

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
December 20, 2023
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.

LAND ACKNOWLEDGMENT

We would like to acknowledge that the land we inhabit today was once known as
Tovangaar, the home of the Gabrieleño-Tongva people. We show our respect to the
Gabrieleño-Tongva people, as well as all Indigenous people, past, present, and future,
and honor their labor as original caretakers of this land. We commit to uplifting the
Gabrieleño-Tongva people, invite you to acknowledge the history, and join us in caring
for this land.

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>. 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.

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.

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.

CALL TO ORDER Mayor
FLAG SALUTE The Monterey Park Police Explores
ROLL CALL Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS

STAFF COMMUNICATIONS:

- City Manager's Office
- Police Department
- Public Works

[1.] PRESENTATION

1-A. CONGRESSIONAL APP CHALLENGE FINALISTS

1-B. LOS ANGELES COUNTY EFFORTS TO ADDRESS HUMAN TRAFFICKING

1-C. MONTEREY PARK COMMUNITY HEALING FUND - UPDATE

[2.] OLD BUSINESS – None.

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

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

3-A. MINUTES

It is recommended that the City Council consider:

- (1) Approving the minutes from the special meetings of October 4, 2023 and November 1, 2023, and the regular meetings of October 4, 2023, October 18, 2023 and November 1, 2023: and
- (2) Taking such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – NOVEMBER 2023

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. SECOND READING AND ADOPTION OF ORDINANCES INCREASING THE AMOUNT OF WATER AND WASTEWATER (SEWER) RATES AND CHARGES

It is recommended that the City Council consider:

- (1) Waiving second reading and adopting the proposed Ordinance No. ##### – Increasing the amount of Water Rates and Charges;
- (2) Waiving second reading and adopting the proposed Ordinance No. ##### – Increasing the amount of Wastewater Rates and Charges; and
- (3) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

This Ordinance is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; "CEQA") and CEQA regulations (14 Cal. Code Regs. §§ 15000, et seq.; "CEQA Guidelines") 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. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15273;

3-D. ENDING THE EMPLOYMENT EMERGENCY FOR THE CITY OF MONTEREY PARK EFFECTIVE DECEMBER 31, 2023

It is recommended that the City Council consider:

- (1) Receiving and filing this report;
- (2) Adopting a resolution terminating the employment emergency effective December 31, 2023 and authorizing the City Manager to take all practical actions needed to finalize the recruitment and retention of persons for employment; and
- (3) Taking such additional, related, action that may be desirable.

3-E. EMERGENCY MEDICAL SERVICES – APPROVAL OF AGREEMENT

It is recommended that the City Council consider:

- (1) Authorize the City Manager to execute an agreement with Life-Assist, Inc., in a form approved by the City Attorney, for the purchase of emergency medical supplies, equipment, drugs and pharmaceuticals from Account Nos. 1013220-5320 and 1013220-5351; and
- (2) Taking such additional, related, action that may be desirable.

3-F. CALIFORNIA OFFICE OF EMERGENCY SERVICES HIGH FREQUENCY COMMUNICATIONS EQUIPMENT PROGRAM – AWARD OF CONTRACT TO NVIS COMMUNICATIONS, FOR THE PURCHASE OF HIGH FREQUENCY RADIOS

It is recommended that the City Council consider:

- (1) Waiving bidding requirements pursuant to Monterey Park Municipal Code §3.20.050(2) and award the bid to NVIS Communications for the purchase of high frequency radios;
- (2) Authorizing the City Manager to execute an agreement in a form approved by the City Attorney; and
- (3) Taking such additional, related, action that may be desirable.

3-G. RECOGNITION OF JANUARY 11, 2024 AS NATIONAL HUMAN TRAFFICKING AWARENESS DAY

It is recommended that the City Council consider:

- (1) Adopting a Resolution recognizing January 11, 2024 as National Human Trafficking Awareness Day and;
- (2) Taking such additional, related, action that may be desirable.

3-H. CIP 95030 DEMOLITION OF FIRE STATION TOWER PROJECT – REJECT ALL SUBMITTED BIDS

It is recommended that the City Council consider:

- (1) Rejecting all bids for Capital Improvement Project (CIP) No. 95030 – Demolition of Fire Station Tower Project; and
- (2) Taking such additional, related, action that may be desirable.

3-I. SECOND AMENDMENT TO AGREEMENT 2273-A WITH NATIONAL BUSINESS FURNITURE, LLC

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a Second Amendment with National Business Furniture, LLC, in a form approved by the City Attorney, to purchase office furniture for various city departments for an amount of \$175,000; and
- (2) Taking such additional, related, action that may be desirable.

3-J. AMENDMENT TO AGREEMENT 2360-A WITH TOWNSEND PUBLIC AFFAIRS

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute Amendment No. 1 to Agreement 2360-A with Townsend Public Affairs Inc., in a form approved by the City Attorney; to provide legislative advocacy and grant writing for an amount not to exceed \$90,000; and
- (2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING

4-A. A PUBLIC HEARING TO CONSIDER INTRODUCTION AND FIRST READING OF ZONE CHANGE NO. ZC-23-02 (“ZC-23-02”), AN ORDINANCE AMENDING THE ZONING MAP FOR CERTAIN PROPERTIES FOR CONSISTENCY WITH THE GENERAL PLAN, LAND USE AND URBAN DESIGN ELEMENT

It is recommended that the City Council consider:

- (1) Opening a public hearing and taking testimonial and documentary evidence;
- (2) After closing the public hearing and considering the evidence submitted during that public hearing, introducing and waiving first reading of Ordinance No. _____ amending the zoning map for certain properties for consistency with the General Plan, Land Use and Urban Design Element; and
- (3) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the “CEQA Guidelines”). CEQA Guideline § 15168 provides that a Program EIR may be prepared to consider the environmental impacts of a series of actions that can be characterized as one large project that are related as logical parts in a chain of contemplated actions. The proposed Ordinance is within the scope of the City’s Focused General Plan Update to the Land Use and Urban Design Element which was evaluated under a Final Environmental Impact Report (“FEIR”) (SCH No. 2001-01-1074). The FEIR adequately describes and considers the proposed Ordinance for CEQA purposes. Accordingly, the Ordinance is not subject to further environmental review.

4-B. A PUBLIC HEARING TO CONSIDER POSSIBLE ACTION REGARDING ZONING CODE AMENDMENT NO. 23-05 (ZCA-23-05) TO COMPLY WITH CALIFORNIA LAW REGARDING MEDICAL CANNABIS DELIVERY RETAILERS

It is recommended that the City Council consider:

- (1) Opening a public hearing and taking testimonial and documentary evidence;
- (2) After receiving verbal and written testimony, close the public hearing;
- (3) After discussing the evidence, adopt Urgency Ordinance No. _____ amending Monterey Park Municipal Code (“MPMC”) Chapter 6.35 (Commercial Cannabis Activities) and adding Chapters 6.36 (Medical Cannabis Delivery) and 21.27 (Cannabis-Related Uses); and
- (4) Introduce and waive first reading of an Ordinance amending MPMC Chapter 6.35 (Commercial Cannabis Activities) and adding Chapters 6.36 (Medical Cannabis Delivery) and 21.27 (Cannabis-Related Uses). Second reading and adoption would occur on January 17, 2024; and
- (5) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of this proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the “CEQA Guidelines”). No additional environmental review is required for this Ordinance pursuant to CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and §15061(b)(3). The proposed Ordinance is exempt from CEQA because it is a zoning text amendment which permits delivery of medical cannabis in the City’s commercial zone, which will not have a direct or reasonably foreseeable indirect physical change in the environment and does not qualify as a “project” under CEQA because it will not make physical changes to the environment. The proposed Ordinance is also exempt pursuant to CEQA Guidelines § 15301 and 15303 for activities that involve negligible or no expansion of use for existing facilities and for the conversion of existing small structure for another use. Finally, the proposed Ordinance is exempt from CEQA under the common sense exemption that it will not affect the environment.

4-C. AN ORDINANCE INCORPORATING BY REFERENCE CHAPTER 7.46 OF LOS ANGELES COUNTY CODE TITLE 7 – BUSINESS LICENSES INTO A NEW CHAPTER 5.90 OF THE MONTEREY PARK MUNICIPAL CODE (“MPMC”)

It is recommended that the City Council consider:

- (1) Introducing and waiving first reading, and continuing the scheduled public hearing from December 20, 2023 to January 17, 2024 (pursuant to Government Code § 50022.3) to adopt an Ordinance that would incorporate by reference Los Angeles County Code Title 7, Chapter 7.46 regarding the regulation of gun dealers within the City of Monterey Park (“City”); and
- (2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) in that it is not a “project” for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378. Specifically, this Ordinance constitutes creation of government regulations which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, this Ordinance is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment.

[5.] NEW BUSINESS – None.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

[7.] FUTURE AGENDA ITEMS

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

ADJOURN



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3A

TO: The Honorable Mayor and City Council
FROM: Maychelle Yee, City Clerk
SUBJECT: Minutes

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving the minutes from the special meetings of October 4, 2023 and November 1, 2023, and the regular meetings of October 4, 2023, October 18, 2023 and November 1, 2023 and;
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

A blue ink signature of Maychelle Yee, written in a cursive style.

Maychelle Yee
City Clerk

Prepared by:

A blue ink signature of Ruben Antonio Barbosa, written in a cursive style.

Ruben Antonio Barbosa
Senior Clerk Typist

Approved By:

A blue ink signature of Inez Alvarez, written in a cursive style.

Inez Alvarez
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
OCTOBER 4, 2023**

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, Wednesday, October 4, 2023, at 6:00 p.m.

CALL TO ORDER:

Mayor Sanchez called the meeting to order at 6:03 p.m.

ROLL CALL:

Interim City Manager Inez Alvarez called the roll:

Council Members Present: Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: Interim City Manager Inez Alvarez, Interim Assistant City Manager Diana Garcia, Director of Human Resources and Risk Management Christine Tomikawa

VIRTUALLY PRESENT: None

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

PUBLIC COMMUNICATIONS: None.

