement, individual task orders will not exceed \$60,000 each.

Action Taken: The City Council authorized the City Manager, to execute a 3-year professional service agreement, with SA Associates to provide On-Call Engineering Services, in a form approved by the City Attorney on Consent Calendar.

3G. RESOLUTION IDENTIFYING A PUBLIC WORKS STREET MAINTENANCE PROJECT TO BE INCLUDED IN THE FY 2022-23 BUDGET AND FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 addresses the significant multi-modal transportation funding shortfall statewide. As of November 2017, portions of SB 1 revenues are deposited into a Road Maintenance and Rehabilitation Account (RMRA) and made available to eligible cities and counties, which must comply with RMRA funding requirements as determined by the California Transportation Commission (CTC).

RMRA funds made available for the Local Streets and Roads Funding Program are prioritized for expenditure on basic road maintenance and rehabilitation projects, and on critical safety projects. The CTC provided a number of example projects and uses for RMRA funding that include, but are not limited to, the following: Road Maintenance and Rehabilitation, Safety Projects, Railroad Grade Separations, Complete Streets Components (including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project), and Traffic Control Devices.

Action Taken: The City Council adopted Resolution 2022-R38 identifying a street maintenance project to be included in the FY 2022-23 budget and funded with Road Maintenance and Rehabilitation Act (RMRA) funds, in a form approved by the City Attorney.

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

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

Resolution No. 2022-R38: A RESOLUTION IDENTIFYING A STREET MAINTENANCE PROJECT TO BE INCLUDED IN THE FY 2022-23 BUDGET AND FUNDED BY SENATE BILL 1: ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

RECESSED AND RECONVENED

The City Council recessed at 8:06 p.m. and reconvened with all Council Members present at 8:15 p.m.

4. PUBLIC HEARING

4A. ADOPTION OF A RESOLUTION UPDATING USER FEES AND CHARGES

The City Council's previously adopted Master Fee Schedules, most recently on September 15, 2021. Fees established by such resolutions are automatically adjusted on an annual basis on July 1 of each year by applying the percent change of the Los Angeles Area of Consumer Price Index (CPI) for All Urban Consumers for the prior 12-month period ending on April 30 to the City's costs for administering the services. The attached Resolution in the staff report for City Council consideration is to adopt all user fees – both existing fees and new fees provided to the City Council during the public hearing process.

Action Taken: The City Council opened the public hearing at 8:19 p.m. for updating Master Fees and Charges; and after there being no testimonial and documentary evidence, closed the public hearing at 8:19 p.m., adopted Resolution No. 2022-R39 for Citywide user fees and charges.

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

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

Resolution No. 2022-R39: A RESOLUTION ADOPTING A FEE SCHEDULE TO RECOVER COSTS INCURRED FROM PROVIDING VARIOUS PUBLIC SERVICES

4B. THE CITY IS REQUIRED TO CONDUCT A PUBLIC HEARING TO CONSIDER ASSESSMENTS FOR THE CITYWIDE MAINTENANCE DISTRICT NO. 93-1 FOR FISCAL YEAR 2022-23 PURSUANT TO STREETS AND HIGHWAYS CODE §§ 22500, *ET SEQ.*

In 1993 the City formed a citywide benefit assessment district to finance the operation and maintenance of public street lighting and landscaping. The assessment was renewed each of the past 29 years and must be renewed for 2022-23 in order for the City to continue collecting assessments. The City started the process to renew its Citywide Maintenance District No. 93-1 for the 2022-23 fiscal year at its April 20, 2022 meeting. At that time, the City Council approved the Engineer's Report; adopted the Resolution of Intention (Resolution No. 2022-R21) and scheduled the required public hearing for June 1, 2022.

The district renewal will follow the City Council's action at the conclusion of the June 1st public hearing.

CEQA:

The proposed action is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA Guidelines (Cal. Code Regs. tit. 14, §§ 15000, *et seq.*) because it establishes, modifies, structures, restructures, and approves rates and charges for meeting operating expenses; purchasing supplies, equipment, and materials; meeting financial requirements; and obtaining funds for capital projects needed to maintain service within existing service areas. The proposed action, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §15273.

Action Taken: The City Council opened the public hearing at 8:25 p.m. and received no documentary and testimonial evidence; and closed the public hearing at 8:25 p.m. and adopted Resolution No. 2022-R40 authorizing the Levy and Collection of Assessments for Fiscal Year 2022-23 in Citywide Maintenance District No. 93-1 pursuant to Streets and Highways Code § 22587.

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

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

Resolution No. 2022-R40: A RESOLUTION AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2022-23 IN CITYWIDE MAINTENANCE DISTRICT NO. 93-1 PURSUANT TO STREETS AND HIGHWAYS CODE § 22587

5. NEW BUSINESS

5A. RESOLUTIONS FOR NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION

The general municipal election is scheduled for Tuesday, November 8, 2022 for the purpose of electing two members of the City Council for District Nos. 1 and 5, a City Clerk and a City Treasurer for a term of four years each. Additionally, the City Council opted to call for a special municipal election to fill the vacancy left by former Mayor pro tem Fred Sornoso to represent District No. 3. These elections will be consolidated with the Statewide general election conducted by the Los Angeles County Registrar Recorder's Office. \$211,200 is budgeted in the General Fund in the Fiscal Year 2022-2023 budget for expenditures associated with the November 8, 2022 general and special municipal elections.

Action Taken: The City Council (1) adopted Resolution No. 2022-R41 calling for a general municipal election on November 8, 2022 pursuant to Elections Code § 1301; (2) adopted Resolution No. 2022-R42 calling for a special municipal election on November 8, 2022 pursuant to Elections Code § 130; (3) adopted Resolution No. 2022-R43 requesting the County of Los Angeles to consolidate the City of Monterey Park's general and special municipal elections to be held on November 8, 2022, with the statewide general election on the date pursuant to Elections Code §130; and (4) adopted Resolution No. 2022-R44 establishing requirements for candidate statements filed with the City Clerk to be included with voter information for an election on November 8, 2022.

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

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

Resolution No. 2022-R41: A RESOLUTION CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 PURSUANT TO ELECTIONS CODE § 1301 FOR CITY COUNCIL DISTRICT NOS. 1 AND 5; CITY CLERK; AND CITY TREASURER

Resolution No. 2022-R42: A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022 PURSUANT TO ELECTIONS CODE § 1301 TO COMPLETE THE TERM FOR CITY COUNCIL DISTRICT NO. 3

Resolution No. 2022-R43: A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE CITY OF MONTEREY PARK'S GENERAL AND SPECIAL MUNICIPAL ELECTIONS TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, WITH THE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO ELECTIONS CODE SECTION 10403

Resolution No. 2022-R44: A RESOLUTION ESTABLISHING REQUIREMENTS FOR CANDIDATE STATEMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR AN ELECTION ON NOVEMBER 8, 2022

6. CITY COMMUNICATIONS (CITY COUNCIL)

6A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE AS LGBTQ PRIDE MONTH (REQUESTED BY MAYOR HENRY LO)

Action Taken: The City Council adopted Resolution No. 2022-R45 of the city council of the city of Monterey Park recognizing the month of June as LGBTQ pride month.

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

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

Resolution No. 2022-R44: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING THE MONTH OF JUNE AS LGBTQ PRIDE MONTH

6B. CITY TREASURER REQUEST TO TRANSFER \$5 MILLION FROM LOCAL AGENCY INVESTMENT FUND (LAIF) TO THE LOS ANGELES COUNTY INVESTMENT POOL (REQUESTED BY CITY TREASURER JOSEPH LEON)

Public Speakers:

- Nancy Arcuri voiced her support for Item 6B, transferring \$5 million from Local Agency Investment Fund (LAIF) to the Los Angeles County Investment Pool.

Action Taken: The City Council approved to transfer \$5 million from Local Agency Investment Fund (LAIF) to the Los Angeles Investment Pool.

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

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

Council Communications:

Council Member Yiu reported that she attended the Innovating Commerce Serving Communities (ICSC) convention in Las Vegas.

Council Member Chan reported that he attended the Public Works Open House at the City Yard and the Firefighters promotion and introduction at Fire Station 62. He also reported that he attended the pancake breakfast hosted by American Legion Post 397, the Innovating Commerce Serving Communities (ICSC) convention in Las Vegas, and the Raising Cane's grand opening on Atlantic.

Council Member Liang reported that he attended the same events as Council Member Chan, except for the pancake breakfast hosted by the American Legion Post 397. He also shared that after attending the Raising Cane's grand opening, he delivered Raising Canes to former Council Member Fred Sornoso.

Mayor Lo acknowledged and thanked the American Legion Post 397 for hosting the pancake breakfast and the City's Memorial Day event. He reported that he attended the Raising Canes grand opening.

7. FUTURE AGENDA ITEMS

None.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:19 p.m.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
JUNE 8, 2022**

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA), the Geologic Hazard Abatement District (GHAD), and the Successor Agency (SA) of the City of Monterey Park held a Special Meeting of the Council in the Council Chamber located at 320 West Newmark Avenue in the City of Monterey Park on Wednesday, June 8, 2022 at 5:30 p.m.

CALL TO ORDER:

Mayor Lo called the meeting to order at 5:31 p.m.

ROLL CALL:

Assistant Deputy City Clerk Helena Cho called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Librarian Diana Garcia

Public Communications:

- Assistant Deputy City Clerk Helena Cho received, filed, and read into the record a written communication from Anthony Seto expressing support of appointing Travis Kaya to the Library Board of Trustees.

1. NEW BUSINESS

1. APPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES

The second term of Library Trustee Jason Dhing will end on June 30, 2022, resulting in a vacancy on the Library Board of Trustees. The upcoming vacancy was advertised and the City Clerk's office has received three applications from residents interested in serving on the Library Board of Trustees: Travis Kaya, Bethelwel Wilson and Jasmine Pesantes.

Recommendation: It is recommended that the City Council appoint an individual to fill a vacancy on the Library Board of Trustees; and taking such additional, related, action that may be desirable.

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

Action Taken: The City Council nominated Jasmine Pesantes to the Library Board of Trustees.

Motion: Moved by Council Member Yiu, motion failed due to lack of a second.

Action Taken: The City Council nominated Bethelwel Wilson to the Library Board of Trustee.

Motion: Moved by Council Member Chan, motion failed due to lack of a second.

Action Taken: The City Council appointed Travis Kaya to fill the vacancy on the Library Board of Trustees.

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

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

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 6:47 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – June 2022

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the monthly investment report; and
2. Taking such additional, related, action that may be desirable.

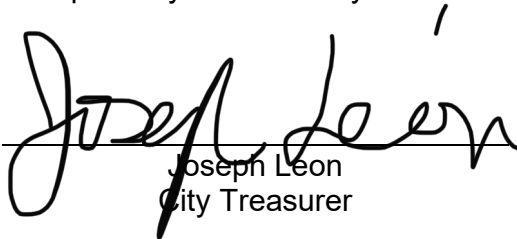
EXECUTIVE SUMMARY:

As of June 30, 2022 invested funds for the City of Monterey Park is \$93,077,402.30.

BACKGROUND:

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

Respectfully submitted by:


Joseph Leon
City Treasurer

Prepared by:


Martha Garcia
Director of Management Services

Approved by:


Ron Bow
City Manager

Attachment 1

Monthly Investment Report

**CITY OF MONTEREY PARK
INVESTMENT REPORT
JUNE 30, 2022**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 6/30/2022

\$ 93,077,402.30

INVESTMENT COMPOSITION

(1) <u>LA COUNTY POOLED INVESTMENT FUND</u> <i>(See Schedule A for LA County Pool Composition)</i>	ON DEMAND	0.940%	<u>\$ 42,843,347.70</u>
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(2) <u>LOCAL AGENCY INVESTMENT FUND</u>	ON DEMAND	0.690%	<u>\$ 43,859,054.60</u>
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(3) <u>CERTIFICATES OF DEPOSIT</u>	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
1 PREFERRED BANK	09/03/21	09/03/22	0.51%	100,000
2 PREFERRED BANK	09/08/21	09/08/22	0.51%	150,000
3 SALLIE MAE BANK	08/11/21	08/12/24	0.70%	245,000
4 GOLDMAN SACHS BANK	08/11/21	08/12/24	0.60%	245,000
5 TOYOTA FINANCIAL SAVINGS BANK	09/16/21	09/16/24	0.65%	245,000
6 BMW BANK NORTH AMERICA	09/17/21	09/17/24	0.65%	245,000
7 SYNCHRONY BANK	09/17/21	09/17/24	0.65%	245,000
8 UBS BANK USA	09/22/21	09/23/24	0.65%	245,000
9 STATE BANK OF INDIA	10/18/21	10/18/24	0.70%	245,000
10 LIVE OAK BANKING CO.	01/14/22	01/16/24	0.70%	245,000
11 GREENSTATE CREDIT UNION	01/14/22	01/16/24	0.70%	245,000
12 BEAL BANK USA	01/19/22	01/17/24	0.70%	245,000
13 MEDALLION BANK UTAH	01/28/22	01/28/25	1.25%	245,000
14 PENTAGON FEDERAL UNION	01/31/22	01/31/25	1.25%	245,000
15 BEAL BANK	02/02/22	01/29/25	1.15%	245,000
16 AMERICAN EXPRESS NATL BANK	03/09/22	03/11/24	1.60%	245,000
17 BARCLAYS BANK DELAWARE	03/09/22	03/11/24	1.55%	245,000
18 CAPITAL ONE BANK USA	03/16/22	03/17/25	1.80%	245,000
19 VALLIANCE BANK	03/18/22	03/18/25	1.40%	245,000
20 STATE BANK OF TEXAS	03/25/22	03/25/25	1.45%	245,000
21 FIRST FED SAVINGS & LOAN	03/30/22	03/31/25	2.00%	245,000
22 LAFAYETTE FEDERAL CREDIT UNION	03/30/22	03/31/25	2.20%	245,000
23 ALLY BANK	03/31/22	03/28/24	1.95%	245,000
24 COMENITY CAPITAL BANK	04/14/22	04/14/25	2.55%	245,000
25 AMERICU CREDIT UNION	04/21/22	04/21/25	2.30%	245,000
26 BALBOA THRIFT & LOAN	04/29/22	04/29/25	2.00%	245,000
27 CONNEXUS CREDIT UNION	05/26/22	05/28/24	2.65%	245,000

<i>Total CDs (27)</i>		1.290%	<u>\$ 6,375,000.00</u>
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OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾	\$ 6,033,724.40
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AVERAGE MATURITY DAYS	56
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AVERAGE INTEREST RATE FOR THE MONTH	0.848%
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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 2021-2022	\$ 103,910.25
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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 MAY 31, 2022

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 05/31/22		
At Cost	\$ 46,109,364,930	\$ 156,660,706
At Market	\$ 44,339,228,824	\$ 142,522,218
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	4.01%	0.00%
United States Government and Agency Obligations	73.87%	72.29%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	22.04%	0.00%
Municipal Obligations	0.06%	1.82%
Corporate and Deposit Notes	0.02%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	25.89%
1-60 days	40.43%	0.00%
61 days-1 year	20.02%	25.89%
Over 1 year	39.55%	74.11%
Weighted Average Days to Maturity	944	



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Auditing Services Agreement - Award of Contract Extension

RECOMMENDATION:

It is recommended that the City Council consider:

1. Awarding a three-year contract extension of the City's auditing services to the City's current audit service provider, CliftonLarsonAllen LLP a certified public accounting and consulting firm;
2. Authorize the City Manager to execute an agreement amendment for the three-year extension, in a form approved by the City Attorney; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City signed a five-year contract (three years plus two optional years) with public accounting firm White Nelson Diehl Evans, LLP (WNDE) on April 20, 2016 for audit services of fiscal years 2016 to 2020. To maintain continuity during the COVID-19 pandemic and while the City transitioned to its new Enterprise Resource Planning (ERP) system, City Council approved an extension for audit services through fiscal year 2022.

In November 2020, CliftonLarsonAllen, LLP (CLA), became successor to White Nelson Diehl Evans, LLP. Robert J. Callanan continued as the lead audit engagement principal.

Government Code § 12410.6(b) prohibits the lead audit principal having primary responsibility for the audit from performing audit services for a local agency for more than six consecutive years; Robert J. Callanan has been the lead engagement principal for that amount of time. Therefore, the City is requesting to continue with CLA LLP and change the engagement principal. Daphnie Munoz will be the lead engagement principal for the term of this extension. A copy of her resume is available.

BACKGROUND:

The City has always been committed to the transparency and reliability of its financial reports and obtained independent audits of its financial statements, which were performed by the City external auditors in accordance with the appropriate professional auditing standards. The City's current external auditor, CLA, has been performing professional and satisfactory auditing services since fiscal year 2016 and by changing its lead audit engagement partner, the City can continue continuity of services with CLA.