1. CLOSED SESSION

The City Council adjourned to Closed Session at 6:03 p.m.

**1-A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(GOVERNMENT CODE SEC. 54956.9(D)(1))**

Service Employees Int’l. Union Local 721 v. City of Monterey Park, PERB Case No. LA-CE-1600-M

Also Present: Kevin Chicas, representative of Liebert, Cassidy, and Whitmore

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: No reportable action taken in Closed Session.

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council members present. The meeting was adjourned at 6:25 p.m.

Action Taken: No reportable action taken in Closed Session.

Maychelle Yee
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
OCTOBER 4, 2023**

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, October 4, 2023, at 6:30 p.m.

CALL TO ORDER:

Mayor Sanchez called the meeting to order at 6:36 p.m.

FLAG SALUTE:

The Monterey Park Fire Explorers led the flag salute. Pledge of Allegiance presented by Civic Superstar Camilla Isabella Martinez

ROLL CALL:

City Clerk Maychelle Yee called the roll:

Council Members Present: Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Treasurer Amy Lee, Interim City Manager Inez Alvarez, City Attorney Karl Berger, Interim Assistant City Manager Diana Garcia, Interim City Librarian Kristin Olivarez, Director of Public Works Shawn Igoe, Director of Recreation and Community Services Robert Aguirre, Director of Finance Martha Garcia, Community Development Director Jessica Serrano, Director of Human Resources and Risk Manager Christine Tomikawa, Police Chief Scott Wiese, Fire Marshall Jessica Estrella, Fire Captain Jonathan Gin, Interim Planning Manager Beth Chow, Recreation Manager Christina Alatorre, Risk Management Manager Julie DeZiel, Fire Engineer David Goetz, Water Utility Manager Frank Heldman, Recreation Supervisor Orlando Muro, Code Compliance Officer Rey Lozano, Police Officer Michelle Contreras, Program Coordinator Alejandra Espinosa, Civic Spark Fellow Olivia Williams, Assistant Deputy City Clerk Helena Cho

VIRTUALLY PRESENT: None.

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.

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

Interim City Manager Alvarez requested Agenda Item No. 1A be heard before Staff Communication. City Attorney Berger announced no reportable actions taken in Closed Session from the Special City Council meeting held at 6:00 p.m.

PUBLIC COMMUNICATIONS

Heard after Agenda Item No. 1A.

- Nancy Arcuri expressed her objection to the Mayor's resolution to recognize Latina Equal Pay Day.
- Sarkis Antonian spoke about emissions and street repairs.

STAFF COMMUNICATIONS

- Fire Department: Fire Captain Gin talked about the Fire Department's hazard mitigation plan. He also highlighted the upcoming Great Shakeout on October 19. Fire Engineer David Goetz spoke about the partnership with Domino's Pizza to promote Fire Prevention Week 2023.
- Human Resources: Director of Human Resources and Risk Manager Christine Tomikawa introduced Risk Management Manager Julie DeZiel
- Library: Interim City Librarian Olivarez talked about their Star Parties presented by the Los Angeles Astronomical Society on October 4 and 11 at Garvey Ranch Park Observatory. She promoted the Free Legal Assistance Clinic at the Library Friends Room and the Teen Halloween Scream event as part of the Junior Friends Library program. She also spoke about the Cover-to-Cover club, where children ages 4-12 can earn a free In-n-Out burger for reading 5 books. She highlighted a new service at the library, the Scan and Save Memory Station, a free service where you can digitize photographs, slides, negatives, and documents. She also talked about the Parks Pack program, and how Library members can check out hiking equipment. Finally, she reminded the community about the library's updated hours and the upcoming Library Foundation Gala on October 13.
- Police Department: Chief Wiese introduced Police Officer Contreras to highlight the Pink Patch Campaign, a way to increase public awareness in the fight against breast cancer. Officer Contreras promoted the Pink Patch gear which includes t-shirts, patches, and coins. She also talked about the upcoming First Annual Pink Patch Car Show on October 7 at Barnes Park. Finally, Chief Wiese introduced two new employees to the Police Department: Police Officer Douglas Banowetz and Intern Samantha Cordova-Camacho. He also discussed the hiring and training process within the Department.

- Public Works: Director of Public Works Igoe started by introducing new Water Utility Manager Heldman. He then promoted the Community Clean-Up event on October 7 at George Elder Park. Finally, Director Igoe went over details regarding the purpose of traffic studies and provided an update on studies currently happening in the city and took brief questions from the Council.
- Recreation and Community Services: Director of Recreation and Community Services Aguirre thanked the community for coming out to the Hispanic Heritage Month events in September. He highlighted the upcoming October events like the Dia De Los Muertos Community Altar on display at the Langley Center from October 12 to November 2, and encouraged the community to submit photos of their loved ones that have passed to be included. He promoted the Electric Park music event on October 14, and Monster Mash on October 19 at Barnes Park. He also talked about the Free Monterey Park Health Fair on October 28 and the Horrifying Halloween Dance Party on October 31 at the Langley Center. Finally, he spoke about the Veterans Day event honoring all who served on November 11 at the American Legion Post 397.

1. PRESENTATION

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

1-A. AIR QUALITY UPDATES PRESENTATION BY SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (AQMD)

This Item was heard after Agenda Additions, Deletions, Changes, and Adoptions.

Michael Cacciotti, Vice-Chair of AQMD Governing Board, presented information on air quality and efforts to mitigate the effects on public health. He also promoted residential and commercial incentives to reduce pollution. Finally, he profiled Monterey Park's effort to make air quality a priority.

1-B. MONTEREY PARK COMMUNITY HEALING FUND UPDATE

This item was heard after Staff Communications.

City Treasurer Lee updated the Council on the current state of the fund, which is now at \$193,000. She also stated they have verified 33 individuals/organizations who are eligible to receive funding assistance and are awaiting verification on 10 additional. She also spoke about more openings for community organizations to apply for funding as well.

1-C. GOING GREEN SUSTAINABILITY PLAN UPDATE

Civic Spark Fellow Williams presented an updated timeline on the Monterey Park Sustainability Plan. She also answered questions regarding outreach and public review of the plan.

1-D. ZONING CODE UPDATES, OUTREACH AND ENGAGEMENT – “OUR CITY, OUR PLAN”

Interim Planning Manager Chow provided an update on the zoning code updates and outreach efforts that the Community Development Department has been working on. She detailed outreach efforts such as email and social media posts as well as incentivizing participation in public input, for example the workshop held at Bruggemeyer Library where residents were able to raise issues related to zoning, traffic, and safety.

2. OLD BUSINESS – None.

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

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

Action Taken: The City Council approved and adopted Agenda Item Nos. 3A – 3H on Consent Calendar, excluding Item Nos. 3C, 3D, 3E, 3G and 3I which were pulled for discussion, separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof. Mayor Pro Tem Wong reported a Conflict of Interest on Agenda Item Nos. 3I and 3J as his real property is within 500 feet of the project sites.

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	Wong – Item Nos. 3I and 3J

3-A. MINUTES

Approving the minutes from the regular meetings of July 5, 2023, and July 19, 2023 and the special meetings of July 5, 2023, and July 19, 2023.

Action Taken: The City Council approved the minutes from the regular meetings of July 5, 2023, and July 19, 2023, and the special meetings of July 5, 2023, and July 19, 2023, on Consent Calendar.

3-B. MONTHLY INVESTMENT REPORT – AUGUST 2023

As of August 31, 2023, invested funds for the City of Monterey Park total \$65,149,960.62.

Action Taken: The City Council Received and filed the monthly investment report, on Consent Calendar.

3-C. APPROVE FINALIZED PROPOSITION 218 BALLOTS FOR WATER AND SEWER RATES

On September 26, 2023, the City Council directed the City Manager, or designee, to implement the Proposition 218 protest ballot process (pursuant to City Council Resolution No. 11647) for proposed rate setting and set a Public Hearing date for December 6, 2023, to consider rate increases for water and sewer rates.

Discussion: Finance Director Garcia presented an addendum to the staff report, a cover letter to the Proposition 218 protest ballot. The notice would be sent out to residents summarizing what the proposition is, what will be funded if approved, and how residents can be heard. Council members inquired about shortening the informational URL or adding a QR code to make it easier for residents to access more detailed information on the proposition.

Action Taken: The City Council approved the finalized Proposition 218 Notice of Public Hearing ballot for water and sewer rate increases, as amended to include a cover letter with the Proposition 218 ballot and to create a shorter URL and/or QR code in the body of the letter.

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-D. CODE ENFORCEMENT OFFICER APPRECIATION WEEK RESOLUTION

The Monterey Park Division of Code Enforcement is celebrating the week of October 8th through October 14th, 2023, as Code Enforcement Officer Appreciation Week. This week, sponsored by the California Association of Code Enforcement Officer (CACEO), honors, and recognizes the Code Enforcement profession as an integral part of local government, celebrated throughout the State. We are enlisting your support in the form of a resolution to honor Code

Enforcement Officer Appreciation Week for providing support to the Council, departmental staff, other agencies, and residents of Monterey Park.

Action Taken: The City Council adopted Resolution No. 2023-R77 declaring the week of October 8 – October 14, 2023, as Code Enforcement Officer Appreciation Week in Monterey Park.

Motion: Moved by Council Member Ngo and seconded by Mayor Pro Tem Wong, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING OCTOBER 8 THROUGH OCTOBER 14, 2023, AS “CODE ENFORCEMENT OFFICER APPRECIATION WEEK”

3-E. 2023 BANNED BOOKS WEEK RESOLUTION

The Monterey Park Bruggemeyer Library is observing the week of October 1- 7, 2023 as Banned Books Week. Banned Books Week is observed nationwide annually in the fall to celebrate the freedom to read, highlight the value of free and open access to information and spotlight current and historical attempts to censor books in libraries and schools. The theme for Banned Books Week 2023 is “Let Freedom Read.” Libraries offer opportunities for everyone, regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status, to explore new worlds and become their best selves through access to information, technology, multimedia content, and educational programs.