The scope of auditing services encompasses financial audits of the City and Monterey Park Successor Agency; Single Audit; review of the accounting procedures and the systems of internal control; review of the GANN computation; preparation of the State Controllers' Annual Report; and advice and recommendations on accounting and financial issues. In the June 30, 2018, financial report, the City implemented the GASB Statement Nos. 74 and 75, "Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions" and recognized the net other post-employment benefits (OPEB) on the face of the financial report. The next relevant accounting issue will be GASB Statement No. 87 "Leases." City Finance staff and CLA auditors will work jointly to complete the financial statements, in accordance with GASB requirements.

The GFOA best practice for audit procurement recommends that governmental entities should enter into multiyear contracts at a minimum of five years in duration when obtaining the services of an independent auditor. Multiyear contracts can take a variety of different forms (e.g., a series of extended contracts). Such contracts allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Multiyear contracts can also help to reduce audit costs by allowing auditors to recover certain "startup" costs over several years, rather than over a single year. Furthermore, by changing the lead auditor engagement principal the City is in compliance with Government Code § 12410.6(b). If the three-year extension request is granted, the total contract term the City will have with CLA is nine years ending with June 30, 2024, fiscal year audit.

FISCAL IMPACT:

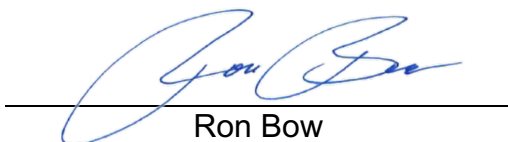
Total cost for this three-year contract is \$226,615. Funds will be budgeted during the annual budget process.

Respectfully submitted by:



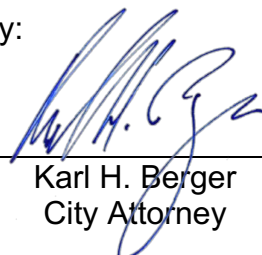
Martha Garcia
Management Services Director

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3D

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: Cannabis Tax Fund Grant Program (CTFGP) Funding Fiscal Year 2022/2023 Resolution

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution authorizing the City Manager to receive grant funds and execute an agreement, in a form approved by the City Attorney, with the California Highway Patrol in the amount of \$82,713.42 for the Cannabis Tax Fund Grant Program (CTFGP);
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On July 6, 2022 the Monterey Park City Council approved the acceptance of \$82,713.42 from the Department of California Highway Patrol (CHP) Cannabis Tax Fund Grant Program (CTFGP) and authorized the City manager to execute an agreement with the California Highway Patrol. On July 7, 2022 staff was notified that the California Highway Patrol required a resolution by the city council in order to execute an agreement.

BACKGROUND:

With the passage of Proposition 64, Adult Use of Marijuana Act (AUMA), California voters mandated the State set aside funding for the California Highway Patrol (CHP) to award grants to local governments and qualified non profit organizations, as described in Revenue and Taxation Code Section 34019(f)(3)(B).

The Cannabis Tax Fund Grant Program marks an important step toward reducing impaired driving crashes, increasing public awareness surrounding the dangers of impaired driving, and making California's roadways a safer place to travel.

In 2020, the City of Monterey Park experienced a total of 596 traffic collisions and five fatalities. The CTFGP grant supports the Monterey Park Police Department's efforts to reduce the number of traffic collisions involving impaired driving.

The Monterey Park Police Department's CTFGP total grant allocation is \$82,713.42.

FISCAL IMPACT:

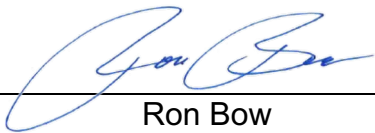
None

Respectfully submitted by:



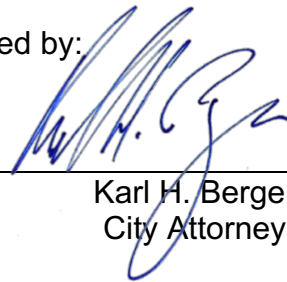
Kelly Gordon
Chief of Police

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. CTFGP Staff Report July 6, 2022
2. Resolution

ATTACHMENT 1

CTFPG Staff Report July 6, 2022



City Council Staff Report

DATE: July 6, 2022

AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council
FROM: Kelly Gordon, Chief of Police
SUBJECT: Cannabis Tax Fund Grant Program (CTFGP) Funding Fiscal Year 2022/2023

RECOMMENDATION:

It is recommended that the City Council consider:

1. Accepting grant funds and authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with the California Highway Patrol in the amount of \$87,173.42 for the Cannabis Tax Fund Grant Program (CTFGP);
2. Authorizing the City's Management Services Department to allocate \$82,713.42 in grant funding to the FY22-23 budget; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park Police Department was notified of an award of \$82,713.42 from the Department of California Highway Patrol (CHP) Cannabis Tax Fund Grant Program (CTFGP). The police department will utilize the grant funding to reduce and mitigate the impacts of impaired driving in our community.

BACKGROUND:

With the passage of Proposition 64, Adult Use of Marijuana Act (AUMA), California voters mandated the State set aside funding for the California Highway Patrol (CHP) to award grants to local governments and qualified non profit organizations, as described in Revenue and Taxation Code Section 34019(f)(3)(B).

The Cannabis Tax Fund Grant Program marks an important step toward reducing impaired driving crashes, increasing public awareness surrounding the dangers of impaired driving, and making California's roadways a safer place to travel.

In 2020, the City of Monterey Park experienced a total of 596 traffic collisions and five fatalities. The CTFGP grant supports the Monterey Park Police Department's efforts to reduce the number of traffic collisions involving impaired driving.

The Monterey Park Police Department's CTFGP total grant allocation is \$82,713.42.

FISCAL IMPACT:

Staff requests approval for the Management Services Department to appropriate \$82,713.42 grant funding to the FY22-23 budget. There is no fiscal impact to the general fund.

Respectfully submitted by:



Kelly Gordon
Chief of Police

Reviewed by:



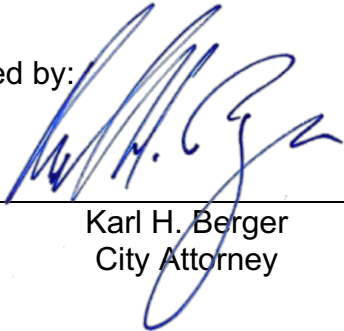
Martha Garcia
Director Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Conditional Approval Letter for CTFGP Funding

ATTACHMENT 1

Conditional Approval Letter for CTFGP Funding

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

601 North 7th Street
Sacramento, CA 95811
(916) 843-3330
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



June 10, 2022

Traffic Sergeant Peter Yung
Monterey Park Police Department
320 West Newmark Avenue
Monterey Park, CA 91754

Dear Traffic Sergeant Yung:

On behalf of the California Highway Patrol (CHP), it is my pleasure to inform you, the Monterey Park Police Department, is conditionally approved for Cannabis Tax Fund Grant Program (CTFGP) funding in the amount of \$82,713.42. The purpose of this grant funding is to help your agency reduce and mitigate the impacts of impaired driving in your community.

All grant awards, including any adjustments to requested funding, were made by the Department based on the merits of the Grant Application, scale of operation, and in accordance with the Request for Application (RFA) requirements and associated regulations.

The official Grant Agreement for signature is forthcoming. In order to execute your Grant Agreement, please provide documentation from a local governing body, authorizing your organization to receive this grant funding, to the Cannabis Grants Unit, by email at CGUGrants@chp.ca.gov, as soon as possible. Refer to California Code of Regulations Title 13, Division 2, Chapter 13, Section 1890.13(g) for additional information.

The CHP looks forward to partnering with you and your agency on this project in an effort to make California's roadways a safer place to travel. If you have any questions, please feel free to contact the Cannabis Grants Unit at (916) 843-4360.

Sincerely,

A handwritten signature in blue ink that reads "K. M. Davis".

K. M. DAVIS, Chief
Enforcement and Planning Division



ATTACHMENT 2

Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO RECEIVE AND APPROPRIATE GRANT FUNDS FOR THE CANNABIS TAX FUND GRANT PROGRAM

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

SECTION 1: The City Council finds as follows:

- A. The City applied for the Department of California Highway Patrol (CHP) for the Cannabis Tax Fund Grant Program (CTFGP).
- B. The Monterey Park Police Department will utilize the grant funding to reduce and mitigate the impacts of impaired driving in our community.
- C. The City will receive \$82,713.42 from the Department of California Highway Patrol (CHP) for the Cannabis Tax Fund Grant Program (CTFGP).

SECTION 2: The City Manager, or designee, is authorized to receive grant funds from the Department of California Highway Patrol (CHP) Cannabis Tax Fund Grant Program (CTFGP) to be used to reduce and mitigate the impacts of impaired driving.

SECTION 3: The City Manager, or designee, is authorized to execute any required documents and agreements to receive the grant for purposes identified herein.

SECTION 4: *Severability.* 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 provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 5: *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 6: *Recordation.* 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 7: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of _____, 2022.

Henry Lo, Mayor

Attest:

Vincent D. Chang, City Clerk

Approved as to Form:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: State Homeland Security Program – Award of Contract to Michael T. Little, of CounterRisk, Inc., for the Regional Training Group (RTG) Intelligence Chief Position

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a year agreement, with the potential to extend for an additional two years, with Michael T. Little of CounterRisk, Inc., in a form approved by the City Attorney, to provide and coordinate effective intelligence-sharing between Los Angeles area fire service agencies and intelligence, counterterrorism, and homeland security stakeholders for an amount of \$606,720; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The County of Los Angeles is a Subgrantee of the State Homeland Security Program (SHSP) that is provided by the U.S. Department of Homeland Security. Per the subrecipient agreement, the County of Los Angeles is authorized to enter into a subrecipient agreement with the City of Monterey Park. A portion of the grant funds awarded to the City of Monterey Park will include subsidies for a full-time Regional Training Group (RTG) Intelligence Chief position, for the Los Angeles Area Fire Chiefs Associations (LAAFCA).

In accordance with MPMC Chapter 3.20, staff completed a bidding process to identify a viable candidate for the RTG Intelligence Chief position. The position was advertised on multiple job search websites. Two candidates submitted proposals and interviews were conducted to select the most qualified applicant. Staff identified Michael T. Little of CounterRisk, Inc. Mr. Little has nearly 17 years of experience with the Los Angeles Fire Department, serving in various chief officer positions; including, Assistant Chief – Homeland Security Division. Additionally, he has a Bachelor of Science in Criminal Justice and a Master's in Homeland Security. Mr. Little's work experience coupled with his education make him a prime candidate for the position.

Staff recommends City Council to authorize the City to execute an agreement, in a form approved by the City Attorney, with the Michael T. Little of CounterRisk, Inc. for an amount not to exceed \$606,720. The grant funded position will span over three grant award years. Commencing in the current grant year, SHSP 2020, and culminating with grant year SHSP 2022. The initial contract will be for a total of \$146,720, with the option to renew for two subsequent grant award years, each for \$230,000. The contract is contingent on award of funds from the County of Los Angeles.

BACKGROUND:

Monterey Park Fire Department must keep pace with public safety needs in the city and region. Per the subrecipient agreement, "this financial assistance is being provided to the Subrecipient in order to address the unique equipment, training, organization, exercise and planning needs of the Subrecipient, and to assist the Subrecipient in building effective prevention and protection capabilities to prevent, response to, and recover from threats or acts of terrorism." Monterey Park Fire Department has been awarded SHSP grants in the past and seeks City Council approval of the one-year contract in an amount of \$146,720, with the option to extend services (for two additional years) for a total contract award of \$606,720 to Michael T. Little of CounterRisk, Inc.

FISCAL IMPACT:

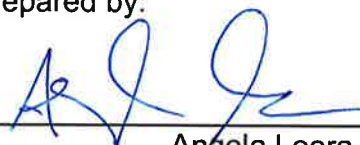
The City of Monterey Park will receive a total of \$606,720 over three grant award years: SHSP 2020, SHSP 2021, and SHSP 2022, from the County of Los Angeles via the State Homeland Security Program. The grant funds are reserved for the RTG Intelligence Chief position.

Respectfully submitted by:



Matthew Hallock
Fire Chief

Prepared by:



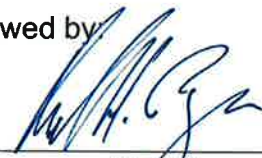
Angela Loera
Principal Management Analyst

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3F

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Assistant City Manager
SUBJECT: Prequalification of Contractors to bid on Public Works Contracts

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution establishing a procedure for Prequalifying Contractors to bid on Public Works Contracts pursuant to the Public Contracts Code;
2. Adopting a Resolution establishing a procedure allowing Contractors to appeal decisions regarding prequalification for Public Works Contracts; and
3. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY

Staff recommends the City Council approve a program that allows the City to prequalify contractors to bid on Public Works contracts by establishing procedures to rate prospective bidders and procedures allowing contractors to appeal the City's prequalification decisions.

BACKGROUND

The Public Works department is responsible for the delivery of the City's capital improvement projects. Some projects are highly complex and require specialized knowledge and experience from qualified contractors. The Public Contracts Code (PCC) § 20101 allows the City to prequalify contractors to ensure that contractors are competent and capable of delivering large or specialized projects at an expected level of quality. In order to do so, the City must adopt a process to establish a uniform system of rating prospective bidders based on objective criteria. The PCC also requires a City to adopt an appeals procedure that will allow contractors to appeal decisions regarding their qualifications to bid on the City's public works projects.

It is recommended that City Council adopt a Resolution (Attachment 1) to establish procedures requiring that each prospective bidder for a contract complete and submit to the City a standardized questionnaire, financial statement, and to complete a statement of the prospective bidder's experience in performing public works. This will help ensure that public works projects built within the City are constructed by contractors of the highest quality. The proposed resolution includes the City's standard questionnaire and rating sheet in accordance with the Department of Industrial Relations (DIR) model documents. By implementing these procedures, the City will have an objective process to evaluate

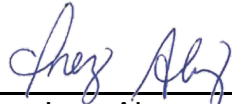
and contract with the most competent and highest qualified contractors for the lowest costs.

Additionally, it is recommended that the City also adopt a procedure that would allow contractors to appeal decisions regarding prequalification for City public works projects. The proposed resolution (Attachment 2) outlines the requirements and timeline for which a prospective bidder can file an appeal, which includes an informal hearing to be conducted by the City's Public Works Appeals panel. Upon holding the hearing, the City's Public Works Appeals Panel may affirm the Public Works Director's decision, modify the decision, or reverse the decision and instruct the Public Works Director to give the contractor a different rating. Their decision is the City's final decision and a contractor will not have the right to appeal the Public Works Appeals panel's decision to the City Council.

FISCAL IMPACT

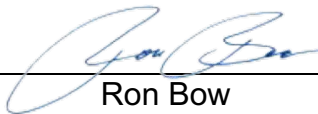
There is no fiscal impact to the City by adopting the proposed Resolutions for the prequalification of Contractors to bid on Public Works Contracts.

Respectfully submitted and prepared by:



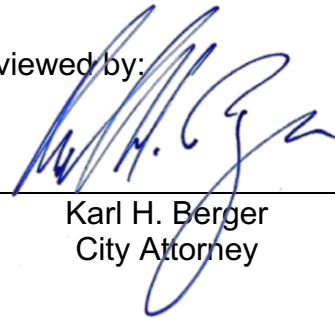
Inez Alvarez,
Assistant City Manager

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS

1. Resolution Establishing a Procedure for Prequalifying Contractors
2. Resolution Establishing a Procedure for Contractors to Appeal Prequalification Decision

ATTACHMENT 1
Resolution Establishing a Procedure for
Prequalifying Contractors

RESOLUTION NO. _____

**A RESOLUTION A PROCEDURE FOR PREQUALIFYING CONTRACTORS TO
BID ON PUBLIC WORKS CONTRACTS PURSUANT TO PUBLIC
CONTRACTS CODE § 20101.**

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

SECTION 1: The City Council finds as follows:

- A. Public Contracts Code (“PCC”) § 20101 authorizes cities to prequalify contractors who wish to bid on public works contracts.
- B. It is in the public interest for the City to adopt procedures that will help ensure that public works projects built within the City are constructed by contractors of the highest quality at the best possible price.
- C. Accordingly, it is in the public interest for the City to implement a program for prequalifying contractors seeking to make bids for public works projects.
- D. The procedures adopted by this Resolution are intended to facilitate construction of public works projects. Nothing herein, however, is intended, or should be interpreted, to compromise the City’s firm commitment to selecting responsible bidders for public works projects.

SECTION 2: *Standard Questionnaire.* To become eligible to bid on public works contracts, a contractor must submit a standardized questionnaire, financial statement, and complete statement of experience to the City. The forms for the questionnaire, financial statement, and statement of experience will be approved by the City Manager, or designee.

SECTION 3: *Penalty of Perjury.* In accordance with PCC § 20101(a), all documents submitted by a prospective contractor will be submitted under penalty of perjury pursuant to California law.

SECTION 4: *Confidentiality.* Pursuant to PCC § 20101(a), the questionnaires and financial statements submitted by prospective contractors pursuant to this Resolution will not be public records and will not be subject to public inspection.

SECTION 5: *Ratings.* Upon receiving the forms submitted by the prospective contractors, the Public Works Director, or designee, will rate prospective contractors in accordance with the rating system that is attached as Exhibit “A,” and incorporated herein (“Rating System”). The Rating System will be applied uniformly and objectively to all prospective contractors which have submitted properly completed documents in accordance with this Resolution.

SECTION 6: Rotating Prequalification. Pursuant to PCC § 20101(c), the City may provide the opportunity for contractors to become prequalified to bid on public works projects every three months beginning on September 1, 2022. The City may also provide an opportunity for contractors to become prequalified for a specific public works project.

SECTION 7: Annual Prequalification. If the City prequalifies a contractor to bid on a public works project, that contractor's eligibility will continue for one year from the date of prequalification as determined by City's written notification to the contractor. Notwithstanding the foregoing, a contractor's prequalified status will be immediately suspended if any material information contained in its prequalification application changes. Failure of the contractor to give the City written notice of changes in its status within 10 business days before a bid opening will result in the contractor being ineligible to bid on a project.

SECTION 8: Termination of Status. A contractor's prequalification status will immediately terminate if (1) the contractor's contracting license is suspended or terminated for any reason by the California State Licensing Board; (2) the contractor is convicted of any crime of moral turpitude; (3) the City determines, after the contractor is given the opportunity to respond, that the contractor's application contains information that is materially false; or (4) the contractor's control over a public works contract, whether within the City's jurisdiction or otherwise, is terminated for cause.

SECTION 9: Unqualified Contractors. Nothing contained within this Resolution, or otherwise, will require the City to rate, or consider, contractors who have submitted documents that are materially false, substantially incomplete, or are untimely. Any contractor who submits such documents will be deemed to have waived its right to be considered for bidding on public works contracts until such time as the City again invites prospective contractors to become prequalified.

SECTION 10: *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 11: *Recordation.* 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 her duly appointed deputy, may attest thereto.

SECTION 12: *Effective Date.* This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

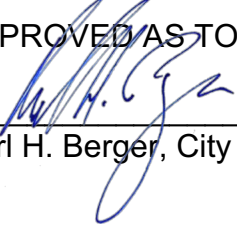
PASSED AND ADOPTED this ____ day of July, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

EXHIBIT “A”

RATING SYSTEM

This Rating System will be used for evaluating the qualifications of contractors submitting applications to become prequalified to bid on public works projects. This System may be used either for contractors seeking a prequalified status on an annual basis or for contractors seeking to become prequalified to bid on a specific public works project.

To become eligible to bid on a public works project, a contractor must have a passing grade on each of the three categories set forth in the questionnaire.

Table 1: Qualification Ratings.

Category	Total Possible Score	Passing Score
Part I: Business History and Organizational Performance	76	57
Part II: Compliance with Applicable Laws	53	38
Part III: Completion of Recent Projects	120	72 (if between 55-72, City will conduct additional interview with different reference; prequalification denied if score is below 55).

Pursuant to Public Contracts Code § 20101(b), the City will score an applicant's response in accordance with Table 2, below. After scoring each applicant in accordance with the table, the City will add the total number of points each applicant receives for each category. The sum will be compared to the passing scores in Table 1 to determine whether an applicant is eligible to bid on a Public Works Project. Failure to receive a passing score in each category will result in an applicant being disqualified.

An applicant may appeal a City's decision regarding an applicant's qualifications by following the appeals procedures established by City Council resolution.

Rating System
Prequalification for Public Works Projects

Table 2: Score Sheet

Category	Question No.	Scoring
Part I	6	3> yrs.: 2 4 yrs.: 3 5 yrs.: 4 6 >yrs.: 5
	7	Yes: 0 No: 3
	8	Yes: 0 No: 3
	13	Yes: 0 No: 5
	14	None with LDs more than \$50k: 5 One with LDs more than \$50k: 5 Two with LDs more than \$50k: 3 Otherwise: 0
	15	Yes: 0 No: 5
	16	Yes: 0 No: 5
	17	If contractor's revenue less than \$50 million for last 3 years: No: 5 One incident: 5 Two incidents: 3 More than two: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to three incidents: 5 Four to five incidents: 3 More than 5 incidents: 0

Rating System
Prequalification for Public Works Projects

Category	Question No.	Scoring
	18	If contractor's revenue less than \$50 million for last 3 years: No: 5 One incident: 5 Two incidents: 3 More than two: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to three incidents: 5 Four to five incidents: 3 More than 5 incidents: 0
	19	No: 5 One incident: 5 Two incidents: 3 More than two: (-5)
	20	No: 5 One incident: 5 Two incidents: 3 More than two: 0
	21	Yes: (-5) No: 5
	22	Yes: (-5) No: 5
	23	Yes: (-5) No: 5
	25	If rate is <1%: 5 If rate is not more than 1.1%: 3 Other: 0
	27	Yes: 0 No: 5

Rating System
Prequalification for Public Works Projects

Category	Question No.	Scoring
Part II	28	If contractor's revenue less than \$50 million for last 3 years: No: 5 One incident: 5 Two incidents: 3 More than two: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to three incidents: 5 Four to five incidents: 3 More than 5 incidents: 0
	29	If contractor's revenue less than \$50 million for last 3 years: No: 5 One incident: 5 Two incidents: 3 More than two: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to three incidents: 5 Four to five incidents: 3 More than 5 incidents: 0
	30	If contractor's revenue less than \$50 million for last 3 years: No: 5 One incident: 5 Two incidents: 3 More than two: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to three incidents: 5 Four to five incidents: 3 More than five incidents: 0
Category	Question No.	Scoring
	31	If one or more times a week: 3 Otherwise: 0
	32	Avg. EMR of <.95: 5 Avg. EMR of .95> up to 1.00: 3

Rating System
Prequalification for Public Works Projects

		Otherwise: 0
	33	No: 5 One incident: 5 Other: 0
	34	If contractor's revenue less than \$50 million for last 3 years: No: 5 One to two incidents: 5 Three incidents: 3 More than two: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to four incidents: 5 Five to six incidents: 3 More than six incidents: 0
	35	If contractor's revenue less than \$50 million for last 3 years: No: 5 One or two incidents: 5 Three incidents: 3 More than three: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to four incidents: 5 Five or six incidents: 3 More than 6 incidents: 0
	36	One or more approved apprenticeship program: 5 Other: 0
	37	If one or more persons completed: 5 If no person: 0

Rating System
Prequalification for Public Works Projects

Category	Question No.	Scoring
	38	If contractor's revenue less than \$50 million for last 3 years: No: 5 One to two incidents: 5 Three incidents: 3 More than two: 0 If contractor's revenue more than \$50 million for last 3 years: No: 5 One to four incidents: 5 Five to six incidents: 3 More than six incidents: 0
Part III		TBD by City

ATTACHMENT 2

Resolution Establishing a Procedure for Contractors
to Appeal Prequalification Decision

RESOLUTION NO. _____

A RESOLUTION ADOPTED IN ACCORDANCE WITH PUBLIC CONTRACTS CODE § 20101, ESTABLISHING A PROCEDURE ALLOWING CONTRACTORS TO APPEAL DECISIONS REGARDING PREQUALIFICATION FOR PUBLIC WORKS CONTRACTS.

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

SECTION 1: The City Council finds as follows:

- A. Public Contracts Code § 20101 permits cities to prequalify contractors who wish to bid on public works contracts.
- B. It is in the public interest for the City to adopt procedures that will help ensure that public works projects built within the City are constructed by contractors of the highest quality at the best possible price.
- C. Accordingly, it is in the public interest for the City to implement a program for prequalifying contractors seeking to make bids for public works projects.
- D. Among other things, Public Contracts Code § 20101 requires a City to adopt an appeals procedure that will allow contractors to appeal decisions regarding their qualifications to bid on the City's public works projects.
- E. The City Council intends for this Resolution to establish the method by which decisions regarding contractor qualifications may be appealed. This Resolution should be read in conjunction with the City's prequalification policies that are adopted concurrently with this Resolution.

SECTION 2: *Complete Application Required.* Contractors seeking to utilize the appeals procedures set forth in this Resolution must submit a timely and completed application in accordance with the policies adopted by the City Council for becoming prequalified to bid on the City's public works projects. Failure to submit a properly completed application renders the contractor ineligible for the appeals procedures adopted herein.

SECTION 3: *Appeals Process.* If, after considering a properly completed and timely submitted application, the Public Works Director, or designee, determines that a contractor is not qualified to bid on public works contracts or gives an unfavorable rating to contractor, then that contractor may appeal the decision as follows:

- A. The contractor must file a Notice of Appeal with the City Clerk within 10 business days before the deadline for submitting bids on a public works project. A Notice of Appeal that is not received by the City Clerk within this time is untimely. A Notice of Appeal mailed by U.S. mail, or other similar means, will not be deemed timely unless received by the City Clerk within

the time period set forth above. Failure to timely file an appeal with the City Clerk will result in the contractor waiving any and all rights to challenge the City's decision by administrative, judicial, or any other legal procedure.

- B. The Notice of Appeal will be in a form approved by the Public Works Director, or designee, and, at a minimum, contain the following:
 - 1. The name, address and telephone number of the person making the appeal;
 - 2. A description of the decision or determination which is the subject of the appeal, and the date such decision or determination was made or issued;
 - 3. A brief description of all grounds for making the appeal; and
 - 4. Such other information as may be required by the Public Works Director, or designee.
- C. If the contractor submits a timely and complete Notice of Appeal to the City Clerk, the City Clerk will set a hearing at a time not later than five business days after the City receives the Notice of Appeal.
- D. The hearing will be an informal process conducted by the City's Public Works Appeals Panel.
- E. Before or at the hearing, the Public Works Director, or designee, will inform the contractor regarding the basis for the City's prequalification determination. The contractor will be given the opportunity to present information and present reasons in opposition to the rating.
- F. After hearing the testimony and evidence presented during the hearing, the Public Works Appeals Panel may affirm the Public Works Director's decision, modify the decision, or reverse the decision and instruct the Public Works Director to give the contractor a different rating. Any such decision will be in writing; contain a summary of the facts that led to the decision; and must be rendered within one (1) business day after the hearing concludes.
- G. The decision by the City's Public Works Appeals Panel is a final decision. A contractor will not have any right to appeal that decision to the City Council.

SECTION 4: Appeals Panel. The City Council establishes an ad-hoc Public Works Appeals Panel that will consist of three persons selected by the City Manager. At a

minimum, the Public Works Appeals Panel will include one Public Works Department employee who is familiar with public works bidding procedures.

SECTION 5: Expedited Appeals. Nothing contained in this Resolution is intended to delay or postpone the date for submitting and opening bids. Accordingly, to the extent practicable and in accordance with the Public Works Director, or designee, will expedite the appeals process set forth herein.

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: Recordation. 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 her duly appointed deputy, may attest thereto.

SECTION 8: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

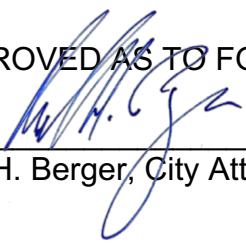
PASSED AND ADOPTED this ____ day of July, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3G

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Assistant City Manager
SUBJECT: Purchase of Passio Technologies Automatic Passenger Counting System

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an Agreement, in a form approved by the City Attorney, with Passio Technologies, in an amount not-to-exceed \$101,809 for the purchase and installation of an Automatic Passenger Counting System for the City's Spirit Buses;
2. Appropriate \$101,809 from Proposition A funds for this purchase; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Staff recommends entering into a three-year agreement with Passio Technologies for the purchase and installation of an Automatic Passenger Counting system for its Spirit Buses. Passio Technologies is currently used by, First Transit, the City's Spirit Bus operator and offers the City optimal pricing for its system. This system is a transit management tool that collects valuable data and assists transit administrators track and analyze ridership patterns and provides insight into the bus system's efficiency.

BACKGROUND:

Automatic Passenger Counting (APC) systems are transit management tools that record passenger counts without administrator or driver input. The proposed Passio Technology hardware senses passengers from an overhead sensor, which utilizes 3D camera technology to reliably distinguish passengers and non-passenger objects. It also collects other valuable information such as time, date, location, stop, route, passenger type, and other pertinent vehicle information. The information captured by this system helps transit administrators track ridership patterns, and provides insight into the bus system's efficiency. This information may be used to make educated decisions about service levels and future program needs.

Staff recommends procuring an APC system from Passio Technologies per MPMC 3.20.050, Section 3. *Best Value*. Passio Technologies is currently used by, First Transit,

the City's Spirit Bus operator. First Transit uses this software with other cities, is familiar with the system, and highly recommends this system for use by the City's buses. Since First Transit is an existing customer, Passio Technologies' proposal to the City includes a discounted rate which provides the City best value pricing for this system. The proposed system would also include the Passio Go App. This component allows for real-time status indicators that would be available to the community in the form of a mobile app. Riders would be able to use the app through a mobile device to view the bus's estimated arrival time, plan for trips, and search for specific routes and stops. Riders that do not want to download an app can still access this information on an interactive mobile website.

FISCAL IMPACT:

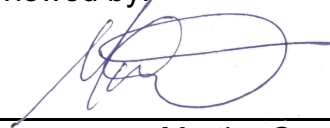
The cost to purchase and install the automatic passenger counting software and equipment is \$59,396.46 with annual fees of \$14,137.20. Staff recommends entering into a three-year agreement for a total cost of \$101,809. An appropriation of \$101,809 from Proposition A fund is required for this purchase.

Respectfully submitted by:



Inez Alvarez
Assistant City Manager

Reviewed by:



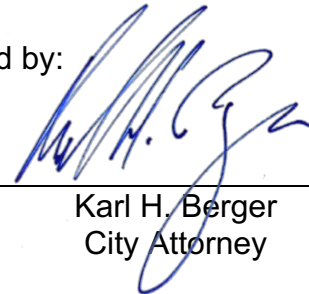
Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Passio Technologies Quote

ATTACHMENT 1

Passio Technologies Quote

PASSIO TECHNOLOGIES

YOUR CUSTOM SOLUTION QUOTE

City of Monterey Park

Principal Management Analyst

Xochitl Tipan

xtipan@montereypark.ca.gov

Quote #: 971

PLEASE REACH OUT TO
PASSIO SALES WITH ANY
QUESTIONS
SALES@PASSIOTECH.COM



Passio Technologies
 6100 Lake Forrest Dr
 Atlanta, GA 30328
 United States

Quote #	971
Date	Jun 29, 2022
Expires	Sep 27, 2022
Contact	Sam Tupman

Prepared for City of Monterey Park
 Xochitl Tipan
 United States

 T: 626-307-1383
 E: xtipan@montereypark.ca.gov

ACCEPT QUOTE

Passio Technologies Quote with First Transit - Monterey Park - 9 Vehicles

Passio GO - CAD/AVL - Front Facing App

One-Time Fees

Category	Item	Qty	Price	Total
Setup	Passio GO CAD/AVL GPS Setup	1	\$2,354.10	\$2,354.10
	Setup Passio GO solution for customer account. One fee per system.			\$2,000.98 [†]
	15% Item Discount (\$353.12)			
	Code: GOga			
	Base Price		\$2,354.10	\$2,354.10
License	Passio GO GPS CAD/AVL Software License	9	\$149.00	\$1,341.00
	Per unit one time software license. Includes lifetime updates. For Installed, Portable, and API Configuration.			
	Code: GOGpsavl			
	Base Price		\$149.00	\$1,341.00
Hardware	VLU	9	\$445.00	\$4,005.00
	Vehicle Logic Unit for GPS Tracking.			
	Code: VLU			
One-Time Subtotal				\$7,700.10
Discount				(\$353.12)

Monthly Fees

Category	Item	Qty	Price	Total
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Category	Item	Qty	Price	Total
Recurring	Passio GO GPS/AVL Recurring Monthly Per unit monthly recurring fee. Configuration updates, reporting, and data storage. Code: GOgpsRM	9	\$64.90	\$584.10[†]
* Recurring fees billed monthly with 0 upfront payment(s).				
Monthly Subtotal				\$584.10

Automatic Passenger Counting - 2 Door Vehicles

One-Time Fees

Category	Item	Qty	Price	Total
Hardware	APC - APS Unit Automated Passenger Counter, Mount, Wiring (Per Door) Hella (Code: 1210001APC)	6	\$1,416.00	\$8,496.00
License	Passenger Counting:APC Software License Per unit one time software license. Includes lifetime updates. Code: APCsl	3	\$850.00	\$2,550.00[†]
Setup	Passenger Counting:APC System Setup Configuration - sensor installed automated passenger count generator with mobile data terminal for driver log in and passenger type recording. 15% Item Discount (\$264.62) Code: APCss	1	\$1,764.10	\$1,764.10 \$1,499.48[†]
Hardware	Cellular Router & Modem Pepwave MAX Transit Mini with Cat 4 LTE Pepwave (Code: 1210002MODM) <u>Peplink Monitoring</u> : PrimeCare for MAX Transit Mini (PRM-MAX-TST-MINI-LTE-2Y)	3	\$937.00	\$2,811.00
One-Time Subtotal				\$15,621.10
Discount				(\$264.62)