Action Taken: The City Council Adopted Resolution No. 2023-R78 declaring the week of October 1- 7, 2023 as Banned Books Week in Monterey Park.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R78

A RESOLUTION DECLARING OCTOBER 1 – OCTOBER 7, 2023, AS BANNED BOOKS WEEK

3-F. APPROVING AMENDMENTS BETWEEN THE CITY AND THE MONTEREY PARK POLICE CAPTAINS' ASSOCIATION AND MONTEREY PARK POLICE OFFICERS' MID-MANAGEMENT ASSOCIATION MODIFYING MEMORANDUM OF UNDERSTANDING LANGUAGE FOR THE TERM OF JULY 1, 2023 TO JUNE 30, 2025

Representatives of the City of Monterey Park ("City") and the Monterey Park Police Captains' Association ("MPPCA") and the Monterey Park Police Officers' Mid-Management Association ("MPPOMMA") met and conferred to negotiate the terms and conditions for the amendment related to the 5% salary difference between a unit member and a highest paid subordinate. The prior Memorandum of Understanding ("MOU") language provided a higher percentage of salary difference than the intent of the MOU language.

Action Taken: The City Council authorized the Interim City Manager to execute Amendment between the City of Monterey Park and the Monterey Park Police Captains' Association ("MPPCA") and the Monterey Park Police Officers' Mid-Management Association ("MPPOMMA"), in a form approved by the City Attorney, on Consent Calendar.

3-G. AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CITY FABRICK IN A FORM APPROVED BY THE CITY ATTORNEY FOR PARKS SYSTEM MASTER PLAN SERVICES

The City of Monterey Park developed strategic plan goals for the 2023-24 Fiscal Year. These goals included addressing City Property/Facilities and providing Civic Engagement. The City has never conducted a comprehensive Parks System Master Plan. The master planning process will thoroughly evaluate parks and recreational facilities and encourage involvement from community members on their desired programs, services, and facility improvements. The Parks System Master Plan process will produce a long-term planning tool for the City and the Recreation & Community Services Department. The Plan will address facility conditions, identify best practices, address service gaps, and evaluate infrastructure improvements, operations, future services, and recommendations for funding sources.

Public Speaker:

- Brian Ulaszewski, Executive Director of City Fabrick, presented City Fabrick's mission and their goals for community improvement and took brief questions.

Action Taken: The City Council authorized the City Manager to execute a Professional Services Agreement with City Fabrick, in a form approved by the City Attorney, for Parks System Master Plan services for \$150,000 (+ a 5% contingency of \$7,500).

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-H. THIRD AMENDMENT TO AGREEMENT 2241-A WITH VALLEY MAINTENANCE CORP.

On May 19, 2021, City Council approved Agreement 2241-A with Valley Maintenance for custodial services at various City facilities. The City executed Amendment No. 1 to add downtown parking lot cleaning services and Amendment No. 2 to include services for City parks. It is recommended that City Council approve proposed Amendment No. 3 to augment custodial services for the Bruggemeyer Library. The current agreement includes custodial services at the Bruggemeyer Library for five days a week. Beginning September 11, 2023, the Library added Mondays as an additional full day of service increasing the library's service days to six days per week. As a result, it is recommended that custodial services be augmented to six days a week to cover all of the library's service days. Services for the additional day would include the same tasks performed during the existing cleaning schedule including cleaning and disinfecting surfaces, restrooms, break rooms, carpet cleaning, etc. The cost to add one more service day at this location is \$12,648.

Action Taken: The City Council authorized the Interim City Manager to execute Amendment No. 3 to Agreement 2241-A with Valley Maintenance Corp., in a form approved by the City Attorney, to add one additional service day for the Bruggemeyer Library in the amount of \$12,648 and approved an additional appropriation of \$30,000 to the Building Maintenance Fund (506) for janitorial services and supplies, on Consent Calendar.

3-I. 2023-24 STREET REHABILITATION AT VARIOUS LOCATIONS PROJECT – AWARD OF CONTRACT

Per Resolution No. 2022-R52, the Public Works Director solicited bids for the 2023-24 Street Rehabilitation at Various Locations project, Capital Improvement Project No. 96031. The public bid opening for the 2023-24 Street Rehabilitation at Various Locations. Project was held on September 21, 2023. Seven bids were

received: All American Asphalt, Onyx Paving Company, Hardy & Harper, Sequel Contractors, Toro Enterprises, Excel Paving, and Gentry Brothers. Staff recommends that the City Council authorize the Interim City Manager to execute a contract with All American Asphalt, the lowest responsible bidder, for the 2023-24 Street Rehabilitation at Various Locations. Project in the amount of \$1,625,000 plus 15% contingency.

CEQA (California Environmental Quality Act):

Since the proposed work is a minor alteration to an existing public facility, this project is Class 1 Categorically Exempt pursuant to the California Environmental Quality Act (CEQA).

Action Taken: Mayor Pro Tem Wong declared a potential conflict as his real property is located within 500 feet of the project site and left the dais and did not participate in discussion on this item. The City Council authorized the Interim City Manager to execute a public works contract, in a form approved by the City Attorney, with All American Asphalt of Corona, CA in the contract amount of \$1,625,000 for the 2023-24 Street Rehabilitation at Various Locations Project and authorized the Director of Public Works to approve change orders and contingency up to \$243,750, or 15% of the contract amount.

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	Wong

3-J. 2023-24 SLURRY SEAL AT VARIOUS LOCATIONS – AWARD OF CONTRACT

Pursuant to City Council Resolution 2022-R52, the Public Works Director solicited bids for Capital Improvement Project (“CIP”) No. 96030 and CIP 96041. The bid opening was held on September 21, 2023. Staff completed review of bids and recommends the contract be awarded to Onyx Paving Company, Inc. (“Onyx”), the lowest responsible bidder.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the Project under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”). CEQA Guidelines § 15304 (Minor Alterations to Land) exempts public alterations in the condition of land that do not involve removal of trees. This Project will not have a significant effect on the environment because the Project consists of pouring asphalt slurry over existing right of ways, patching

existing rights of ways that have deteriorated, and restoring pavement markings. Accordingly, this Project is exempt from further review pursuant to CEQA Guideline § 15304.

Action Taken: Mayor Pro Tem Wong declared a potential conflict as his real property is located within 500 feet of the project site and did not participate in discussion on this item. The City Council authorized the Interim City Manager to execute a public works contract, in a form approved by the City Attorney, with Onyx Paving Company Inc. in the contract amount of \$1,400,000 for 2023-2024 fiscal year for slurry seal at various locations and authorized the Director of Public Works to approve change orders and contingency up to \$210,000 of the contract amount, on Consent Calendar.

3-K. RECEIVE AND FILE STAFF REPORT SUMMARIZING THE STATUS OF EMERGENCY REPAIRS OF THE MONTEREY PASS ROAD WATER LINE

On August 17, 2022, the City Council adopted Resolution No. 2022-R69 authorizing the City Manager to take necessary measures for emergency repair of a water main line on Monterey Pass Road. Recurring water main leaks in several areas within Monterey Pass Road between the intersections of Vagabond Drive and Brightwood Street resulted in extensive infrastructure damage to the roadway and necessary water main pipe repairs to ensure continued water service to residences and businesses in the area.

The design phase was completed in December 2022 followed by research of available material and cost during the months of December and January to ensure the project could be expedited due to the significant material delivery delays. Construction started in March 2023 and is scheduled to be complete by December 2023.

Action Taken: The City Council received and filed the staff report summarizing the status of emergency repairs of the Monterey Pass Road water line, on Consent Calendar.

4. PUBLIC HEARING – None.

5. NEW BUSINESS – None.

6. CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION RECOGNIZING OCTOBER 5, 2023, AS LATINA EQUAL PAY DAY IN THE CITY OF MONTEREY PARK (REQUESTED BY MAYOR SANCHEZ)

Action Taken: The City Council adopted Resolution No. 2023-R79 recognizing October 5, 2023, as Latina Equal Pay Day in the City of Monterey Park.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R79

A RESOLUTION RECOGNIZING OCTOBER 5, 2023, AS LATINA EQUAL PAY DAY IN THE CITY OF MONTEREY PARK

6-B. A RESOLUTION RECOGNIZING THE MONTH OF OCTOBER 2023 AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF MONTEREY PARK (REQUESTED BY MAYOR SANCHEZ)

Action Taken: The City Council adopted Resolution No. 2023-R80, recognizing the month of October 2023 as Domestic Violence Awareness Month in the City of Monterey Park

Motion: Moved by Council Member Ngo and seconded by Mayor Sanchez, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No.

A RESOLUTION RECOGNIZING THE MONTH OF OCTOBER 2023 AS DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF MONTEREY PARK

CITY COUNCIL COMMUNICATIONS

Council Member Lo voiced his appreciation to the city for commemorating 9/11 Patriot Day event. He said that he attended the “Our City Our Plan” Town Hall meeting, participated in a Friendly Fred Walk in conjunction with the Farmers Market at Barnes Park on September 14, the Alhambra Education Foundation Gala on September 16 and the Bruggemeyer Library ribbon cutting for extended hours on September 18. Council Member Lo spoke about participating in the Asian Youth Center Gala on September 22 in San Gabriel and the Town Hall meeting he hosted at Garvey Ranch Park on September 27. Council Member Lo highlighted

the Chinatown Service Center Gala he attended on September 30 and the Naval Promotion Ceremony for Monterey Park resident Arthur C. Fong who was promoted to Navy Captain on October 1.

Council Member Yiu spoke about attending many of the same events along with Council Member Lo, such as the Asian Youth Center Gala, the Bruggemeyer Library hours ribbon cutting, and the Alhambra Education Foundation Gala. Council Member Yiu wished to highlight her attendance at the League of California Cities Annual Conference in Sacramento the week of September 22.

Council Member Ngo talked about attending the Bruggemeyer Library community workshop, along with other council members. Council Member Ngo spoke about attending the Alhambra Education Foundation Gala, the Bruggemeyer Library ribbon cutting, Chinatown Service Center Gala, the Naval Promotion Ceremony, and the Monterey Park Police Youth Activity Golf event.