Monthly Fees

Category	Item	Qty	Price	Total
Recurring	Passenger Counting:APC Recurring Monthly Per unit monthly recurring fee. Configuration updates, reporting, and data storage.	3	\$66.00	\$198.00[†]

Category	Item	Qty	Price	Total
	Code: APCrM			
* Recurring fees billed monthly with 0 upfront payment(s).				
Monthly Subtotal				\$198.00

Automatic Passenger Counting - Single Door Vehicle

One-Time Fees

Category	Item	Qty	Price	Total
Hardware / Component	APC - APS Unit Automated Passenger Counter, Mount, Wiring (Per Door) Hella (Code: 1210001APC)	6	\$1,416.00	\$8,496.00
License	Passenger Counting:APC Software License Per unit one time software license. Includes lifetime updates. Code: APCSl	6	\$850.00	\$5,100.00 [†]
Hardware	Cellular Router & Modem Pepwave MAX Transit Mini with Cat 4 LTE Pepwave (Code: 1210002MODM) <u>Peplink Monitoring</u> : PrimeCare for MAX Transit Mini (PRM-MAX-TST-MINI-LTE-2Y)	6	\$937.00	\$5,622.00
One-Time Subtotal				\$19,218.00

Monthly Fees

Category	Item	Qty	Price	Total
Recurring	Passenger Counting:APC Recurring Monthly Per unit monthly recurring fee. Configuration updates, reporting, and data storage. Code: APCrM	6	\$66.00	\$396.00 [†]
* Recurring fees billed monthly with 0 upfront payment(s).				
Monthly Subtotal				\$396.00

Installation - Two Door Vehicle

One-Time Fees

Category	Item	Qty	Price	Total
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Category	Item	Qty	Price	Total
Installation	Installation Hardware installation and connectivity testing. On site charges, travel, and initial costs. Passio (Code: Install) <u>Component Install:</u> VLU (Vehicle Logic Unit) (VLUINST) APC Two Door (APC2INST) Cellular Router (ROUTRINST)	3	\$2,125.00	\$6,375.00
Installation	Installation - Single Door Vehicle Hardware installation and connectivity testing. On site charges, travel, and initial costs. Passio (Code: Install) <u>Component Install:</u> MDT (Mobile Data Terminal) (MDTINST) VLU (Vehicle Logic Unit) (VLUINST) APC Single Door (APC1INST) Cellular Router (ROUTRINST)	6	\$1,850.00	\$11,100.00

One-Time Subtotal \$17,475.00

Summary

[†] Non-taxable item

Please contact us if you have any questions.

One-Time Subtotal \$60,014.20

Discount (\$617.74)

Total One-Time \$59,396.46 USD

Total Monthly \$1,178.10 USD

ACCEPT QUOTE

Cost Breakdown

Category	One-Time Fees	Monthly Fees
Setup	\$4,118.20	—
License	\$8,991.00	—
Hardware	\$20,934.00	—
Recurring	—	\$1,178.10
Hardware / Component	\$8,496.00	—
Installation	\$17,475.00	—
Discount	(\$617.74)	—
Total	\$59,396.46 USD	\$1,178.10 USD

Standard Terms and Conditions

- Installation
 - All installation quotes are estimates based on customer provided vehicle information. Limited vehicle availability or undocumented vehicle configuration information may result in increased installation costs and/or trip charges.
- Sales & Use Tax
 - Customer to provide tax exempt certificate if applicable. Customers are required to calculate and pay all applicable USE taxes unless alternate arrangements made at time of order.
- Term of Agreement
 - Standard term is 36 months for optimal pricing. Customers have the option to select 60 month term to lock in pricing for an extended period. Lesser term periods are subject to higher recurring fees.
- Deposit
 - New customers are required to pay a deposit equal to 50% of the one time costs prior to shipment of any equipment or account setup.



AUTOMATIC PASSENGER COUNTING

Automated Passenger Counting allows customers to easily record all boardings, without any involvement from the vehicle operator. We partnered with Hella to allow for fully automated counting connected to our MDT which can also be used to track passenger types.



Automatic Passenger Counting (APC)

Main Features

MDT Involvement

The APC system directly links to our Mobile Data Terminal (if required) to allow operators to view the number of passengers on board, record passenger type, and view route and stop information.

Hella Sensors

Using Hella devices, we are able to take advantage of 3D sensors with 98% accuracy to count passengers as they board and alight vehicles, even in low light or extreme transit conditions.

Alternatives & Integrations

We also provide mixing and matching passenger counting options. While customers may want APC on some vehicles, Electronic Passenger Counting (EPC) is readily available for others. Passio can also use card readers to count and identify individual passengers and passenger type.

Navigator

Our cloud based solution, Passio Navigator, automatically uploads APC information for data analysis. Navigator also has the ability to create advanced ridership reports and dashboards.

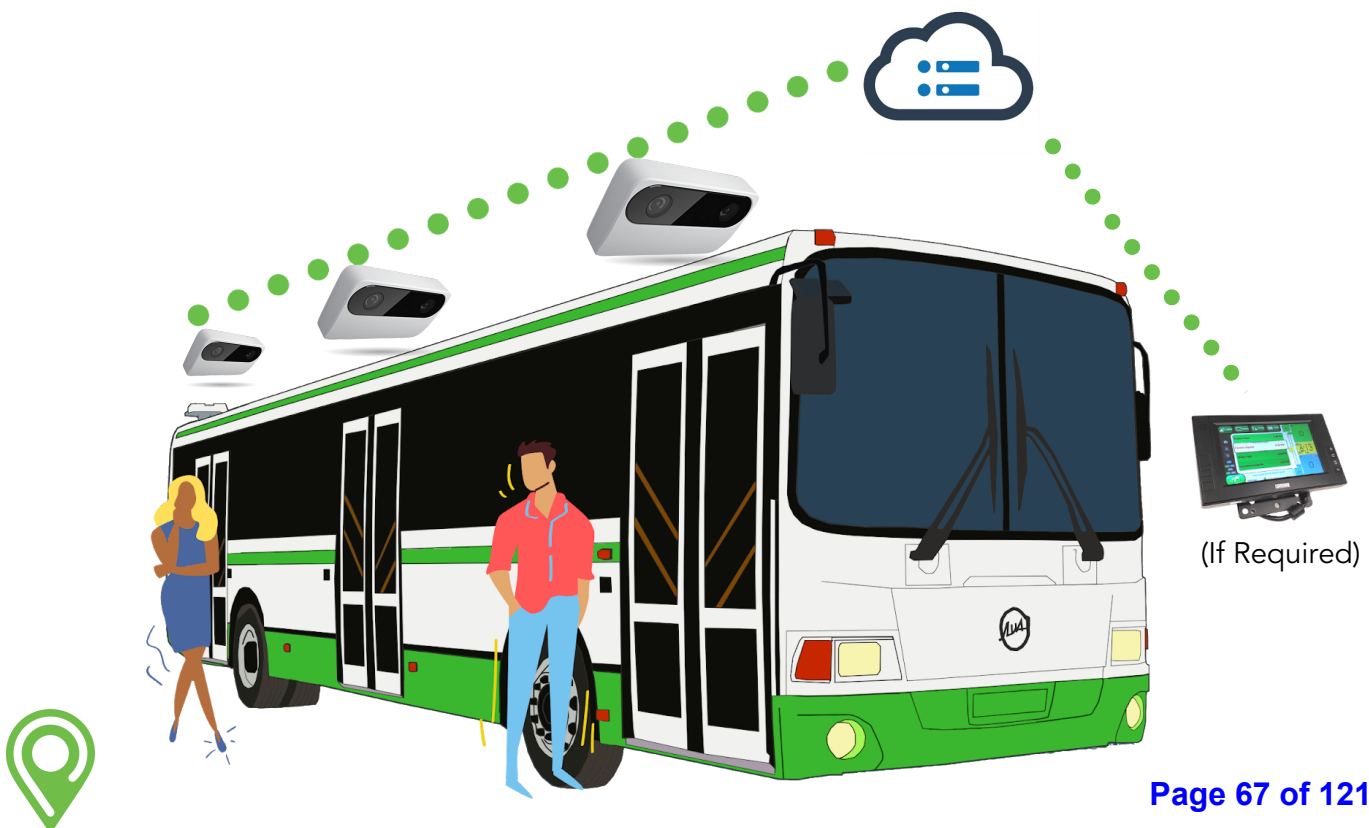


Customers have the option to integrate APC (Automated Passenger Counting) into their solution. Passio Technologies has adopted the innovative approach of modular technology solutions for our customers. Passio offers three options for entering passenger count data, automatically using APC sensors, Electronically using the Mobile Data Terminal touch screen, or through the Gateway Tap & Swipe system. For example, if you wanted APC's on 30 transit buses, driver managed electronic passenger counting units on 15 buses, and card swipe validation on four special-use vehicles, we can provide the solution. All the data will be reported centrally, and then we are able to deliver high quality passenger data and analytics for the entire system.

APC counting is fully automated, conducted without any operator interaction. Additional features and capabilities include an interactive, touch screen program that enables operators to track special passenger types, track field incidents, and receive communications from supervisors and dispatch. The tracking tools record in-service start and end times, deadhead time and miles, and, if added, the ability to track driver hours.

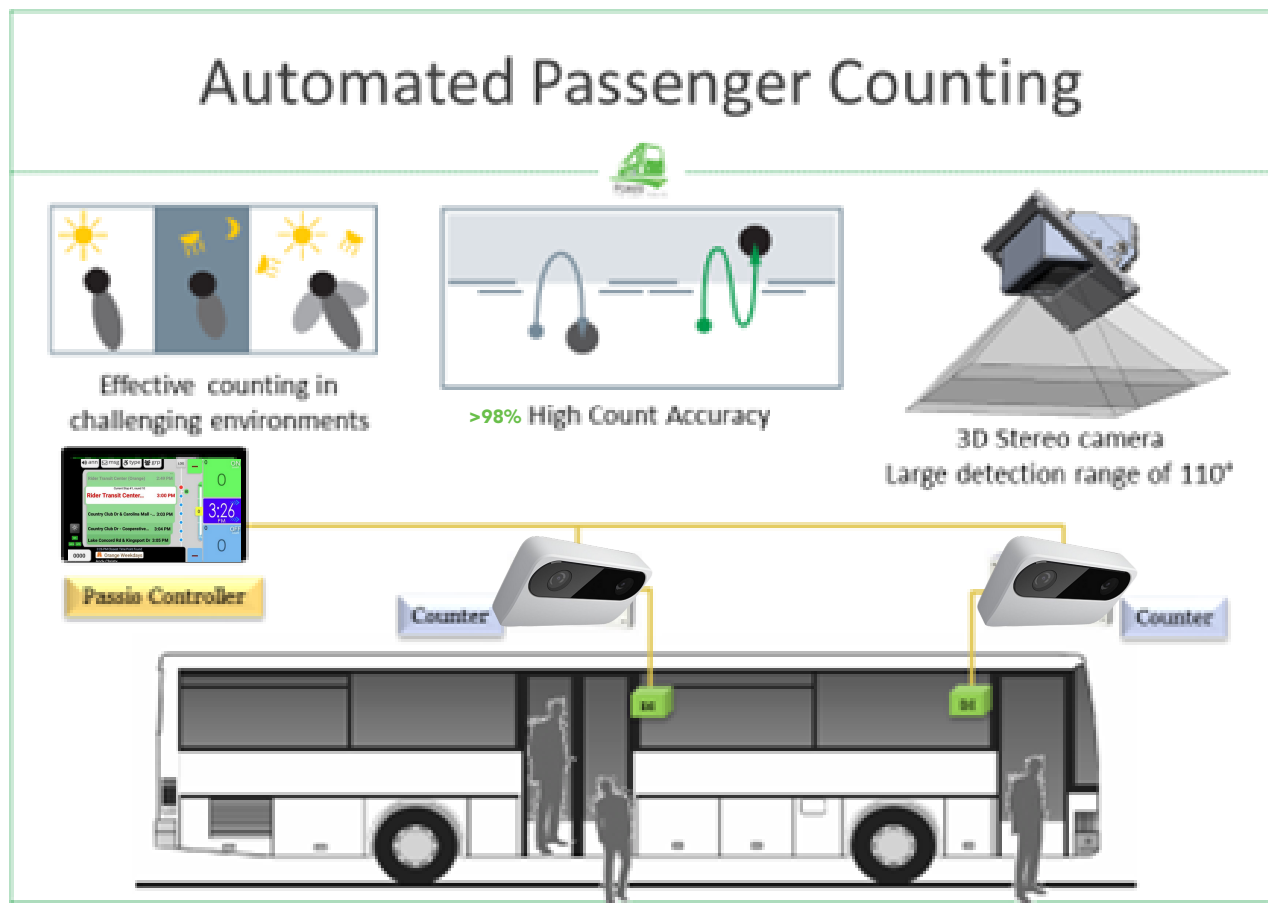
Passio has partnered with Hella to integrate their three-dimensional bi-directional electronic imaging people counting system. With more than 25,000 employees in 30 countries, Hella has been developing and manufacturing automobile technology, chiefly in the areas of lighting and electronics, for more than 100 years. The unit has been designed to work in challenging environments such as variable or low light, multi-level counting fields of vision, and where a large detection range (up to 110°) is needed. The unit is designed to operate from -25° C (-13° F) to +70°C (+158° F) and only draws about 4W of power. The software is specially designed to compensate for passenger movement up and down stairways or on ramps in low floor buses.

The Passio Transit hardware senses passengers from an overhead sensor.



Additional sensors are available to trigger passenger counts when door status (open/closed) is transmitted. The system proposed will cover all entry and exit points of the vehicle. The APC system will create passenger counts without administrator or driver input. The startup will happen with vehicle ignition and does not require any manual input to begin. The system will accurately count passengers as they board and alight and register stops, routes, and runs. The APC system has the capability to distinguish passengers and non-passenger objects and can detect double backs and re-crossings.

The system utilizes 3D camera technology manufactured in Germany by HELLA, which will reliably distinguish passengers and non-passenger objects and can detect double backs and re-crossings.



It will detect how many people enter or leave a vehicle, typically achieving a system counting accuracy of >98%, even under unfavorable conditions such as variable lighting or shadows.

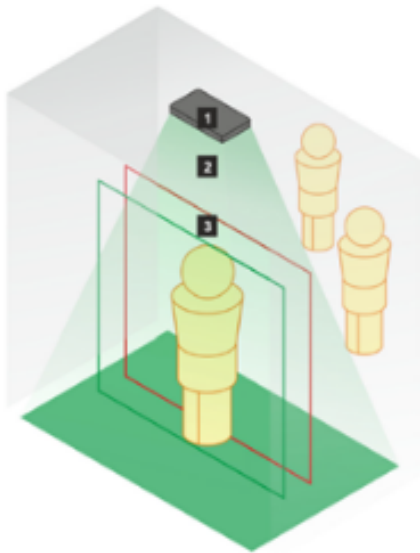


Fig. 4: People counting (schematic illustration)

- 1 Automatic People Counter (APC)
- 2 Calibrated visual range
- 3 Counting gate

The APC continually acquires stereoscopic video images in its visual range.

The integrated software evaluates the stereoscopic images. Persons within the monitored area are recognized automatically and their movements are tracked across the subsequent images.

The APC, therefore, can count the number of persons that enter or leave a vehicle.

The software provides the following functions:

- Bidirectional counting on a defined line
- Tracking persons within a given area
- Video streaming and video recording (optional)

The counting data are transferred via interfaces to the external processing system.

The counting gates represent the thresholds in the visual range which must be crossed by a person in order to trigger an entry or exit count event.

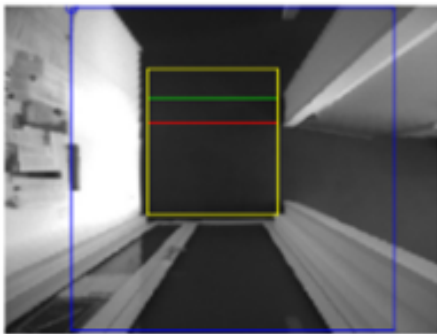


Fig. 5: Straight counting lines/counting gates (example)

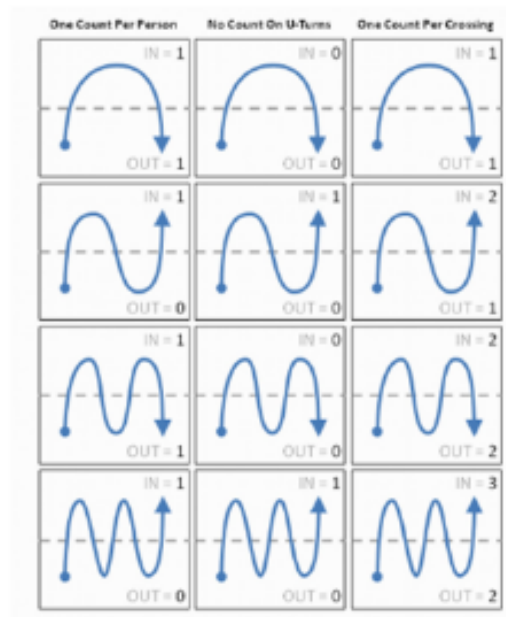
Simple, straight counting lines/counting gates, (Fig. 5) are provided for the simple and fast installation at doors and passage-ways.

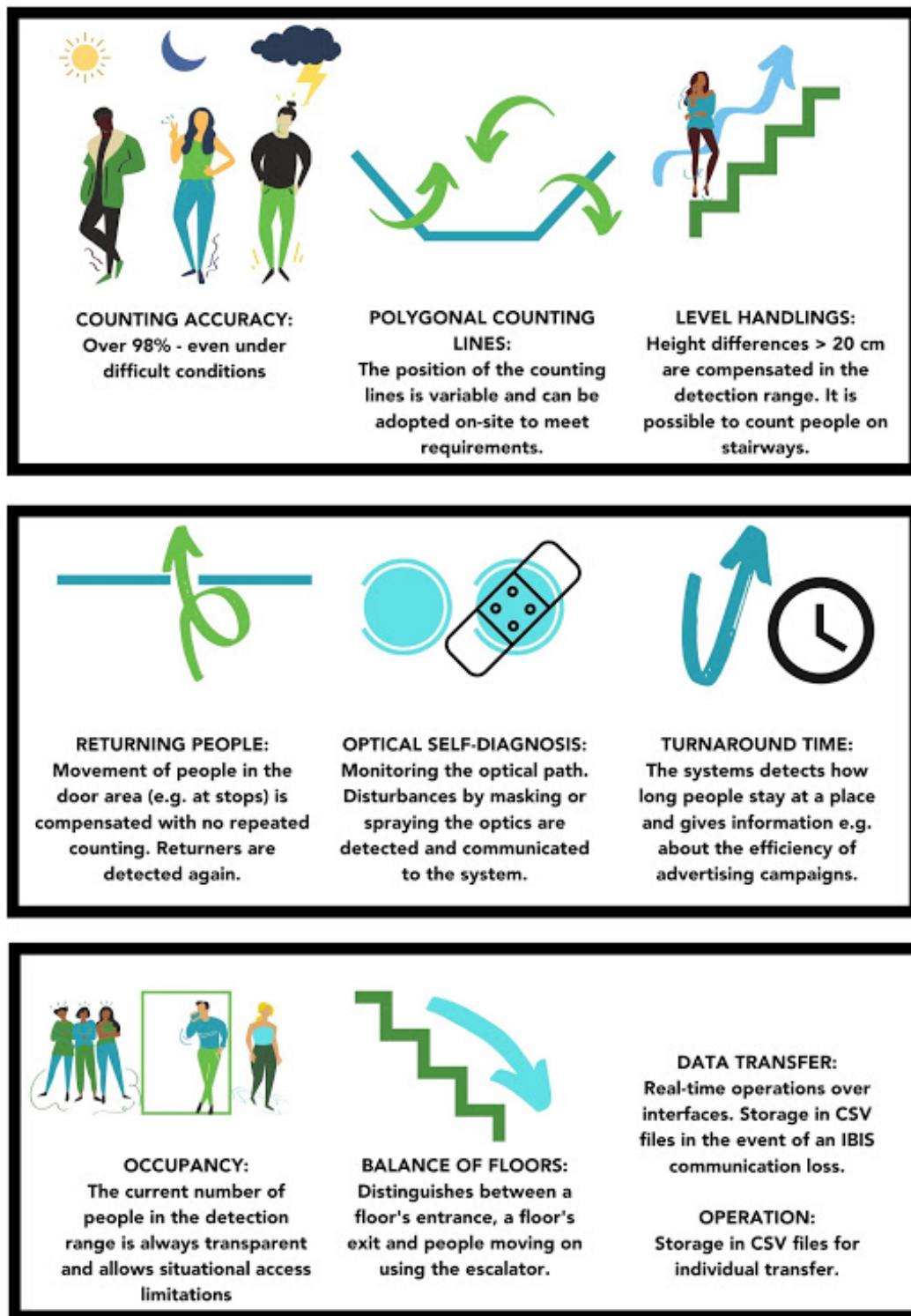
Fig. 10: Three modes for counting those who turn around

There are three modes (Fig. 10) for counting people who turn around in the monitored area:

- one count for persons who turn around ('one count per person')
- no count for persons who turn around ('no count on U-turns')
- counting every time counting lines are crossed ('one count per crossing').

Only the counting mode 'one count per crossing' counts immediately by crossing counting lines. Other modes provide the counting data at the time of leaving of the detection area.





APC record-level detail is stored for a minimum of 36 (thirty-six) months and provides count information at the base level which allows for time and individual bus and driver reporting at the stop level. After 36 (thirty-six) months data will be summarized at the route, day, and passenger type level. This data will be available in the dynamic reporting system for a minimum of 5 (five) years. All data archived after 5 (five) years will be made available electronically prior to removal from the dynamic reporting system.





Passio GO App

Your riders. They're your lifeblood, and the reason you do what you do. If you can make their riding experience easier, safer, less stressful, and more convenient, you'll do it. Passio GO helps you do just that...

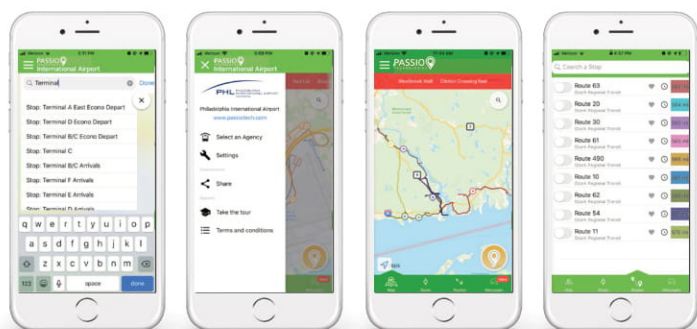
What's Passio GO and What Does It Do?

Passio GO is an app your riders download to their smartphones. Once installed, Passio GO users have all the information they need to plan trips, search for specific routes and stops, and follow a bus in real-time. Passio GO is always free to download. Users can "take the tour" at any time, whether just starting to use Passio GO or to receive a refresher on how to use the app.

The Passenger Experience:

Passio GO gives your passengers real-time info right at their fingertips. When does my bus arrive? Is it on time? Do I have time to grab a cup of coffee before my bus arrives? Can I set an alert to remind me when my bus is 5 or 10 minutes away?

Riders can do it all with Passio GO.



Display Options

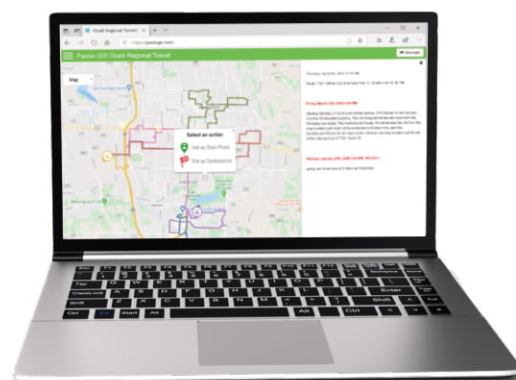
Interactive Mobile Web View

Imagine an airline passenger, or a visitor to a city or university, who might want to have a one-time view of a vehicle location or the ETA for a stop, but doesn't want to bother with downloading the app. PassioGO.com is the answer. It's an interactive mobile website with all of the features found in the Passio GO app. There's no additional software to download, and the passenger is instantly connected to the most up-to-date info for all vehicles, routes, and stops.

Kiosk-Style TV Displays

Want your riders to be able to view routes from a bus stop, student lounge, or transit center? Using LiveDisplay.TV, real-time vehicle locations, routes, stops, and important schedule information is displayed in kiosk mode on any internet-connected screen. With no interaction required and automatic updates delivered in real-time, LiveDisplay.TV is the ideal way to share important transit information in public spaces. And it gets better...

Passio GO customers have unprecedented control over configuring and customizing those public views of their route activity. There are hundreds of viewing options for displaying one or more routes in exactly the way you want passengers to see them (and these views can be different on each screen). A simple web link is created for each combination of views and options—all easy to change and update.



Clients “Drive” the Passio GO Experience

Passio’s customers have full control to update and edit routes and stops, and any of these changes can be instantly sent to the app. Using our easy-to-navigate web interface, supervisors and managers can send route and system announcements as well as important alerts that scroll across the top of your passengers’ Passio GO screens.

How Does Passio GO Work?

The Client Experience:

Clients can update system details in our backend platform, Passio Navigator, which automatically pushes new information directly to the app. GPS data—including movement, change in direction, and speed—is updated in real-time, typically every second or less, onboard the vehicle. The information is immediately uploaded to our network servers for display on public views, website maps, and the smartphone app.

Far More than Just an App...

While the smartphone app is the heart and soul of Passio GO, Passio has thought way beyond the app, giving clients multiple ways to share Passio GO data with their passengers outside the smartphone.



Top Features for the app:

- Alerts and messaging go straight to the rider’s Passio GO app
- Displays a rider’s favorite routes and stops, allowing bus-arrival notifications
- View all, some or individual stops and routes
- Riders can send feedback about transit service through the app
- View schedules, ETAs, and real-time vehicle tracking
- View passenger load (for customers with Passio’s passenger-counting solution)
- Select multiple transit agencies at once
- Our backend systems allow clients to update their transit information, and automatically “push” it to the app

Ready to offer riders the next level of customer service?

Passio GO helps you deliver the next generation of customer care. With Passio GO, you ensure your passengers never “miss the bus” by delivering instant, intuitive, and user-friendly access to all the info they need to track route and stops—in real-time.

Next Step:

Reach out today and learn how Passio GO can help you dramatically improve the rider experience, using the next generation of real-time vehicle-location tools.



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: Consent Calendar - 3H

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Assistant City Manager
SUBJECT: Amendment to Agreement 2057-A with Athens Services for Street Sweeping Services

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an Amendment, in a form approved by the City Attorney, to Agreement 2057-A with Athens Services, in an amount not-to-exceed \$345,092 per year (plus annual CPI), to extend the contract for street sweeping services for an additional three years; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The street sweeping agreement with Athens Services will expire on August 31, 2022. Staff recommends that the City exercise its option to extend the agreement for an additional three years through August 31, 2025.

BACKGROUND:

City Council approved the award of a contract to Athens Services for street sweeping services on October 4, 2017. The Agreement has a term of five years with the option to extend for an additional three-year period. The contract includes weekly sweeping of the City's streets, median island curbs, intersections, alleys, street centerlines, paved medians, and municipal facility parking lots. Staff recommends that the City exercises its option to extend the agreement, per Section 1(C)(iii) of the agreement, for an additional three years through August 31, 2025.

The cost for street sweeping services is currently \$26,625 per month or \$319,500 annually. The rate included in the extension would be adjusted annually by the Los Angeles-Long Beach-Anaheim area Consumer Price Index (CPI) as stipulated in Section 1(C)(ii) of the agreement. The rate for FY2022-23 would be \$28,757.66 per month, based on the CPI increase of 8.01% for the most recent May to May, 12-month period.

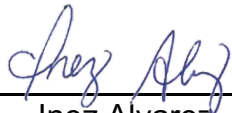
Note that the California Department of Industrial Relations ("DIR") last year determined that street sweeping requires payment of prevailing wage (*Street Sweeping Maintenance Services, City of Elk Grove* (DIR 2021) PW 2020-005). This supersedes its previous

advice regarding the matter – holding that prevailing wages need not be paid for street sweeping – in 2006 (*Street Sweeping, City of Santa Clarita* (DIR 2006) PW 2005-007). The City's existing contract requires Athens to determine whether prevailing wage must be paid. Consequently, the rates proposed by Athens must include the prevailing wage rate established by the DIR.

FISCAL IMPACT:

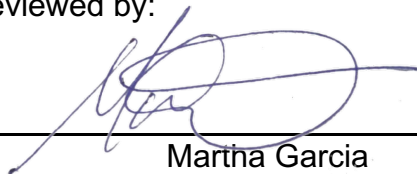
The rate for FY2022-23 would be \$28,757.66 per month or \$345,092 annually. There are sufficient funds in the City's FY2022-23 budget to execute an extension to Agreement 2057-A with Athens Services for street sweeping services.

Respectfully submitted by:



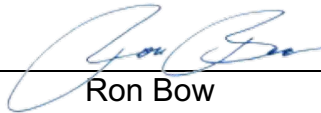
Inez Alvarez
Assistant City Manager

Reviewed by:



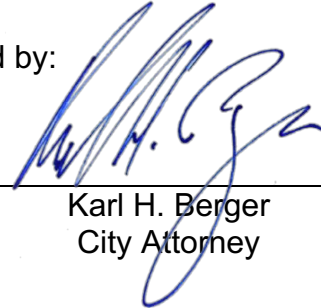
Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Athens Proposal Letter

ATTACHMENT 1

Athens Proposal Letter

July 12, 2022

Anthon Antich
City of Monterey Park
320 West Newmark Ave.
Monterey Park, CA 91754

Dear Mr. Antich:

In accordance with the Street Sweeping Agreement between the City of Monterey Park and Arakelian Enterprises, Inc., (Athens Services), dated September 1, 2017, Athens is requesting to adjust its street sweeping rates effective September 1, 2022.

The attached Exhibit A shows the Consumer Price Index – All Urban Consumers, Los Angeles-Riverside-Orange County area, all items., for May 2021 and May 2022. The Index has increased by 8.01% from last year to this year. The new monthly rate for the sweeping services provided by Athens Services would increase by \$2,132.66 from \$26,625.00 to \$28,757.66. To keep up with the escalating cost of performing this service, we respectfully request the city to administratively approve our annual rate adjustment requests for the remaining years of this contract.

Please handle the administrative review and approval of our request to be effective September 1, 2022 and please feel free to call me at 626-703-9726 should you have any questions. Upon approval, please reply via letter or email. As always, Athens Services appreciates the opportunity to provide *outstanding* street sweeping services to City of Monterey Park.

Sincerely,



Ed Chen
Director, Government Affairs
Athens Services

CPI for All Urban Consumers (CPI-U)
Original Data Value

Series Id: CUURS49ASA0

Not Seasonally Adjusted

Series All items in Los Angeles-Long Beach-Anaheim, CA, all
Title: urban consumers, not seasonally adjusted
Area: Los Angeles-Long Beach-Anaheim, CA
Item: All items
Base 1982-84=100
Period:
Years: 2010 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2010	224.610	224.620	225.483	225.916	226.438	225.877	225.991	226.373	226.048	226.794	225.941	226.639	225.894	225.491	226.298
2011	228.652	229.729	232.241	233.319	233.367	232.328	231.303	231.833	233.022	233.049	232.731	231.567	231.928	231.606	232.251
2012	233.441	234.537	236.941	236.866	237.032	236.025	235.776	237.222	238.104	240.111	237.675	236.042	236.648	235.807	237.488
2013	238.015	239.753	239.995	239.043	239.346	239.223	238.920	239.219	239.611	239.940	238.677	238.742	239.207	239.229	239.185
2014	239.857	241.059	242.491	242.437	243.362	243.528	243.727	243.556	243.623	243.341	241.753	240.475	242.434	242.122	242.746
2015	239.724	241.297	243.738	243.569	246.093	245.459	247.066	246.328	245.431	245.812	245.711	245.357	244.632	243.313	245.951
2016	247.155	247.113	247.873	248.368	249.554	249.789	249.784	249.700	250.145	251.098	250.185	250.189	249.246	248.309	250.184
2017	252.373	253.815	254.525	254.971	255.674	255.275	256.023	256.739	257.890	258.883	259.135	259.220	256.210	254.439	257.982
2018	261.235	263.012	264.158	265.095	266.148	265.522	266.007	266.665	268.032	269.482	268.560	267.631	265.962	264.195	267.730
2019	269.468	269.608	271.311	273.945	274.479	274.380	274.682	274.579	276.054	278.075	277.239	275.553	274.114	272.199	276.030
2020	277.755	278.657	276.589	275.853	276.842	278.121	279.899	280.116	279.366	279.947	280.102	279.560	278.567	277.303	279.832
2021	280.178	281.347	282.648	285.808	287.620	289.218	290.89	291.333	292.209	294.961	296.79	297.925	289.244	284.470	294.018
2022	301.209	302.164	306.679	308.302	310.649										

287.62 May 2021

310.65 May 2022

23.03 # Change

8.01% % Change



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Ballot Proposition to impose a $\frac{3}{4}$ cent sales tax for general municipal purposes

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution placing a proposition on the November 8, 2022, ballot which, if adopted by a majority of voters, would impose a general sales tax;
2. Determining whether to designate person(s) for filing an argument favoring the ballot proposition(s);
3. Adopting a resolution requesting that the City Attorney prepare an impartial analysis for the ballot measure(s);
4. Adopting a Resolution establishing regulations for ballot arguments;
5. Adopting a Resolution supporting the sales tax proposition; and
6. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The recommended actions would cause a proposition to be placed on the November 8, 2022 ballot regarding a general sales tax. If adopted by voters, the sales tax would increase the City's local sales tax revenue by a projected \$6,000,000 per year. Revenue from that sales tax measure may be used for any general municipal purpose.