Mayor Pro Tem Wong talked about attending the League of California Cities Annual Conference in Sacramento and the Southern California Association of Governments demographic summit where several issues regarding population growth were discussed. The Mayor Pro Tem Wong talked about future agenda items he would like to see introduced, including finding a method of tracking how the city spends funds on contracting with local, diverse small businesses and agenda items that would spur development in certain areas of the city that are vacant or underdeveloped.

Mayor Sanchez mentioned he also attended many of the same events as the rest of the council. Mayor Sanchez detailed his attendance at the California Contract Cities Association's 2023 Fall Education Summit September 8-10 and the Monterey Park Christian School recognition event along with Congresswoman Judy Chu on September 13. Mayor Sanchez also stated he attended the National Women's Caucus on September 18 in Alhambra which included Interim City Manager Inez Alvarez as a featured speaker, Council Member Lo's Town Hall meeting and visited Garvey Ranch Park Observatory. Mayor Sanchez spoke about attending the Chinatown Service Center Gala event as well as the Harvest of Hope fundraiser, which assists underserved communities on September 30. Mayor Sanchez talked about attending the Naval Promotion Ceremony for Monterey Park resident Arthur C Fong who was promoted to Navy Captain, as well as a birthday celebration for Monterey Park resident and veteran Seferino Rodriguez on October 1. Finally, Mayor Sanchez wished to promote the Library Foundation Gala event on October 13 and his Town Hall event on October 10.

7. FUTURE AGENDA ITEMS

8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)
None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:24 p.m.

Maychelle Yee
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
OCTOBER 18, 2023**

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, October 18, 2023, at 6:30 p.m.

CALL TO ORDER:

Mayor Sanchez called the meeting to order at 6:33 p.m.

FLAG SALUTE:

The Monterey Park Police Explorers led the flag salute. Pledge of Allegiance presented by Civic Superstar Bryan Kwok

ROLL CALL:

City Clerk Maychelle Yee called the roll:

Council Members Present: Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Treasurer Amy Lee, Interim City Manager Inez Alvarez, City Attorney Karl Berger, Interim Assistant City Manager Diana Garcia, Interim City Librarian Kristin Olivarez, Director of Public Works Shawn Igoe, Director of Recreation and Community Services Robert Aguirre, Director of Finance Martha Garcia, Community Development Director Jessica Serrano, Director of Human Resources and Risk Management Christine Tomikawa, Police Chief Scott Wiese, Fire Chief Matt Hallock, Economic Development Manager Joseph Torres, Fire Marshall Jessica Estrella, Recreation Manager Christina Alatorre, Water Utility Manager Frank Heldman, Finance Manager Laura Borjon, Public Works Administrative Manager Xochitl Tipan, Information Technology Manager Stanley Ardon, Police Officer Michelle Contreras, Engineering Manager Consultant Ziad Mazboudi, Deputy City Clerk Cindy Trang, Program Coordinator Alejandra Espinosa, Civic Spark Fellow Olivia Williams

VIRTUALLY PRESENT: None

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.

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

Interim City Manager Alvarez announced an additional staff communication from the City Manager's office.

PUBLIC COMMUNICATIONS

- Maychelle Yee, resident, brought up the inconsistency of the Spirit Bus line that services the area around her daughter's school. She also mentioned sewer issues in her neighborhood.
- City Clerk Yee received, filed, and read one written communication from Claire Simonich, Associate Director of the Vera Institute of Justice who requested the City Council's support on the implementation of the Superior Court's new bail policy, the Pre-Arrestment Release Protocols (PARP).

STAFF COMMUNICATIONS

- Fire Department: Fire Chief Hallock talked about the upcoming Great Shakeout on October 19. Fire Marshall Estrella talked about the success of the smoke detector promotion with Domino's Pizza for Fire Prevention Week 2023 and presented a video from the event.
- Public Works: Heard after Presentation Item No. 1-D.

Director of Public Works Igoe presented a PowerPoint presentation detailing street improvements over the past 5 years using bond measures and additional projects the Department will undertake. He also took brief questions and comments from the Council. Mayor Sanchez read an email he received from a longtime resident concerned about street improvement issues.

- Recreation and Community Services: Program Coordinator Espinosa thanked the community for coming out to the Electric Park event on October 14. She also talked about the upcoming Dia de los Muertos Community Altar at Langley Center from October 12 to November 2 and encouraged the community to bring photos of their loved ones for inclusion in the altar. She also reminded the community of the Monster Mash event on October 19, Monterey Park Health Fair on October 28, the Horrifying Halloween Dance Party on October 31, and the Veterans Day event on November 11.
- City Manager's Office: Interim Assistant City Manager Garcia shared the news of a Capital Improvement grant award for the Bruggemeyer Library in the amount of \$1.4 million from the California State Library. She thanked Assemblymember Mike Fong, the California State Library, and Monterey Park Public Works who also participated in the application process. Interim Assistant City Manager Garcia detailed the various projects the funding will go towards including elevator replacement to ensure accessibility, the addition of an emergency generator,

replacement of heating, ventilation, and air conditioning units, and exterior painting of the building with an energy efficient paint to help with cooling.

1. PRESENTATION

Heard after Fire Department Staff Communication.

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

1-A. SAN GABRIEL VALLEY MOSQUITO & VECTOR CONTROL DISTRICT

Joseph Leon, City representative on the Board of Trustees for the San Gabriel Valley Mosquito and Vector Control District introduced District Manager Jason Farned who presented an update on the mosquito threat and how it may be affecting the city. He also took brief questions from the Council. Interim City Manager Alvarez also noted that the GOMPK app has been updated to include a link regarding the mosquito issue.

1-B. 2023 SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (SGVCOG) UPDATE

Senior Management Analyst Mackenzie Bolger provided a presentation on the services and support that SGVCOG provides to the City of Monterey Park and surrounding areas. She also took brief questions from the Council.

1-C. LATINO RESTAURANT ASSOCIATION AND SOCAL GAS COMPANY – MIGROGRANT PRESENTATIONS

Economic Development Manager Torres provided some background on the Latino Restaurant Association and introduced its Chief Executive Officer Lilly Rocha and Southern California Gas Company Senior Public Affairs Manager Julia Emerson who presented financial grants for three local restaurants; Kokoro Japanese Restaurant represented by Michael Kim, Mee Do Ho Dumpling House represented by Quliong Gee, and Manduyo Korean Fusion Cuisine represented by Jenny Kim. Each restaurant also provided a sample menu.

1-D. YNEZ ELEMENTARY SCHOOL FOOD PANTRY - CERTIFICATE OF APPRECIATION TO TAMMY SCORCIA, ALHAMBRA USD TEACHER

Tammy Scorgia spoke about her efforts to start a food pantry for the surrounding community and the grant she was awarded from the University of California, Los Angeles which allowed her to initiate the food pantry since Alhambra Teachers Association had to discontinue their efforts. The Council presented her with a Certificate of Recognition.

RECESSED AND RECONVENED

The City Council recessed at 7:31 p.m. and reconvened with all council members present at 7:50 p.m.

2. OLD BUSINESS – None.

3. **CONSENT CALENDAR ITEMS NOS. 3A-3J**

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

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

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-A. **MINUTES**

Approving the minutes from the regular meetings of August 2, 2023, and August 16, 2023 and the special meetings of August 2, 2023, and August 16, 2023 and August 29, 2023.

Action Taken: The City Council approved the minutes from the regular meetings of August 2, 2023, and August 16, 2023, and the special meetings of August 2, 2023, and August 16, 2023 and August 29, 2023 on Consent Calendar.

3-B. **MONTHLY INVESTMENT REPORT – AUGUST 2023**

As of August 31, 2023, invested funds for the City of Monterey Park total \$65,149,960.62.

Action Taken: The City Council Received and filed the monthly investment report, on Consent Calendar.

3-C. PROFESSIONAL SERVICES AGREEMENT FOR INVESTMENT MANAGEMENT/ADVISORY SERVICES BY CHANDLER ASSET MANAGEMENT

Staff recommends that the City begin investing with Chandler Asset Management. The goal of external management is to maximize the return on investments within the portfolio, while minimizing risk of principal and prioritizing safety of principal and liquidity. Professional investment management of public funds is a best practice which provides substantial benefits to the City of Monterey Park. These benefits include day-to-day monitoring of investments within the portfolio, including daily analysis of available market yields; re-balancing of the portfolio's duration (average maturity) to take advantage of higher interest when available, daily credit monitoring of investment instruments, security selection and competitive shopping of investments to obtain the best execution of trades. Performance measurement against selected benchmarks and compliance will be monitored daily with the City's investment policy and Government Code and reported to the City as part of its monthly reporting package.

Discussion: Finance Director Garcia presented a PowerPoint presentation regarding the background of the staff recommendation and the additional research conducted by the Treasury Committee and took questions from Council Members. Mia Corral Brown, Regional Director for Chandler Asset Management was present and available for questions.

Action Taken: The City Council authorized the Interim City Manager to execute an agreement, in a form approved by the City Attorney with Chandler Asset Management to provide investment management/advisory services for a portion of the City's idle funds in compliance with the City's investment policy, prioritizing safety of principal, liquidity and return as amended to direct staff to perform an analysis and evaluation study annually.

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-D. VoIP TELECOMMUNICATIONS SERVICES AGREEMENT

The City of Monterey Park's current telephone system is obsolete and no longer supported. This hardware and software obsolescence requires the City to replace the current systems with new products.

The City posted a Request for Proposals (RFP) on the City's webpage and also emailed the RFP to eight known telecommunication services vendors. Two firms responded with a proposal. Following the evaluation of the two qualifying proposals, Intelesys was recommended to be awarded the contract. Intelesys was found to be fully qualified and able to provide timely and valuable services for the improvement of the City's antiquated telephone system.

Public Speakers:

- Aaron Betts, Operations Manager and David Garcia, Information Technology Director for VoIP Telecommunications were present to take questions.

Action Taken: The City Council authorized the Interim City Manager to execute an agreement, in a form approved by the City Attorney, with Intelesys for the City's Voice Over Internet Protocol (VoIP) Telecommunications services.

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-E. CONTINUE TO EXTEND THE EXISTENCE OF AN EMPLOYMENT EMERGENCY FOR THE CITY OF MONTEREY PARK

Since the July update, the City has filled a hard to fill Water Utility Manager, Human Resources and Risk Management Manager, Principal Management Analyst, Animal Services Officer, Program Coordinator, and 16 part-time staff. The City is still in the process of recruiting 20 full-time positions and 16 part-time classifications.

The City has utilized the employment emergency order to make significant efforts to fill key vacancies and retain current staff over the past 15 months. Staff recommends extending the employment emergency order until December 31, 2023 in anticipation of hiring 3 to 5 vacancies due to retirements in the Police and Fire Departments in December

Action Taken: The City Council received and filed the report; and continued to extend the existence of an employment emergency for the City of Monterey Park and authorized the Interim City Manager to take all practical actions needed to implement the efficient recruitment and retention of persons for employment, on Consent Calendar.

3-F. PUBLIC HEARING FOR CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA CONFIRMING THE 2023 ANNUAL REPORT AND THE LEVY OF ASSESSMENTS FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT NO. 1 FOR PROGRAM YEAR 2024

Business Improvement District No. 1 (BID) was established in 1986 in accordance with the Parking and Business improvement Area Law of 1989 (Streets and Highways Code §§ 36000-36004). The BID in the following discussion is business-based, meaning that an assessment is collected from businesses based upon fees rather than real property.

California law requires the BID to file an annual report with the City Clerk summarizing its activities and expenditures for the past year and proposing its budget for the upcoming year. The law also requires the BID assessments to be renewed annually after conducting a public hearing. The Advisory Committee to the BID requested that the City Council set a public hearing to consider the 2024 Levy of Assessment Fees. The BID Advisory Committee is not seeking an increase in assessments for the 2024 program year to help the businesses in the BID weather the financial burdens brought on by the COVID-19 pandemic and the current adverse economic conditions.

Annual revenue and expenditures may be found within the 2023 Annual Report contained in Attachment 2 of the staff report or at the City Clerk's office where it is available for viewing.

Action Taken: The City Council received and filed the 2023 BID Annual Report with the City Clerk and adopted Resolution No. 2023-R81 of Intent and setting the Public Hearing for November 15, 2023, for consideration of the 2024 BID assessments.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Ngo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R81:

A RESOLUTION DECLARING THE CITY OF MONTEREY PARK'S INTENT TO LEVY AND COLLECT ASSESSMENTS WITHIN BUSINESS IMPROVEMENT DISTRICT NO. 1 FOR PROGRAM YEAR 2024 AND SETTING A PUBLIC HEARING

3-G. CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT – FISCAL YEAR 2023-2024

The Monterey Park Police Department was notified of a tentative award of \$178,000 from OTS for the FY 2023-24 STEP grant. The police department will utilize the grant to continue its education and enforcement of traffic-related laws to reduce injury and fatal traffic collisions.

Action Taken: The City Council adopted Resolution No. 2023-R82 authorizing the Interim City Manager, or designee, to apply for, accept, and execute any documents, in a form approved by the City Attorney, with the California Office of Traffic Safety (OTS) in the amount of \$178,000 for the Selective Traffic Enforcement Program (STEP) Grant and if adopted, the Resolution would authorize the Interim City Manager, or designee, to receive and amend the FY 2023-2024 budget to allocate \$178,000 in grant funds, on Consent Calendar.

Resolution No. 2023-R82:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO RECEIVE AND APPROPRIATE GRANT FUNDS FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

3-H. CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT – FISCAL YEAR 2023-2024

The Monterey Park Police Department was notified of a tentative award of \$25,000 from OTS for the Pedestrian and Bicycle Safety Program Grant. The police department will utilize the grant to educate the community on pedestrian and bicycle safety to reduce injury and fatal traffic collisions.

Action Taken: The City Council adopted Resolution No. 2023-R83 authorizing the Interim City Manager, or designee, to apply for, accept, and execute any documents, in a form approved by the City Attorney, with the California Office of Traffic Safety (OTS) in the amount of \$25,000 for the Pedestrian and Bicycle Safety Program Grant and if adopted, the Resolution would authorize the Interim City Manager, or designee, to receive and amend the FY 2023-2024 budget to allocate \$25,000 in grant funds.

Motion: Moved by Council Member Ngo and seconded by Mayor Pro Tem Wong, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R83:

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO RECEIVE AND APPROPRIATE GRANT FUNDS FOR THE PEDESTRIAN AND BICYCLE SAFETY PROGRAM

3-I. RECEIVE AND FILE THE FIRE DEPARTMENT'S 2021-2022 ANNUAL REPORT

The 2021-2022 Fire Department ("Department") Annual Report provides an overview of the Fire Department's past operational year. The report highlights the Department's goals and accomplishments. Included in the report are some of the major accomplishments made by staff during the past year, highlighting the work performed by Department staff.

To ensure residents and community members are informed of the Department's accomplishments and efforts over the past year, the report is posted on the City's website, under Department's Operations page. The report will also be shared on the City's social media accounts as well.

Action Taken: The City Council received and filed the Fire Department's 2021-2022 Annual Report, on Consent Calendar.

3-J. PROPOSITION A DISCRETIONARY INCENTIVE GRANT PROGRAM MEMORANDUM OF UNDERSTANDING (MOU)

Each year, the City of Monterey Park voluntarily collects and reports data for the National Transit Database (NTD) to the Federal Transit Administration (FTA). The NTD data includes ridership and financial information for the City's fixed-route transit system, Spirit Bus, as well as the Dial-A-Ride program. In return, the Los Angeles County Metropolitan Transportation Authority (LACMTA) authorizes payment of Proposition A (Prop A) Discretionary Incentive funds to each participating agency in an amount equal to the Federal Funds generated for the region by each agency's reported data.

Action Taken: The City Council authorized the Interim City Manager to execute a Memorandum of Understanding, in a form approved by the City Attorney, with the Los Angeles County Metropolitan Transportation Authority to receive Proposition A Discretionary Incentive Grant program revenue in the amount of \$118,942 for FY 2023-2024 and appropriated anticipated revenue of \$118,942 to Prop A Fund 238, on Consent Calendar

4. PUBLIC HEARING – None.

5. NEW BUSINESS

5-A. RELEASE OF REQUEST FOR QUALIFICATIONS FOR RESIDENTIAL AND COMMERCIAL FRANCHISE AGREEMENTS

Staff requests City Council's authorization to release a Request for Qualifications ("RFQ") for new solid waste franchise agreements. The existing exclusive residential contract with Athens Services and non-exclusive commercial contract with Athens Services and Ware Disposal is set to expire on August 31, 2024. Per Monterey Park Municipal Code ("MPMC") 6.09, the City will seek to award new solid waste franchises on a competitive basis. The RFQ is the first step of a four-step process to solicit proposals and award contracts to qualified bidder(s).

Discussion: Public Works Director Igoe and Public Works Administrative Manager Tipan presented a PowerPoint presentation detailing the requirements for the City Council to utilize a competitive bid process for awarding solid waste franchises with the City and what steps are to be taken to select a new franchisee. Staff took questions from members of the City Council. It was mentioned that a revised Attachment 1, Request for Qualifications, to the staff report was provided to the Council and public.

Action Taken: The City Council authorized staff to release a Request for Qualifications for new City-wide residential and commercial solid waste franchise agreements.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

6. CITY COMMUNICATIONS (CITY COUNCIL)

Council Member Lo spoke about attending the Pink Patch Car show at Barnes Park on October 7, the Cambodian Ethnic Chinese Association Autumn Moon Festival on October 8 and the Bruggemeyer Library Foundation Gala on October 13. He spoke about joining other Council Members on October 13 alongside Assemblymember Mike Fong who presented a check for two million dollars in state funding for the reconstruction of Fire Station 63.

Council Member Yiu started out by thanking Assemblymember Mike Fong for presenting the state funding needed for the reconstruction of Fire Station 63 which she attended. Council Member Yiu talked about attending the Bruggemeyer Library Gala on October 13, and recognized the Police and Fire Departments who were honored at the Library Gala, for serving the City in what was a difficult year.

Council Member Ngo talked about attending the Pink Patch Car Show, a Pickleball event on October 7, the Ten-Ten Taiwan Independence day celebration hosted by the Chinese Consolidated Benevolent Association (CCBA) in Chinatown on the morning of October 8 and the Cambodian Ethnic Chinese Association Autumn Moon Festival later that evening. Council Member Ngo said he attended the Asian Americans Advancing Justice Southern California 40th Anniversary Gala at St. Vibiana and the U.S.-Vietnam General Chamber of Commerce 5-year anniversary celebration both on October 12. He mentioned his attendance at the Library Gala on October 13 and thanked first responders who were honored that night. Council Member Ngo talked about attending the Electric Park event on October 14 and mentioned hosting California Secretary of Government Operations Amy Tong and Executive Officer of the California Victims Compensation Board at the Resiliency Center at Sierra Vista Park earlier in the day for a tour of the facility. Finally, Council Member Ngo thanked Assemblyman Mike Fong for the state funding allocation and his advocating for the City in the past.

Mayor Pro Tem Wong talked about attending many of the same events with the other Council Members and thanked Assemblyman Mike Fong for the state funding. He mentioned attending the Library Foundation Gala on October 13, the Taiwan Independence day celebrations hosted by the Taiwan Benevolent Association on October 7 at Barnes Park and the Chinese Consolidated Benevolent Association (CCBA) in Chinatown on October 8. Mayor Pro Tem Wong used this time to request a status report on the issue of signage for City facilities in relation to the gun ordinances recently approved by the Council and asked staff to look into a Los Angeles County measure regarding human trafficking which mentioned the City of Monterey Park. Mayor Pro Tem Wong also asked staff to track city spending on contracts and consultants as to whether the city is spending on businesses that are diverse and local.