CEQA (California Environmental Quality Act):

These actions are exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because they establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, neither the proposition nor any other action constitutes a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

BACKGROUND:

California sales taxes are comprised of three different components: (a) a state tax; (b) a county tax; and (c) a tax that may be imposed by a taxing "district." A "district" includes cities, counties, and other public entities. Currently, the combined state and county sales tax equals 7.25%.

The sales tax rate in Monterey Park adds an additional 2.25% to the sales tax, resulting in a total sales tax rate of 9.5%. Of this 2.25%, the City collects only 1% (the other 1.25% is tax imposed by other taxing districts) . By law, the highest rate for sales taxes within a jurisdiction in California is 10.25%.

Each district/city may adopt its own sales tax up to the maximum tax rate. This means that any taxing district may collect an additional 0.75% sales tax within the City of Monterey Park's jurisdiction (i.e., 10.25% maximum minus 9.5% existing tax rate equals 0.75%). Such a taxing district includes, for example, the County of Los Angeles which may impose a tax both within unincorporated areas and within cities; this is generally referenced as a "regional tax."

If the maximum sales tax rate of 10.25% is already being collected within a city, then the regional tax cannot be collected by a taxing district. For example, Long Beach and Santa Monica presently have a sales tax of 10.25%; no additional sales tax may be imposed above that 10.25% within those jurisdictions. Of the eighty-eight Los Angeles County cities, forty-nine (56% of the total) cities impose the total California maximum sales tax.

If the voters within the City of Monterey Park do not increase the sales tax by 0.75%, then voters outside of the City may increase taxes (up to the maximum rate) to benefit taxing districts other than the City. Revenue from that increased revenue is not collected for the City's (and its resident's) behalf, but instead benefits whichever other taxing entity imposes that tax. The only way to ensure that tax dollars remain within the City – to benefit the community – is for local voters to approve an increase to the sales tax rate for the City's use only.

Accordingly, it is recommended that the City Council consider a proposition for an increase to the transaction and use tax (referred to here as a sales tax) rate be placed on the November 2022 ballot. If approved by voters, the proposition would allow the City to collect an additional $\frac{3}{4}$ cent sales tax for general municipal purposes. It is estimated that revenue from this increase would generate over \$6,000,000. This tax revenue could not be taken by the State of California, Los Angeles County, or any other taxing district. If approved in November 2022, the tax would begin on April 1, 2023.

Additionally, the City Council may, but is not required to, adopt a resolution for a City Attorney impartial analysis. Elections Code Section § 9219 allows (but does not require) the City Council to draft ballot arguments as a body or to appoint one of its members to draft a ballot argument. If the City Council wishes to authorize one of its members to draft an argument, it may do so by minute order. Ballot arguments would be submitted in

accordance with the resolution already adopted as part of calling the November 8, 2022 general municipal election. Please note that public resources, including staff time, cannot be used in opposing or supporting any matter placed upon the ballot. Accordingly, the City Council may not designate a staff member to prepare ballot arguments.

Finally, the City Council may wish to adopt the draft resolution supporting the ballot proposition. This would reflect the City Council's overall support of the proposition beyond what might be written in the ballot arguments.

FISCAL IMPACT:

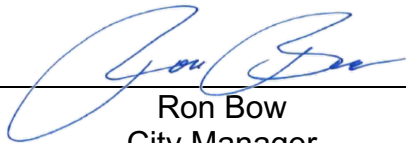
If adopted, the ballot proposition would increase sales tax revenue by approximately \$6,000,000. The proposition must be approved by 50% plus one of voters to become effective.

Respectfully submitted by:



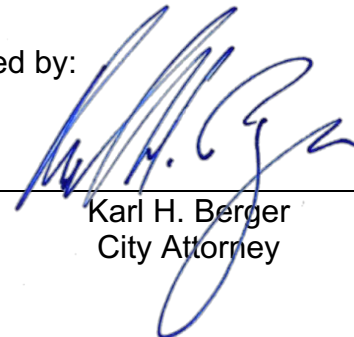
Martha Garcia
Management Services Director

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. Draft Resolution placing proposition on the November 8, 2022, ballot
2. Draft Resolution requesting an impartial analysis
3. Draft Resolution establishing regulations for ballot arguments
4. Draft Resolution supporting the sales tax proposition

ATTACHMENT 1

Draft Resolution placing proposition
on the November 8, 2022, ballot

RESOLUTION NO.

A RESOLUTION ADDING A PROPOSITION TO THE BALLOT FOR THE PREVIOUSLY CALLED NOVEMBER 8, 2022, REGULAR MUNICIPAL ELECTION PURSUANT TO ELECTIONS CODE § 9222

The City Council of the city of Monterey Park resolves as follows:

SECTION 1: Pursuant to Elections Code § 9222, the City Council places a proposition on the ballot for the regular municipal election scheduled for Tuesday, November 8, 2022.

SECTION 2: A copy of the proposition to be considered by the voters is attached as Exhibit "A," and incorporated by reference.

SECTION 3: Pursuant to Elections Code §§ 9222 and 13119, the exact form of the question to be voted on at the election as it should appear on the ballot is as follows:

GENERAL TAX	YES
SHALL AN ORDINANCE MAINTAINING MONTEREY PARK'S LONG TERM FINANCIAL STABILITY AND LOCALLY CONTROLLED SERVICES SUCH AS 9-1-1 EMERGENCY/SAFETY RESPONSE; CONDUCTING NEIGHBORHOOD/PARK POLICE PATROLS; HELPING PREVENT THEFTS/PROPERTY CRIMES; PROTECTING LOCAL DRINKING WATER; PREPARING FOR DROUGHT; RETAINING/ATTRACTING LOCAL BUSINESSES/JOBS; REPAIRING STREETS/POTHoles; ADDRESSING HOMELESSNESS; AND ALLOWING FOR OTHER GOVERNMENT USE BY ESTABLISHING A $\frac{3}{4}\%$ TRANSACTIONS AND USE (SALES) TAX UNTIL ENDED BY VOTERS, GENERATING APPROXIMATELY \$6,000,000 ANNUALLY, WITH AUDITS/PUBLIC SPENDING DISCLOSURE, BE ADOPTED?	NO

SECTION 4: The City Clerk must certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

SECTION 5: **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 6: **Recordation.** 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 her duly appointed deputy, may attest thereto.

SECTION 7: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this _____ day of July, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ORDINANCE NO.

AN ORDINANCE MAINTAINING MONTEREY PARK'S LONG TERM FINANCIAL STABILITY AND LOCALLY CONTROLLED SERVICES SUCH AS 9-1-1 EMERGENCY/SAFETY RESPONSE; CONDUCTING NEIGHBORHOOD/PARK POLICE PATROLS; HELPING PREVENT THEFTS/PROPERTY CRIMES; PROTECTING LOCAL DRINKING WATER; PREPARING FOR DROUGHT; RETAINING/ATTRACTING LOCAL BUSINESSES/JOB; REPAIRING STREETS/POTHOLE; ADDRESSING HOMELESSNESS; AND ALLOWING FOR OTHER GOVERNMENT USE BY ESTABLISHING A $\frac{3}{4}\text{¢}$ TRANSACTIONS AND USE (SALES) TAX UNTIL ENDED BY VOTERS, GENERATING APPROXIMATELY \$6,000,000 ANNUALLY, WITH AUDITS/PUBLIC SPENDING DISCLOSURE.

THE PEOPLE OF THE CITY OF MONTEREY PARK DO ORDAIN AS FOLLOWS:

SECTION 1: A new Chapter 3.30 is added to Title 3 of the Monterey Park Municipal Code ("MPMC") to read as follows:

"Chapter 3.30. Transactions and Use Tax

3.30.010. **TITLE.** This Chapter is entitled the "Monterey Park Transactions and Use Tax." The term "City," as used within this Chapter, is the City of Monterey Park. This Chapter is applicable in the incorporated territory of the City.

3.30.020. **OPERATIVE DATE.** "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this Chapter, the date of such adoption being as set forth below.

3.30.030. **PURPOSE.** This Chapter is adopted to achieve the following, among other purposes, and directs that its provisions be interpreted to accomplish those purposes:

- A. To impose a retail transaction and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 of the Revenue and Taxation Code which authorizes the City to adopt this Chapter which becomes operative if a majority of the electors voting on the ballot measure approving the Chapter vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt retail transactions and use tax regulations that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt retail transactions and use tax regulations that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and

administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

- D. To adopt a retail transaction and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.30.040. EXPENDITURES.

- A. The Monterey Park Transactions and Use Tax is imposed to provide funds for the City to pay for general municipal services.
- B. The City Council may provide for collection of the general tax in the same manner and subject to the same penalties as, or with, other charges and taxes fixed and collected by the City, or by the County of Los Angeles on behalf of the City. If the general tax is collected by the County on behalf of the City, the County may deduct its reasonable costs incurred in such service.
- C. The City's cost of enforcing and administering this chapter, including refunds, can be paid from the general tax revenue.

3.30.050. CONTRACT WITH STATE. Before the operative date, the City must contract with the State Board of Equalization to perform all functions incident to the administration and operation of this Chapter; provided, that if the City has not contracted with the State Board of Equalization before the operative date, it must nevertheless so contract and in such a case the operative date is the first day of the first calendar quarter following the execution of such a contract.

3.30.060. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a transaction tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.75% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this chapter.

3.30.070. PLACE OF SALE. For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated is determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.30.080. USE TAX RATE. A use tax is imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 0.75% of the sales price of the property. The sales price includes delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.30.090. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are adopted and made a part of this Chapter as though fully set forth.

3.30.100. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City will be substituted. However, the substitution is not made when:
 - 1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 - 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.
 - 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
 - 4. In Sections 6701 ,6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

- B. The word "City" is substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

3.30.110. **PERMIT NOT REQUIRED.** If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit is not required by this Chapter.

3.30.120. **EXEMPTIONS AND EXCLUSIONS**

- A. There is excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:
1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City is satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into before the operative date of this ordinance.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease before the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property is deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this Chapter, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into before the operative date of this ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease before the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property is deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subsection (7), a retailer engaged in business in the City is not required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, without limitation, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" also includes any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer is required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.
- 3.30.130. **AMENDMENTS.** All amendments subsequent to the effective date of this Chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, automatically become a part of this Chapter, provided however, that no such amendment operates so as to affect the rate of tax imposed by this ordinance.
- 3.30.140. **ENJOINING COLLECTION FORBIDDEN.** No injunction or writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.
- 3.30.150. **SUSPENSION OR REDUCTION.** Nothing in this Chapter requires the City Council to collect a tax; the city council may suspend or reduce tax rates imposed by this chapter by resolution after a public hearing.
- 3.30.160. **CITY COUNCIL AUTHORITY TO AMEND.** Except for amendments that would increase the tax rate, impose the tax on transactions and uses not previously subject to the tax, or be inconsistent with the purposes of this chapter, the City Council may exercise

all applicable powers set forth in the Government Code including, without limitation, amending this chapter by ordinance upon three affirmative votes by its members. It may, in addition, adopt by ordinance or resolution such additional regulations that may be necessary to implement the purposes of this chapter.

3.30.170 **TERMINATION OF TAX.** This Chapter will continue in effect unless repealed by voters at a duly called regular or special election.”

SECTION 2: *Environmental Analysis.* This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§15000, *et seq.*) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “project” that requires environmental review (*see specifically* 14 Cal. Code Regs. § 15378(b)(4-5)).

SECTION 3: *Continuity.* Repeal of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: *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 5: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes

SECTION 6: *Voter Approval.* This Ordinance will enact and impose a general tax. Accordingly, it will be submitted to a general election on November 8, 2022, for voter approval. If **A MAJORITY** of voters vote in favor of this Ordinance, it will become valid and binding on the date that the City Council certifies the election results. Should the provisions of Government Code §§ 53720, *et seq.* or California Constitution Article XIII C be repealed or amended or interpreted by the courts so that voter approval is not required for enacting this Ordinance, then this Ordinance will take effect as provided for all other City ordinances and may be amended in the same manner as all other City ordinances.

SECTION 7: *City Council Authority.* Pursuant to Elections Code § 9217, the People authorize and direct the City Council to promptly take appropriate actions needed to implement this Proposition including, without limitation, adopting all regulations needed to effectuate this Proposition by ordinance.

SECTION 8: Reconciliation with Competing Proposition. In the event another ballot measure (a “Competing Proposition”) appears on the same ballot as this Proposition that seeks to adopt, impose, or amend any limitations or restrictions, or other regulations or requirements, including, without limitation, those with respect to the actions authorized by this Proposition, that differ in any respect to or supplement, those contained in this Proposition, the People declare their intention that, if both the Competing Proposition and this Proposition receive a majority of votes cast, the Competing Proposition and this Proposition be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a “provision by provision” basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal. 4th 978. With respect to any such directly conflicting provisions, the specific provisions of the Proposition receiving the greater number of votes will prevail.

SECTION 8: Miscellaneous.

- A. This Ordinance must be interpreted to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Ordinance. The People declare that this Ordinance, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Ordinance is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Ordinance that can be given effect without the invalid application.
- B. If any portion of this Ordinance is held by a court of competent jurisdiction to be invalid, we the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Ordinance by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Ordinance, and then adopting or reenacting such portion as necessary or desirable to permit the planning and development of the Project.
- C. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the intent of the People 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 9: The Mayor will sign this Ordinance and the City Clerk will attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's general election on November 8, 2022, approve the ordinance asking whether the voters approve this Ordinance.

July 20, 2022

SECTION 10: Pursuant to Revenue and Taxation Code § 7265, this Ordinance will become operative on the first day of the first calendar quarter commencing more than 110 days after the adoption of this Ordinance.

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

PASSED AND ADOPTED this _____ day of _____, 2022.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ATTACHMENT 2

Draft Resolution requesting an impartial analysis

RESOLUTION NO.

A RESOLUTION DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSITION AUTHORIZING IMPOSITION OF A THREE-QUARTER CENT TRANSACTIONS AND USE TAX (SALES TAX) TO FUND GENERAL MUNICIPAL SERVICES TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

The City Council of the city of Monterey Park resolves as follows:

SECTION 1. Pursuant to Elections Code § 9280, the City Clerk is directed to transmit a copy of the ballot proposition imposing a three-quarter cent transactions and use tax (sales tax) to fund General Municipal Services to the City Attorney for an impartial analysis.

SECTION 2. Upon receiving the ballot measure, the City Attorney is directed to prepare an impartial analysis of the proposed ballot measure showing its effect, if any, on existing law and the operation of the measure. Such analysis must not be more than 500 words.

SECTION 3. The impartial analysis must include a statement indicating whether the proposed measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City.

SECTION 4. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there must be printed immediately below the impartial analysis, in not less than 10 point bold type, the City Clerk should have the following language printed: "The above statement is an impartial analysis of the proposed ballot measure (Resolution No. XXX). If you desire a copy of the legislation affected by this measure, please call the City Clerk's office at (626) 307-1359, and a copy will be mailed at no cost to you."

SECTION 5. The impartial analysis of the proposed ballot measure must be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 6. Pursuant to 52 U.S.C.A. § 10503, the City Clerk will:

- A. Translate the City Attorney's analysis in accordance with regulations set forth by the Los Angeles County Registrar Recorder's office; and
- B. Make copies of the translations of the City Attorney's analysis publicly available.

SECTION 7. The City Clerk will certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

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

SECTION 9: Recordation. 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 her duly appointed deputy, may attest thereto.

SECTION 10: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of July 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 3

Draft Resolution establishing regulations
for ballot arguments

RESOLUTION NO.

A RESOLUTION ESTABLISHING REQUIREMENTS FOR BALLOT ARGUMENTS FILED WITH THE CITY CLERK TO BE INCLUDED WITH VOTER INFORMATION FOR THE GENERAL ELECTION ON NOVEMBER 8, 2022

The City Council of the city of Monterey Park resolves as follows:

SECTION 1: Pursuant to Elections Code § 9281, qualified voters may submit arguments for and against the ballot measures, in addition to rebuttal arguments, for the November 8, 2022 General Municipal Election on forms provided by the City Clerk.