Mayor Sanchez stated that he attended the Community Clean-up event on October 7 and thanked the City's Facilities Division and Athens Services for their participation. He spoke about his presence at the Pink Patch Car Show and thanked the Police Department for organizing the event. Mayor Sanchez talked about hosting a townhall event on October 10 at Bella Vista Elementary School and thanked city staff, Police and Fire Department staff for participating. Mayor Sanchez also said he attended the Star Party at the Garvey Ranch Observatory hosted by the Library on October 11, the Library Foundation Gala on October 13, and the Electric Park event on October 14. Mayor Sanchez said he also participated in the presentation earlier in the day of the state funds and expressed his gratitude for Assemblymember Mike Fong's efforts.

Mayor Pro Tem Wong had an additional comment on attending the neighborhood watch program meeting earlier that afternoon and commended the Police Department and City staff for their efforts to restart the neighborhood watch program throughout the city and encouraged residents to participate.

7. FUTURE AGENDA ITEMS

Mayor Sanchez requested an item acknowledging Native American heritage month in November.

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

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:42 p.m.

Maychelle Yee
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
NOVEMBER 1, 2023**

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, Wednesday, November 1, 2023, at 5:30 p.m.

CALL TO ORDER:

Mayor Sanchez called the meeting to order at 5:37 p.m.

ROLL CALL:

Deputy City Clerk Cindy Trang called the roll:

Council Members Present: Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: Interim City Manager Inez Alvarez, City Attorney Karl Berger, Interim Assistant City Manager Diana Garcia, Director of Human Resources and Risk Management Christine Tomikawa

VIRTUALLY PRESENT: None

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

PUBLIC COMMUNICATIONS:

- Byron de Arakal, representing Terramar Retail Centers, LLC. appealed to the City Council not to move forward with legal action and instead try to work together for a solution to the issue involving the Atlantic Square property. City Clerk's office received and filed one written communication from Byron de Arakal.

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

[1.] OPEN SESSION

1-A. LETTER OF INTEREST ON BEHALF OF AT&T WIRELESS, (NEW CINGULAR WIRELESS, PCS, LLC.) PROPERTY ADDRESS: WATER TANK FACILITY (APN: 5254-002-900) AT&T SITE REFERENCE NO. CXL04089

Coastal Business Group, Inc. on behalf of AT&T Wireless, (New Cingular Wireless, PCS, LLC) identified a City owned water tank facility as a potential candidate for a wireless facility. Should the site be a viable option, the City could receive rent from a lease agreement with AT&T. Staff is recommending approval of the Letter of Interest.

CEQA (California Environmental Quality Act):

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 ("CEQA Guidelines") as a Class 1 categorical exemption (Existing Facilities). The Project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The Project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality.

Recommendation: It is recommended that the City Council consider: (1) Authorizing the Interim City Manager to execute a Letter of Interest on behalf of AT&T Wireless, (New Cingular Wireless, PCS, LLC.) Property Address: Water Tank Facility (APN: 5254-002-900) AT&T Site Reference No. CXL04089; and (2) Taking such additional, related, action that may be desirable.

Action Taken: By consensus, the City Council carried over this item to the November 1, 2023, 6:30 p.m. regular meeting.

[2.] CLOSED SESSION

The City Council adjourned to Closed Session at 5:43 p.m.

2-A. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (Gov't. Code § 54956.9(d)(4)). Number of potential cases: two. Potential defendants and properties listed below (not required by applicable law; voluntarily disclosed)

1. Atlantic Square, LLC, Terramar Retail Centers, LLC, and Does 1-25. 2000-2290 South Atlantic Boulevard.
2. Raymond & Cindy Chan Trust, et al., and Does 1-25. 795 West Garvey.

Agenda Item No. 2A-2 was heard first.

Discussion: Council Member Ngo declared a potential conflict of interest as his employer, Bank of America, has business relations with the developer and did not participate in discussion for Agenda Item No. 2A-1.

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:15 p.m.

Maychelle Yee
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
REGULAR MEETING
NOVEMBER 1, 2023**

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, November 1, 2023, at 6:30 p.m.

CALL TO ORDER:

Mayor Sanchez called the meeting to order at 6:32 p.m.

FLAG SALUTE:

The Monterey Park Police Explorers led the flag salute. Pledge of Allegiance presented by Civic Superstar Lucy Cardenas Melendrez

ROLL CALL:

City Clerk Maychelle Yee called the roll:

Council Members Present: Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong,
Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: Interim City Manager Inez Alvarez, City Attorney Karl Berger, Interim Assistant City Manager Diana Garcia, Interim City Librarian Kristin Olivarez, Director of Public Works Shawn Igoe, Director of Recreation and Community Services Robert Aguirre, Community Development Director Jessica Serrano, Director of Human Resources and Risk Management Christine Tomikawa, Police Chief Scott Wiese, Fire Chief Matt Hallock, Economic Development Manager Joseph Torres, Recreation Manager Christina Alatorre, Senior Librarian Cathleen Bowley, Recreation Supervisor Orlando Muro, Assistant Deputy City Clerk Helena Cho, Program Coordinator Shannon Rodriguez, Civic Spark Fellow Olivia Williams

VIRTUALLY PRESENT: Director of Finance Martha Garcia

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

Interim City Manager Alvarez requested to move up Agenda Item No. 6A after Public Communications and add Agenda Item No. 1A from the Special Meeting held at 5:30 P.M. to be heard along with the Consent Calendar items.

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.

PUBLIC COMMUNICATIONS

- Carol Sullivan and Bob Gin from the Monterey Park Library Foundation thanked everyone for a successful Library Foundation Gala. They conveyed how the funds raised from the Library Foundation Gala would be added to the efforts to purchase a vehicle and start a “Book-Mobile” to facilitate more community outreach. They invited the community to the Women’s Club Fashion Show scheduled for May 4, 2024.
- Randye Kay talked about the conditions at the intersection of Chandler and Hellman avenues. She detailed how a traffic study is underway, however she expressed that the current conditions are different from normal. She stated how construction has affected the normal flow of traffic and a brief school closure has not provided accurate information on traffic conditions. She also talked about her experience attending the Traffic Commission meeting on October 19 and had some recommendations to improve public involvement in those meetings.
- Nidal Oudeh expressed his dissatisfaction with his interaction with City government, including the City Manager’s office, Human Resources, and Police Departments.
- Albert Lu, San Gabriel Valley Municipal Water District, introduced himself as the new External Affairs Specialist. He highlighted the rebate programs offered to Monterey Park residents including household appliance and irrigation rebates. He spoke about their Community Grant Program which awards funding to non-profits and educators in the community toward Earth Day activities including a \$3,000 grant to the Bruggemeyer Library. He provided the community with more information which is available on their website SGVMWD.com.

1. PRESENTATION

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

Presentation Items were heard after Agenda Item No. 6-A

1-A. STATE SENATOR SUSAN RUBIO – LEGISLATIVE UPDATES

State Senator Susan Rubio presented a PowerPoint presentation sharing some of her accomplishments over the past 5 years representing Monterey Park and the San Gabriel Valley including funding for housing, education, workforce development, and child welfare. State Senator Rubio also detailed her efforts on funding higher education, oversight of the insurance industry, assisting victims of domestic violence, reducing gun violence, climate change and public transportation. The City Council thanked Senator Rubio for her commitment to Monterey Park. With the redistricting process, a new State Senate Representative will be elected to represent Monterey Park in the 2024 election.

1-B. EAST LOS ANGELES COLLEGE UPDATES

Michael Pascual, Vice-President of Administrative Services introduced the PowerPoint presentation detailing the accomplishments and new happenings on the campus of East Los Angeles College. Vice-President of Instruction Dr. Cristina Tafoya detailed the academic history of East Los Angeles College and its diversity. Vice-President of Student Services Dr. Miguel Duenas spoke about the various opportunities provided to students. Vice-President Pascual highlighted career path programs offered by the College and the Public Safety Academy which is a collaboration between the College and first responders that provide training toward state requirements. Dean of East Los Angeles College's South Gate Educational Center Erica Mayorga spoke about the continuing education opportunities. The City Council had an opportunity for questions.

1-C. CITY DEVELOPMENT UPDATES

Economic Development Manager Torres presented a PowerPoint presentation detailing the City's project development process and how the City approves projects. Economic Development Manager Torres provided updates on projects around the City and their various stages of development along with Community Development Director Jessica Serrano.

STAFF COMMUNICATIONS

Staff Communications was heard after Presentations.

- Community Development: Civic Spark Fellow Williams offered an update on the City's Sustainability Plan and the Going Green timeline and talked about two workshops available to the community to engage in discussion regarding the Sustainability Plan, virtually on November 6 at 6:00 p.m. and in-person on November 16 at 5:00 pm. She also took brief questions from the City Council.
- Library: Senior Librarian Bowley talked about the Junior Friendsgiving event taking place on November 3, the California Plants event hosted by Nature For All on November 4 and the continuing Free Legal Assistance Clinic every second Tuesday of the month in the Friends Room. She also highlighted Healthy Living for your Brain and Body on November 11, the Early Learning Resource Fair on November 18, and Mindful Coloring every Monday. Finally, Senior Librarian Bowley reminded the community of the Cover-to-Cover club reading competition from October 7 to November 18, the new Scan & Save Memory Station, and the Parks Pack which allows residents to check out outdoor equipment with their valid library card. She took brief questions from the City Council.
- Police Department: Chief Wiese provided an update on the Department's gun safety efforts starting with the Project Child Safe, a program of the National Shooting Sports Foundation which promotes firearms safety and education. Chief

Wiese reminded the community that the Police Department website provides information on firearms safety, firearms disposal, state firearms laws, how to recover impounded firearms and gun violence restraining orders. Finally, Chief Wiese provided information about private property signage in regard to firearms and took questions from the City Council. Interim City Manager Alvarez also provided some information regarding links on the City website to Los Angeles County resources about the process in obtaining gun violence restraining orders.

- Recreation and Community Services: Director Aguirre started out by introducing newly promoted Program Coordinator Shannon Rodriguez. Recreation Supervisor Muro thanked everyone who came out to contribute to the Dia de los Muertos Altar throughout the second half of October and extended to November 6 at the Langley Center and everyone who attended the Monster Mash on October 19 at Barnes Park. Supervisor Muro also thanked the community for participating in the Monterey Park Health Fair on October 28 and the Horrifying Halloween Dance Party on October 31. He reminded residents about the upcoming events in November and December such as the Veterans Day commemoration and the Monterey Park Pickleball Tournament on November 11. He also talked about the Langley Center Thanksgiving Luncheon on November 22, the Letters to Santa mailbox, Holiday Snow Village on December 7, Santa's Jolly Journey on December 16, and the Langley Center Holiday Luncheon on December 19. Director Aguirre provided some updates on three park projects currently underway; Barnes Park Amphitheater, Edison Trails, and Sequoia Park. He mentioned the City of Monterey Park candlelight vigil on January 21, 2024 and the 2024 Lunar New Year Festival on January 27 and 28. Director Aguirre also took questions from the City Council.

2. **OLD BUSINESS** – None.

3. **CONSENT CALENDAR ITEMS NOS. 3A-3F**

All items under the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion. Specific items may be removed from the Consent Calendar at the request of any member of the City Council for separate consideration.

Action Taken: The City Council approved and adopted Agenda Item Nos. 3A – 3F including the carried over Agenda Item No. 1A from the Special City Council meeting held at 5:30 p.m. on Consent Calendar, excluding Item Nos. 3A, 3D and 3E which were pulled for discussion, separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-A. CONSIDERATION TO REAPPOINT JOSEPH LEON TO THE SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT AS THE REPRESENTATIVE FOR THE CITY MONTEREY PARK

The City of Monterey Park is located within the boundaries of the San Gabriel Valley Mosquito and Vector Control District. The district is governed by a 27-member Board of Trustees, consisting of an appointed representative from each city plus the County of Los Angeles. The City Council has the authority to appoint an individual to serve as the Monterey Park representative on the Board of Trustees.

Action Taken: The City Council reappointed Joseph Leon as the City Representative on the San Gabriel Valley Mosquito and Vector Control District Board of Trustees for a term of two years.

Motion: Moved by Mayor Pro Tem Wong and seconded by Council Member Ngo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-B. PROFESSIONAL SERVICES AGREEMENT WITH FAIRBANK, MASLIN, MAULLIN, METZ AND ASSOCIATES TO CONDUCT PUBLIC OPINION RESEARCH

The City is requesting to enter into an agreement with FM3 to provide public opinion research. FM3's relevant experience conducting public opinion research has been instrumental in identifying the priorities of the residents of Monterey Park. The City is requesting the agreement to allow for public opinion research including two budget priority surveys. The term of the agreement is through July 31, 2024 for an amount not to exceed \$89,750.

Action Taken: The City Council authorized the Interim City Manager to execute an agreement with Fairbank, Maslin, Maullin, Metz and Associates (FM3) in a form approved by the City Attorney; to conduct public opinion research for an amount not to exceed \$89,750, on Consent Calendar.

3-C. PROFESSIONAL SERVICES AMENDMENT WITH GOVINVEST, INC., FOR LABOR COSTING MODULE SERVICES

GovInvest is currently providing a labor costing module which provides the City with the ability to provide employee salary projections by bargaining unit, track employee costs individually, measure total compensation and project anticipated staffing costs for the City budget. This First Amendment will extend the term of the Agreement by three years through June 30, 2027, and increase compensation by \$70,140 for an amount not to exceed \$89,640.

Action Taken: The City Council authorized the Interim City manager to execute an amendment with GovInvest, Inc. in a form approved by the City Attorney, for labor costing module services in an amount not to exceed \$89,640 and extend the term of the amendment through June 30, 2027, on Consent Calendar.

3-D. RESOLUTION DECLARING THE MONTH OF NOVEMBER 2023 AS “MOVEMBER” TO RAISE AWARENESS OF PROSTATE AND OTHER MALE CANCERS

The Movember Foundation is the leading global organization committed to changing the face of men’s health. The Movember community has raised \$1.1 billion to date and funded over 1,320 programs in 23 countries (<https://us.movember.com/>). This work is saving and improving lives of men affected by prostate cancer, testicular cancer, and funding mental health programs.

The Foundation challenges men to grow mustaches during Movember (formerly known as November), to spark conversation and raise vital funds for its men’s health programs.

Fire Chief Hallock spoke about the origins and purpose of the event and mentioned the fundraising effort of the Monterey Park Firefighters Association Relief Fund “Movember” t-shirts available November 7.

Action Taken: The City Council adopted Resolution 2023-R84 declaring the month of November as “Movember.”

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

Ayes:	Council Members:	Lo, Yiu, Ngo, Wong, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING THE MONTH OF NOVEMBER AS “MOVEMBER,” AN ANNUAL EVENT INVOLVING MEN GROWING MUSTACHES DURING THE MONTH TO RAISE AWARENESS OF PROSTATE CANCER AND OTHER MALE CANCER AND ASSOCIATED CHARITIES

3-E. NOTICE OF COMPLETION – VARIOUS CAPITAL IMPROVEMENT PROJECTS

Pursuant to City Council Resolution No. 11701, the Public Works Director is authorized to record a Notice of Completion for Capital Improvement Projects (CIP). The City recently completed CIP 96031 – Street Rehabilitation Project (Year 1), CIP 96030 – Slurry Seal Project (Year 2), CIP 96028 – Garfield Ave Traffic Signal Improvements (HSIP Cycle 9), CIP 96001 – N. Atlantic Blvd Sewer Main Upgrade, CIP 99009 – S. Chandler Sewer Main upgrade, CIP 99015 – Sewer Point Repairs, and CIP 96007- Sewer Pipe relining. Upon completion, the work was inspected and approved by the City Engineer. It is recommended that the City Council receive and file the Notice of Completions recorded by the Public Works Director for these projects.

Action Taken: The City Council (1) received and filed the Notice of Completion recorded by the Public Works Director on September 7, 2023 accepting various sewer projects completed by GRBCON, Inc; (2) received and filed the Notice of Completion recorded by the Public Works Director on October 5, 2023 accepting the Slurry Seal Project (Year 2) completed by Onyx Paving Company, Inc; (3) received and filed the Notice of Completion recorded by the Public Works Director on October 11, 2023 accepting the Street Rehabilitation at Various Locations Project (Year 1) completed by All American Asphalt, Inc.; and (4) received and filed the Notice of Completion recorded by the Public Works Director on October 11, 2023 accepting the Garfield Ave Traffic Signal Improvements project completed by PTM General Engineering Services, Inc.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

3-F. RECEIVE AND FILE STAFF REPORT SUMMARIZING THE STATUS OF EMERGENCY REPAIRS OF THE MONTEREY PASS ROAD WATER LINE

On August 17, 2022, City Council adopted Resolution No. 2022-R69 authorizing the City Manager to take necessary measures for emergency repair of a water main line on Monterey Pass Road. Recurring water main leaks in several areas within Monterey Pass Road between the intersections of Vagabond Drive and Brightwood Street resulted in extensive infrastructure damage to the roadway and necessary water main pipe repairs to ensure continued water service to residences and businesses in the area.

The design phase was completed in December 2022 followed by research of available material and cost during the months of December and January to ensure the project could be expedited due to the significant material delivery delays. Construction started in March 2023 and is scheduled to be complete by December 2023.

Action Taken: The City Council received and filed report summarizing the status of the emergency repairs of the Monterey Pass Road water line, on Consent Calendar

4. PUBLIC HEARING:

4-A. PREFERENTIAL PARKING DISTRICT: W. 1ST STREET FROM SHERBROOK AVENUE TO SCHOOLSIDE AVENUE

The City received a petition to add a new preferential parking district located at W. 1st street from Sherbrook Avenue to Schoolside Avenue to the City's existing permit parking areas. Staff investigated the proposed permit limits and the surrounding street parking conditions. It is recommended that City Council adopt a Resolution amending Resolution Nos. 10931, 11634 and 11744 to include W. 1st Street from Sherbrook Avenue to Schoolside Avenue among the preferential parking districts.

CEQA (California Environmental Quality Act):

The proposed action is exempt from the requirements of the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*: “CEQA”) and CEQA Guidelines (Cal. Code Regs. Title 14, §§ 15000, *et seq.*) in accordance with CEQA Guidelines § 15305 (Class 5 – Minor Alterations in Land Use Limitations). The project involves a negligible expansion of use; there is only a minor change in the operation of an existing use. The project would not result in significant effects related to traffic, noise, air quality, or water quality and it can be adequately served by all required utilities and public services.

Public Speaker:

- Dora L. De La Cruz completed a form requesting to speak on the item but was not present when item was introduced.

Discussion: Director Igoe presented a PowerPoint presentation giving an overview of preferential parking around the city and detailed the process of determining a preferential parking district while answering questions from the City Council.

Action Taken: The City Council opened the public hearing at 9:30 p.m. to receive testimonial and documentary evidence with no registered speakers, after closing the public hearing at 9:38 p.m. and considering the evidence, adopted Resolution No. 2023-R85 amending Resolution Nos. 10931, 11634, 11744 to include W. 1st Street from Sherbrook Avenue to Schoolside Avenue among the preferential parking districts.

Motion: Moved by Mayor Pro Tem Wong and seconded by Mayor Sanchez motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R85

A RESOLUTION AMENDING RESOLUTION NOS. 10931, 11634 AND 11744 REGARDING PREFERENTIAL PARKING AREAS WITHIN THE CITY WHERE PARKING PERMITS MAY BE USED IN ACCORDANCE WITH VEHICLE CODE §22507

5. NEW BUSINESS

5-A. AUTHORIZATION TO ISSUE LEGISLATIVE SUBPOENAS REGARDING THE POTENTIAL REVOCATION OF CONDITIONAL USE PERMIT NO. CU-89-004 (AS AMENDED AND MODIFIED) HELD BY ATLANTIC SQUARE, LLC.