SECTION 2: Arguments filed in accordance with this Resolution must comply with the following requirements in accordance with Elections Code §§ 9282, 9283, 9285, and 9286:

- A. Arguments must be in writing and not exceed 300 words except for rebuttal argument which may not exceed 250 words;
- B. Arguments may be submitted by the City Council; any councilmember authorized to submit an argument by the City Council; any individual voter eligible to vote on the measures; any bona fide association of citizens; or any combination of voters and associations;
- C. Arguments must be typewritten in at least a 12-point font;
- D. Arguments may not include underlining, italics, asterisks, or other, similar, type of formatting;
- E. Arguments must be accompanied by the printed name and signature or printed names and signatures of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers.
- F. If more than five signatures accompany an argument, only the first five will be printed.
- G. Arguments for or against the ballot measures must be received in the City Clerk's office not later than 14 days after the City Council calls for an election. Rebuttal arguments must be received not later than 10 days after the Arguments submittal deadline.

SECTION 3: **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 4: Recordation. 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 her duly appointed deputy, may attest thereto.

SECTION 5: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this ____ day of July, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

ATTACHMENT 4

Draft Resolution supporting the sales tax proposition

RESOLUTION NO.

A RESOLUTION OF THE CITY OF MONTEREY PARK SUPPORTING A BALLOT PROPOSITION NEEDED TO MAINTAINING MONTEREY PARK'S LONG TERM FINANCIAL STABILITY AND LOCALLY CONTROLLED SERVICES BY ESTABLISHING A ¾ CENT TRANSACTIONS AND USE (SALES) TAX, RAISING APPROXIMATELY \$6,000,000 ANNUALLY TO THE GENERAL FUND.

The City Council of the City of Monterey park resolves as follows:

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

- A. City conducted 13 virtual and in-person Financial Forecast Meetings to provide information to the community regarding the importance of ensuring steady revenue to fund general municipal services including, without limitation, potable water supply; streets repair and maintenance; and prompt public safety responses;
- B. These community workshops provided an overview of the City's Budget Process and described how funding is allocated or appropriated to various City services;
- C. Community members shared and provided input about various priorities and expectations for upcoming years;
- D. Community surveys were conducted to hear and understand what the community's priorities are for the city;
- E. City hosted an additional five in-person Community Workshops;
- F. Workshops included survey results and discussions regarding City grant opportunities and awards;
- G. Participation at the meetings and workshops reached to approximately 40 attendees per session;
- H. The City of Monterey Park is a full-service City with its own Fire and Police Departments, which guarantees public safety resources are available when needed for Monterey Park residents and not diverted to other cities;
- I. Calls for 911 emergencies, theft and property crime, and homelessness is much higher than in the past, and the City has fewer firefighters, police officers and paramedics than it had in the past;
- J. City maintenance of clean and safe neighborhoods and parks, a good library, programs for children, youth, and seniors, and well-maintained roads all lead to better quality of life;

K. The City Council is taking every proactive effort to maintain the level of service our community has come to expect, including reducing full and part-time positions, implementing a pension bond and utilizing available grant funding; and

L. All funds from this local revenue measure are required to stay in Monterey Park to maintain local services and cannot be taken by the State. Fiscal accountability will be ensured by requiring annual independent audits and making expenditure reports available for public review;

SECTION 2: The City of Monterey park formally endorses Measure MP.

SECTION 3: The City Manager is authorized to prepare appropriate legislative acts for City Council consideration to implement the purpose and goals set forth in this Resolution.

SECTION 4: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this__ day of July, 2022

Henry Lo, Mayor

ATTEST:

Vincent D. Chang,
City Clerk

APPROVED AS TO FORM:



Karl H. Berger,
City Attorney



City Council Staff Report

DATE: July 20, 2022

AGENDA ITEM NO: New Business - 5B

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, Assistant City Manager
SUBJECT: Proposed Dissolution of the Newmark Avenue Underground Utility District; Creation of the Monterey Pass Road Underground Utility District.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting the attached Resolution of Intent to dissolve the existing Underground Utilities District on Newmark Avenue from Garfield Avenue to New Avenue and, also, to create the Monterey Pass Underground Utility District. The date for considering such actions would be August 17, 2022 at 6:30 p.m.;
2. Directing the City Manager, or designee, to notify all affected property owners of the Underground Utility Districts in accordance with Monterey Park Municipal Code ("MPMC") § 14.16.020;
3. Directing the City Manager, or designee, to file necessary documents with all affected utility companies; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Resolution No. 11264 (adopted April 1, 2009) created an Underground Utility District on Newark Avenue between Garfield Avenue to New Avenue ("Newmark UUD"). If adopted, the draft Resolution would set a public hearing to consider dissolution of the Newmark UUD on August 17, 2022. At that time, the City Council would also consider the recommended creation of a new Underground Utility District on Monterey Pass Road from Garvey Avenue to Vagabond Drive ("MPR UUD").

CEQA (California Environmental Quality Act):

If eventually approved by the City Council, undergrounding associated with the MPR UUD would be exempt as a Class 1 categorical exemption since it involves the alteration (undergrounding) of an existing public utility service and does not expand the existing use.

BACKGROUND:

The California Public Utilities Commission ("CPUC") enacted a series of regulations identified as "Rule 20" which requires public utilities, such as Southern California Edison ("SCE"), help fund projects that convert overhead electrical facilities to underground facilities. This is commonly referred to as "undergrounding."

Subsection “A” of Rule 20 (aka “Rule 20A”) allows the City to use funding set aside by SCE to identify areas within the City that meet certain qualifying criteria for undergrounding. Once those areas are identified, the City Council may create an Underground Utility District and direct SCE to expend funds for that undergrounding project.

Using CPUC formulas, SCE allocates about \$180,000 annually to the City of Monterey Park for undergrounding. This allocation is based on the ratio of SCE customers served by overhead utilities to all customers within the City of Monterey Park relative to the total number of SCE customers.

In Monterey Park, the City Council created the Newmark UUD in 2009. Since that time, the Rule 20A monies available for undergrounding grew to approximately \$7,741,551 which is on deposit with SCE. The estimated cost for the Newmark UUD undergrounding is \$4.6 million. The undergrounding of Newmark Avenue was never pursued; it does not appear to be a priority for the City.

The City was previously awarded funding for Monterey Pass Road improvements as part of the SR-710 North Mobility Improvement Projects. The Interim Public Works Director proposes the undergrounding of all utilities on Monterey Pass Road, from Garvey Avenue to Vagabond Drive, to complement the proposed improvements on Monterey Pass Road. This project would be the City’s fifth major Rule 20A undergrounding project since 1968. Monterey Pass Road is a generally north-south minor arterial through the City that carries a significant volume of traffic, provides scenic views of the City’s residential hillsides and the San Gabriel Mountains, and direct access to downtown Monterey Park and the east Los Angeles area.

On June 7, 2021, the CPUC issued a ruling that prohibits ratepayer funding for new undergrounding projects after December 31, 2022. Any funding currently available to the City will no longer be available for future undergrounding projects after that date.

Selection of Proposed Underground Utility District:

Public Works officials met with SCE representatives regarding Rule 20A and requested an initiation of a study for the formation of the MPR UUD. The study identified Monterey Pass Avenue from Garvey Avenue to Vagabond Drive for the following reasons:

- Undergrounding will enhance safety, promote walkability and have a positive aesthetic impact in the area.
- The estimated project timing does not conflict with any planned street rehabilitation work or other capital improvements project (CIP) in the area.
- The proposed undergrounding district on Monterey Pass Road is within the limits of the METRO project that the City is receiving funding for various improvements.

City representatives requested that SCE prepare a rough order of magnitude (ROM) cost estimate for this project. The ROM cost estimate is \$7.4 million if all available City of

Monterey Park funds are allocated to this project. Consequently, the MPR UUD can only be funded with Rule 20A monies if the Newmark UUD is dissolved. This would transfer funds into the new MPR UUD to pay for undergrounding.

If the City Council authorizes the undergrounding project for a new MPR UUD in August, all utility companies, at their own expense, would be required to underground their overhead facilities within the public right-of-way and up to 100 feet on private property. The affected utility companies in the proposed MPR UUD include SCE, AT&T, Frontier, Verizon Wireless, Time Warner and Crown Castle.

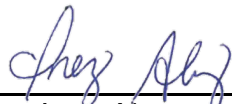
Monterey Park Municipal Code ("MPMC") Chapter 14.16 (Underground Utility Districts) requires a public hearing for the City Council to determine whether the undergrounding on Monterey Pass is in the public interest. The proposed Resolution of Intent sets the date of the public hearing for August 17, 2022 at 6:30 p.m. The City Clerk will send notices of the public hearing to all affected utility companies and property owners as shown on the last equalized assessment roll at least 10 days before the hearing.

Should the City Council move forward with the recommendation on August 17th, SCE would commence designing of its underground facilities and coordinate with AT&T, Frontier, Verizon Wireless, Time Warner and Crown Castle. Design will likely take 10 months to complete. Accordingly, construction is not expected to begin until in FY 2023-24. Construction will take approximately 10 months to complete.

FISCAL IMPACT:

SCE would fund this project entirely from the City's accumulated Rule 20A allocation fund balance, which is approximately \$7.4 million. There is no cost to the property owners or to the tenants of Monterey Park Pass Road for this undergrounding project. The fiscal impact to the City is in relation to the service hours provided by the City employees involved in the project.

Respectfully submitted by:



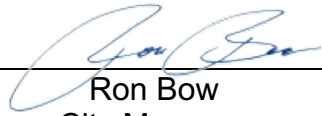
Inez Alvarez,
Assistant City Manager

Reviewed by:

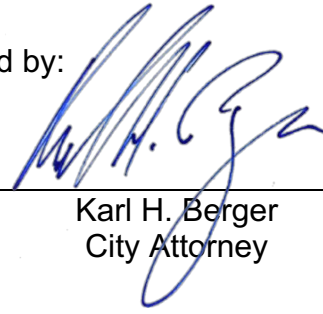


Martha Garcia
Director of Management Services

Reviewed by:



Ron Bow
City Manager



Karl H. Berger
City Attorney

ATTACHMENT:

1. April 1, 2009 Staff Report and Resolution establishing Newmark Avenue undergrounding utility district
2. Resolution of Intent with Exhibit A (Location Map)

ATTACHMENT 1
April 1, 2009 Staff Report

STAFF REPORT

City of Monterey Park

DATE: April 1, 2009

TO: JUNE YOTSUYA, CITY MANAGER

FROM: ELIAS SAYKALI, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

SUBJECT: RESOLUTION ESTABLISHING UNDERGROUND UTILITY DISTRICT ON NEWMARK AVENUE FROM GARFIELD AVENUE TO NEW AVENUE

On June 20, 2007, following the consideration of six eligible project areas for utility undergrounding, the City Council directed staff to proceed with the formal establishment of an Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue. The purpose of an underground district is to eliminate blight caused by the abundance of utility poles and overhead wires within the community.

DISCUSSION:

Funds for utility undergrounding are available to city and county governments through the California Public Utilities Commission's (CPUC) Rule 20A. Rule 20A undergrounding projects are paid for by utility rate proceeds set aside by Southern California Edison (SCE). Using CPUC formulas, SCE allocates about \$170,000 annually to the City of Monterey Park for undergrounding. This allocation is based on the ratio of SCE customers served by overhead utilities to all customers within the City of Monterey Park relative to the total number of SCE customers. The City's current allocation balance is approximately \$5 million.

The establishment of an Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue was approved by City Council on June 20, 2007. This project would be the City's fourth major Rule 20A undergrounding project since 1968. Newmark Avenue is a major east-west collector through the City of Monterey Park that carries a significant volume of traffic, provides scenic interest, and direct access to the Civic Center and Downtown Monterey Park. The estimated cost for the undergrounding is \$4.65 million.

Under Rule 20A, each utility company, at its own expense, is required to underground its overhead facilities within the public right-of-way and up to 100 feet on private property. The affected utility companies include SCE, AT&T and Charter Communications.

In accordance with Chapter 14.16 (Underground Utility Districts) of the City's Municipal Code, a public hearing to determine whether the utility undergrounding on Newmark Avenue is in the public interest was set for April 1st, 2009. As required, the City Clerk sent notices of the hearing to the utility companies and approximately 240 affected property owners, and also posted Public Hearing Notices at the City Hall, City Library, and Langley Center.

Upon the establishment of the Underground Utility District on Newmark Avenue, SCE will initiate the design of their underground facilities and coordinate with AT&T and Charter which share the utility poles. Design will likely take 24 to 30 months to complete; therefore, construction is not expected to begin until in FY 2011-2012. Construction will take approximately 12 months to complete.

CEQA (California Environmental Quality Act):

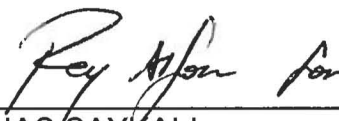
Undergrounding projects are CEQA Class 1 exempt projects.

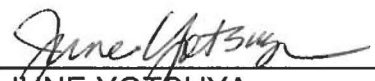
FISCAL IMPACT:

The Southern California Edison Company would fund this project entirely from the City's accumulated Rule 20A allocation fund balance, which is approximately \$5 million. There is no cost to the property owners or to the tenants of Newmark Avenue for this undergrounding project.

RECOMMENDATION:

It is recommended that the City Council, following public testimony, adopt the attached Resolution which establishes the Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue, and direct the City Clerk to notify all affected utilities and property owners of the adoption of this resolution within ten (10) days after the date of adoption.

By 
ELIAS SAYKALI
Director of Public Works/City Engineer

Approved 
JUNE YOTSUYA
City Manager

Attachments: Engineer's Report
Resolution

Engineer's Report

Newmark Avenue from Garfield Avenue to New Avenue Proposed Underground Utility District

Background

Rule 20 is a set of policies and procedures established by the California Public Utilities Commission to regulate the conversion of overhead electric equipment to underground facilities, a process called "undergrounding". Rule 20 determines the level of ratepayer funding for different undergrounding arrangements. Under Rule 20, undergrounding projects are financed by utility rate money, combined rate funds and local tax proceeds, or private funds, depending on whether Rule 20A, Rule 20B or Rule 20C provisions apply. On average, less than a penny per electric bill goes to undergrounding.

Rule 20A

Rule 20A projects are paid for by all SCE ratepayers, not just those who live on streets on which facilities will be undergrounded. City and county governments choose these projects, using a process that includes public participation.

To qualify for full funding through utility rate proceeds, projects must produce a benefit to the general public, not just customers in the affected area, by satisfying one or more of these criteria:

- The location has an unusually heavy concentration of overhead facilities.
- The location is heavily traveled.
- The location qualifies as an arterial or major collector road in a local government's General Plan.
- The overhead equipment must be located within or pass through a civic, recreational or scenic area.

Using CPUC formulas, SCE allocates rate funds to communities for undergrounding based on previous allocations, the ratio of customers served by overhead facilities to all the customers in the community, and the fraction that customers in the community represent of all SCE customers.

Local governments use these formulas to project allocations, which allows them to prioritize projects and develop project schedules. Because funds are limited, local governments sometimes must wait and accumulate their allocations before starting an undergrounding project.

Legal Description

UNDERGROUND UTILITY DISTRICT ON NEWMARK AVENUE FROM GARFIELD AVENUE TO NEW AVENUE

That certain portion of Newmark Avenue in the City of Monterey Park, County of Los Angeles, State of California, bounded as follows: on the north by the northerly right-of-way line of Newmark Avenue; on the east by the westerly right-of-way line of New Avenue; on the south by the southerly right-of-way line Newmark Avenue; on the west by the easterly right-of-way line of Garfield Avenue.

Description of Proposed Work

The existing Edison overhead wires and poles are located along Newmark Avenue between Garfield Avenue and New Avenue. The properties serviced from the Newmark Avenue frontage will be converted to an underground service. The existing electrical, as well as telephone and cable television wires will be undergrounded and the wood poles will be removed. The power lines provide electricity to the street lights and the properties along Newmark Avenue. Any properties served from rear lot poles will continue to be served overhead from the rear of the property.

The existing street lights will be removed and new streetlights installed on new street light poles. The City will prepare a plan for the street light locations. If additional lights are desired the cost thereof will be funded by the City of Monterey Park.

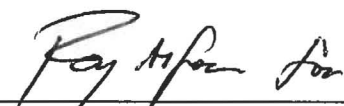
Estimated Cost

The Edison Company has estimated that the cost of this project would be \$4,650,000. The City of Monterey Park's current allocation fund balance is \$4,995,000 with annual additions of \$170,000. There is no cost to the property owners or tenants of Newmark Avenue for this undergrounding project. All electric service customers served from lines being relocated underground will have necessary modifications and conversions done to their electrical service connections using the City's Rule 20A funds.

Existing overhead facilities belonging to AT&T and Charter Communications and other private utilities are to be relocated underground at their sole expense.

The implementation of a new district can take two years or more to complete because there is often a long list of pending underground utility districts that have been established by other agencies.

Prepared by:



Elias Saykali
City Engineer/Director of Public Works
City of Monterey Park

RESOLUTION NO. _____

CITY OF MONTEREY PARK
LOS ANGELES COUNTY, CALIFORNIA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK ESTABLISHING AN UNDERGROUND
UTILITY DISTRICT ON NEWMARK AVENUE FROM
GARFIELD AVENUE TO NEW AVENUE

WHEREAS, the Monterey Park City Council did by Resolution of Intent call for a Public Hearing for April 1, 2009 at the hour of 7:00 p.m., in the Council Chamber in the City Hall, 320 W. Newmark Avenue, Monterey Park, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electric, communications or similar or associated service in any such district; and

WHEREAS, notice of such hearing was sent to all affected property owners as such are shown on the last equalized assessment roll and to all utilities concerned in that matter and within the time required by law; and

WHEREAS, such hearing has been duly and regularly held, and all persons interested have been given an opportunity to be heard; and

WHEREAS, it has been recommended that such an underground utility district, hereinafter called District, be formed on hereinafter described real property:

Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue

That certain portion of Newmark Avenue in the City of Monterey Park, County of Los Angeles, State of California, bounded as follows: on the north by the northerly right-of-way line of Newmark Avenue; on the east by the westerly right-of-way line of New Avenue; on the south by the southerly right-of-way line Newmark Avenue; on the west by the easterly right-of-way line of Garfield Avenue.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Chapter 14.16 (Undergrounding Utility Districts) of the Monterey Park Municipal Code, the City Council hereby establishes, declares and

designates an Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue in the City of Monterey Park, California. Attached hereto, marked Exhibit A entitled "Underground Utility on Newmark Avenue from Garfield Avenue to New Avenue" dated February 6, 2009 and incorporated herein as part of this resolution, is a map delineating the boundaries of said district.

SECTION 2. The City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within the Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue of the adoption of this Resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or other similar of associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 14.16 of the Monterey Park Municipal Code to all affected property owners as such are shown on the latest equalized assessment roll and to the affected utilities.

SECTION 3. The area proposed to be included in the District is shown upon that certain map entitled: "Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue" dated February 6, 2009 that is attached hereto as Exhibit A.

SECTION 4. The City Council hereby finds and determines as follows:

The Underground Utility District herein created is in the general public interest for the following reasons:

- a) The undergrounding to be accomplished will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.
- b) The streets, roads or right-of-way in the District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic.
- c) That such utility undergrounding shall include up to 100 feet of the customer's service lateral.

SECTION 5. That Southern California Edison Company is hereby requested to and shall utilize Rule 20A funds to underground its facilities within Underground Utility District and that the City will not provide additional funding.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 1st day of April 2009.

CITY OF MONTEREY PARK

Frank Venti, Mayor

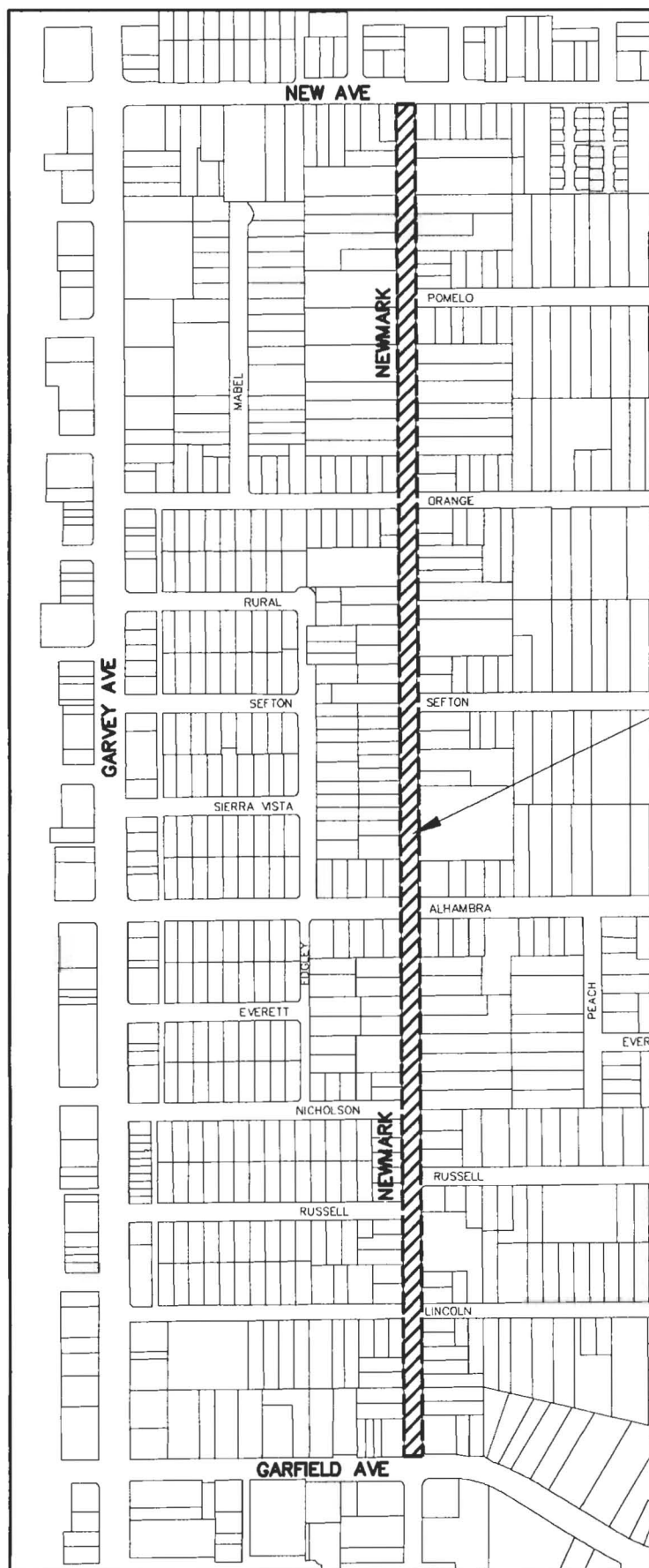
ATTEST:

David Barron, City Clerk
(SEAL)

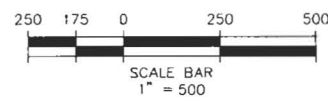
APPROVED AS TO FORM:

Stephanie Scher, Interim City Attorney

EXHIBIT A



UNDERGROUND UTILITY
DISTRICT



REV.	DATE	DESCRIPTION	BY	CHECKED	APPROVED
CITY OF MONTEREY PARK, CALIFORNIA					
DESIGN	UNDERGROUND UTILITY DISTRICT				
RA/MB	ON NEWMARK AVENUE				
DRAWN	FROM GARFIELD AVENUE TO NEW AVENUE				
VB					
CHECKED					
RA					
SCALE					
AS SHOWN					
PREPARED IN THE OFFICE OF THE CITY ENGINEER				DATE DRAWN FEB. 8, 2009	
APPROVED ON		20	APPROVED ON		20
REY ALFONSO ASSISTANT CITY ENGINEER		RCE 507	ELIAS BAKKALI CITY ENGINEER		CE 124
SHEET 1 OF 1					DRAWING NO. A-300

RESOLUTION NO. 11264

**CITY OF MONTEREY PARK
LOS ANGELES COUNTY, CALIFORNIA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK ESTABLISHING AN UNDERGROUND
UTILITY DISTRICT ON NEWMARK AVENUE FROM
GARFIELD AVENUE TO NEW AVENUE**

WHEREAS, the Monterey Park City Council did by Resolution of Intent call for a Public Hearing for April 1, 2009 at the hour of 7:00 p.m., in the Council Chamber in the City Hall, 320 W. Newmark Avenue, Monterey Park, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electric, communications or similar or associated service in any such district; and

WHEREAS, notice of such hearing was sent to all affected property owners as such are shown on the last equalized assessment roll and to all utilities concerned in that matter and within the time required by law; and

WHEREAS, such hearing has been duly and regularly held, and all persons interested have been given an opportunity to be heard; and

WHEREAS, it has been recommended that such an underground utility district, hereinafter called District, be formed on hereinafter described real property:

Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue

That certain portion of Newmark Avenue in the City of Monterey Park, County of Los Angeles, State of California, bounded as follows: on the north by the northerly right-of-way line of Newmark Avenue; on the east by the westerly right-of-way line of New Avenue; on the south by the southerly right-of-way line Newmark Avenue; on the west by the easterly right-of-way line of Garfield Avenue.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to Chapter 14.16 (Undergrounding Utility Districts) of the Monterey Park Municipal Code, the City Council hereby establishes, declares and

designates an Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue in the City of Monterey Park, California. Attached hereto, marked Exhibit A entitled "Underground Utility on Newmark Avenue from Garfield Avenue to New Avenue" dated February 6, 2009 and incorporated herein as part of this resolution, is a map delineating the boundaries of said district.

SECTION 2. The City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within the Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue of the adoption of this Resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or other similar of associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 14.16 of the Monterey Park Municipal Code to all affected property owners as such are shown on the latest equalized assessment roll and to the affected utilities.

SECTION 3. The area proposed to be included in the District is shown upon that certain map entitled: "Underground Utility District on Newmark Avenue from Garfield Avenue to New Avenue" dated February 6, 2009 that is attached hereto as Exhibit A.

SECTION 4. The City Council hereby finds and determines as follows:

The Underground Utility District herein created is in the general public interest for the following reasons:

- a) The undergrounding to be accomplished will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.
- b) The streets, roads or right-of-way in the District are extensively used by the general public and carry a heavy volume of pedestrian or vehicular traffic.
- c) That such utility undergrounding shall include up to 100 feet of the customer's service lateral.

SECTION 5. That Southern California Edison Company is hereby requested to and shall utilize Rule 20A funds to underground its facilities within Underground Utility District and that the City will not provide additional funding.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 1st day of April 2009.


Benjamin "Frank" Venti, Mayor
City of Monterey Park, California

ATTEST:


David M. Barron, CMC, City Clerk
City of Monterey Park, California

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MONTEREY PARK)

I, David M. Barron, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 11264 as duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 1st day of April, 2009, by the following vote:

AYES:	COUNCIL MEMBERS: LAU, CHU, WONG, ING, VENTI
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE

Dated this 1ST day of April, 2009.


David M. Barron, CMC, City Clerk
City of Monterey Park, California

ATTACHMENT 2

Resolution of Intent with Exhibit A

RESOLUTION NO. _____

**A RESOLUTION DECLARING THE CITY COUNCIL'S INTENT TO
REPEAL RESOLUTION NO. 11264 AND ESTABLISH A NEW
MONTEREY PARK PASS ROAD UNDERGROUNDING DISTRICT
PURSUANT TO MONTEREY PARK MUNICIPAL CODE CHAPTER 14.16.**

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

SECTION 1: The City Council finds as follows:

- A. On April 1, 2009, the City Council adopted Resolution No. 11264 which created the Newmark Underground Utility District ("Newmark UUD");
- B. On September 18, 2019, the City was awarded funding for Monterey Pass Road improvements as part of the SR-710 North Mobility Improvement Projects;
- C. Based upon information provided to the City Council on July 20, 2022, it is in the public interest to schedule a public hearing to consider creation of a new underground utility district between Garvey Avenue and Vagabond Drive identified as the Monterey Park Pass Road Underground Utility District ("MPR UUD");
- D. To fund the MPR UUD, the City Council will also consider dissolution of the Newmark UUD by repealing Resolution No. 11264.

SECTION 2: *Public Hearing.* A public hearing is scheduled for August 17, 2022 at 6:30 p.m., or as soon thereafter as it may be held, to consider dissolution of the Newmark UUD and creation of the MPR UUD. The proposed boundaries of the MPR UUD are attached as Exhibit "A," and incorporated by reference.

SECTION 3: *Noticing to Property Owners.* The City Clerk is instructed to notify all affected utilities and all persons owning real property within the proposed MPR UUD regarding the adoption of this Resolution within 10 days after the date of such adoption. Such notification must be made by mailing a copy of this Resolution together with a copy of MPMC Chapter 14.16 to all affected property owners as such are shown on the latest equalized assessment roll and to the affected utilities.

SECTION 4: *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 5: *Recordation.* 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 her duly appointed deputy, may attest thereto.

SECTION 6: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

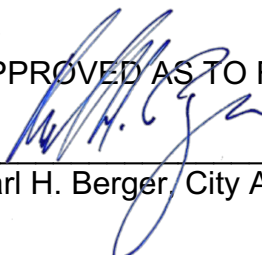
PASSED AND ADOPTED this ____ day of July, 2022.

Henry Lo, Mayor

ATTEST:

Vincent D. Chang, City Clerk

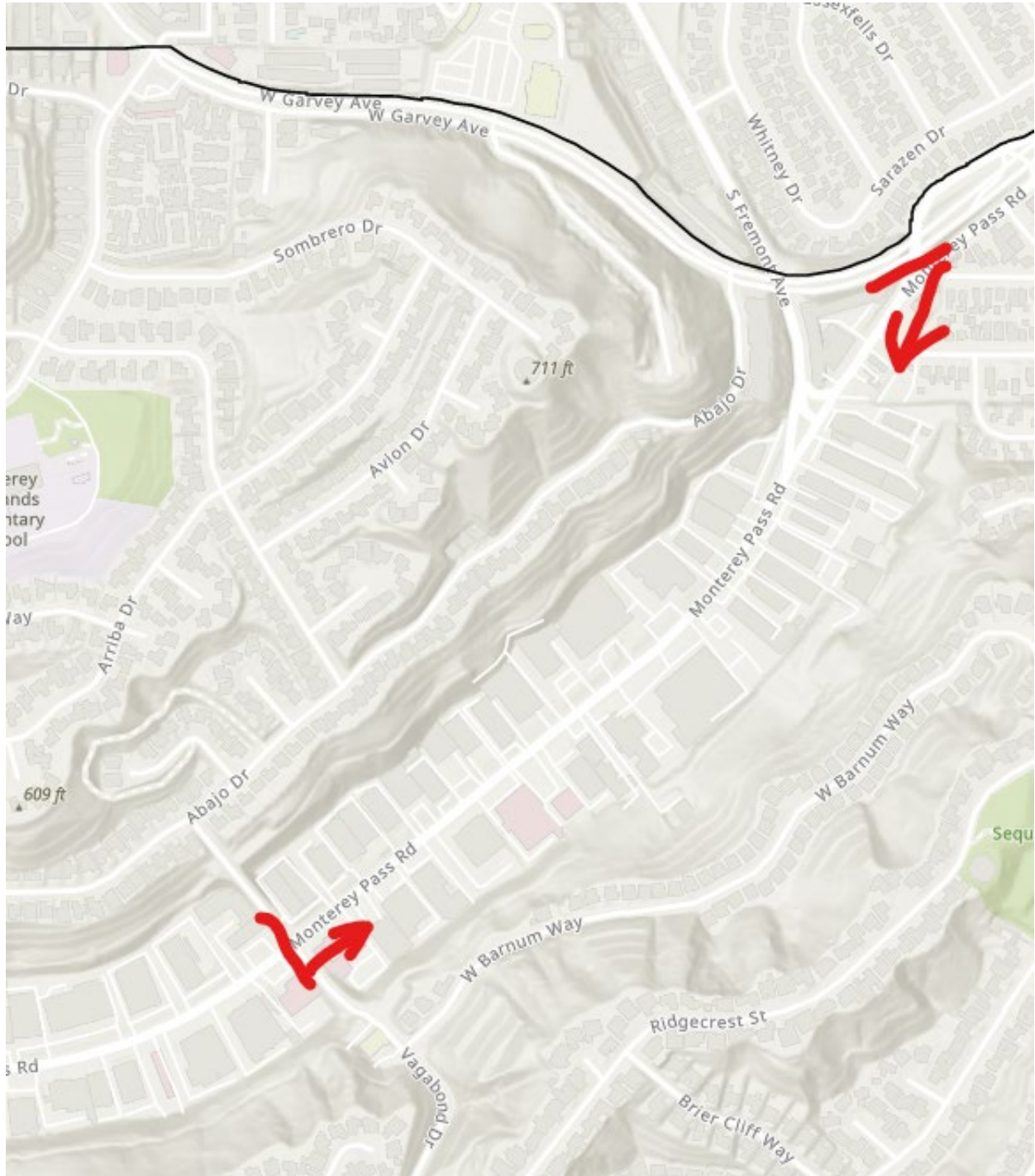
APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Exhibit A

Proposed Monterey Pass Road Underground District



 Limits of Monterey Pass Underground District: W. Garvey Avenue to Vagabond Drive