On May 4, 2022, the City Council adopted Resolution No. 2022-R28 to establish procedures for issuing legislative subpoenas in accordance with California law. Legislative subpoenas to investigate matters being considered by the City Council.

During the past several years, it is apparent that property located at 2000-2290 South Atlantic Boulevard, generally known as the “Atlantic Square” property, is generally in a state of vacancy and disrepair. In addition to that condition likely constituting a public nuisance under Monterey Park Municipal Code (“MPMC”) Chapter 4.30, the failure to exercise the land use approvals granted via CUP No. CU-89-004 (as subsequently modified and amended; collectively, the “ATS CUP”) make it apparent that the City Council may wish to review and potentially revoke such land use entitlements.

To better understand why the Atlantic Square property is currently vacant, the City Attorney recommends that the City Council adopt a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas to various persons and corporations responsible for implementing the ATS CUP. Evidence gathered from such investigation will be presented to the City Council for consideration and potential action.

Public Speaker:

- Maychelle Yee, resident, spoke in opposition of the item and asked the City Council to take into consideration mitigating circumstances in relation to vacancies in the locations mentioned.
- Tom Kuehl, Chief Operating Officer for Terramar Retail Center (TRC), the owner of the Atlantic Square property presented the company’s goals and objectives for the property including increasing foot traffic and a collaboration with City staff to attract tenants.

Discussion: City Attorney Berger presented a PowerPoint presentation giving an overview of the property and how approval of the Item would allow for more understanding of what is occurring and what can be done to improve it. Council Members discussed the proposition of further meetings with TRC and City staff that may prevent legal action by finding workable solutions. Mayor Pro Tem Wong moved to table the Item to the next Council Meeting in order to get a more substantive response from TRC as to why there are vacancies and what their efforts have been to seek solutions.

Recommendation: It is recommended that the City Council consider (1) Adopting a Resolution authorizing the Mayor and City Clerk to issue legislative subpoenas for testimony and records related to the potential revocation of CUP No. CU-89-004 (as amended) that was originally approved via Resolution No. 9356, adopted August 29, 1989 (and subsequently modified/amended); and (2) Taking such additional, related action that may be desirable.

Action Taken: The City Council approved to table this item to the next regular City Council meeting.

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

Ayes:	Council Members:	Lo, Wong, Yiu
Noes:	Council Members:	Sanchez
Absent:	Council Members:	None
Abstain:	Council Members:	Ngo
Recusal:	Council Members:	None

5-B. DISCUSSION OF PENDING UPDATES TO THE MONTEREY PARK MUNICIPAL CODE

With changes in California law, and approval of the Land Use & Urban Design and Housing Elements of the General Plan, the City Council must consider a comprehensive list of changes to the MPMC. California law requires, among other things, that the General Plan and the zoning regulations in the MPMC be consistent. The Planning Commission considered the attached Code Update Schedule during its meeting on October 10, 2023 and recommended that the City Council approve that schedule.

Discussion: Community Development Director Serrano presented a PowerPoint presentation giving an overview of why updates to the Municipal Code are necessary due to changes in California law, and General Plan amendments such as voter approved land use element in 2020 and City Council approval of Housing Element update in 2022. Director Serrano spoke about how the “Our City, Our Plan” initiative would include regulation updates and zoning changes and took questions from the City Council.

Action Taken: The City Council reviewed and approved the schedule for processing proposed updates to the Monterey Park Municipal Code (“MPMC”) as outlined in the attached “Code Update Schedule” to the staff report.

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

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

6. CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION RECOGNIZING THE MONTH OF NOVEMBER 2023 AS NATIVE AMERICAN HERITAGE MONTH IN THE CITY OF MONTEREY PARK (Requested by Mayor Sanchez)

This Item was heard after Public Communication

Public Speakers:

- Ellen Morales Recalde and Mona Morales Recalde spoke about the importance of tribal awareness and recognition and thanked Mayor Sanchez, the City Council and City staff for putting forth the resolution.

Action Taken: The City Council adopted Resolution No. 2023-R86 recognizing the month of November 2023 as Native American Heritage Month in the City of Monterey Park.

Motion: Moved by Mayor Sanchez and seconded by Council Member Ngo, motion carried by the following vote:

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R86

A RESOLUTION RECOGNIZING THE MONTH OF NOVEMBER 2023 AS NATIVE AMERICAN HERITAGE MONTH IN THE CITY OF MONTEREY PARK

6-B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING NOVEMBER 12 THROUGH NOVEMBER 18, 2023 AS LA VS. HATE UNITED AGAINST HATE WEEK (Requested by Mayor Sanchez)

Action Taken: The City Council adopted Resolution No. 2023-R87 recognizing the month of November 2023 as Native American Heritage Month in the City of Monterey Park.

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

Ayes:	Council Members:	Lo, Wong, Yiu, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Resolution No. 2023-R87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING NOVEMBER 12 THROUGH NOVEMBER 18, 2023 AS LA VS. HATE UNITED AGAINST HATE WEEK

CITY COUNCIL COMMUNICATIONS

Council Member Lo spoke about attending the Latino Restaurant Association Mixer on October 21. Council Member Lo talked about the recent mass casualty event that occurred in Maine, thanked the members of the City Council for contributing to a statement on the incident and cited his personal connection to the area having attended college in Maine. Council Member Lo requested a moment for the victims of the incident at adjournment.

Council Member Yiu talked about attending the appreciation lunch hosted by Dr. Ed Wong in honor of Police, Fire, and City staff. Council Member Yiu said she attended the Enping Association of Southern California 113-year Anniversary Celebration on October 29, the ground-breaking ceremony at Whitmore Villa, a new condominium development in Monterey Park and the USC Alfred E. Mann School of Pharmacy and Pharmaceutical Science's Student Alliance Legislative Day as a guest speaker on October 27.

Council Member Ngo talked about attending the San Gabriel Valley Mayor's Forum on October 25 at the Marriott Hotel in Monterey Park, the Los Angeles Morality Lions Club 5 year Anniversary Gala in Alhambra on October 29, and the Whitmore Villa ground-breaking. Council Member Ngo also attended the appreciation lunch earlier that day hosted by Dr. Ed Wong.

Mayor Pro Tem Wong talked about attending many of the same events with the other Council Members in addition to the Boys & Girls Club of West San Gabriel Valley's celebration of their Executive Director's 10th anniversary and the El Camino District Boy Scouts Dinner on October 20. Mayor Pro Tem Wong thanked the community for participation in his latest Town Hall on October 24. He also

mentioned he attended the San Gabriel Valley Mayor's Forum on October 25, the Monterey Highlands PTA Spooky Bash fundraiser on October 27, Whitmore Villa ground-breaking, the Alhambra Pumpkin Run which raises funds for the Alhambra Educational Foundation, on October 29.

Mayor Sanchez said he attended the Monster Mash event at Barnes Park on October 19 and Movie Night at Brightwood Elementary School on October 20. Mayor Sanchez expressed his appreciation to Recreation and Community Services, Police, Fire, and Bruggemeyer Library for assisting in hosting the Alhambra School District Academic Decathlon Retreat on October 20 and 21. The Mayor mentioned visiting the Dia de los Muertos Altars at the Langley Center on October 24, the Spooky Bash at Monterey Highlands on October 27, the Happy Day School Halloween Celebration on October 28, the Health Fair at the Langley Center, and mentioned how he and his family celebrated Halloween by giving out candy in the neighborhood.

7. FUTURE AGENDA ITEMS

Mayor Pro Tem Wong mentioned his anticipation of the City's concealed weapon signage and proposed that the Police Department explore a giveaway to businesses who want to post signage. Mayor Pro Tem Wong also directed staff to research self-storage businesses in the City and what, if any benefit they would provide to the community as opposed to preserving areas for more commercially viable opportunities and proposed staff explore artificial intelligence (AI) tools for council minutes to save staff time.

Mayor Sanchez requested an update on the Victims Fund from staff, more dialogue with East Los Angeles College regarding a possible campus tour and wished Council Member Yiu a happy birthday.

8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE) None.

ADJOURNMENT

There being no further business for consideration, Mayor Sanchez adjourned the meeting at 10:40 p.m. in memory of the victims of the Maine mass shooting, Tricia C. Asselin, Peyton Brewer-Ross, William Frank Brackett, Thomas Ryan Conrad, Michael R. Deslauriers II, Maxx A. Hathaway, Bryan M. MacFarlane, Keith D. Macneir, Ronald G. Morin, Joshua A. Seal, Arthur Fred Strout, Stephen M. Vozzella, Lucille M. Violette, Robert E. Violette, Joseph Lawrence Walker, William A. Young, and Aaron Young.

Maychelle Yee
City Clerk



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council
FROM: Amy Lee, City Treasurer
SUBJECT: Monthly Investment Report – November 2023

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 November 30, 2023, invested funds for the City of Monterey Park total \$57,446,114.52.

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 and 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:

A handwritten signature in blue ink, appearing to be "Amy Lee", written over a horizontal line.

Amy Lee
City Treasurer

Prepared by:

A handwritten signature in blue ink, appearing to be "Martha Garcia", written over a horizontal line.

Martha Garcia
Finance Director

Approved by:

A handwritten signature in blue ink, appearing to be "Inez Alvarez", written over a horizontal line.

Inez Alvarez
City Manager

ATTACHMENT:

1. Monthly Investment Report

ATTACHMENT 1

Monthly Investment Report

**CITY OF MONTEREY PARK
INVESTMENT REPORT
NOVEMBER 30, 2023**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 11/30/2023

\$ 57,446,114.52

INVESTMENT COMPOSITION

(1) <u>LA COUNTY POOLED INVESTMENT FUND</u> (See Schedule A for LA County Pool Composition)	ON DEMAND	3.880%	<u>\$ 44,453,010.93</u>
(2) <u>LOCAL AGENCY INVESTMENT FUND</u>	ON DEMAND	3.670%	<u>\$ 5,148,103.59</u>

(3) <u>CERTIFICATES OF DEPOSIT</u>	Purchase Date	Maturity Date	Interest Rate	
1 SALLIE MAE BANK	08/11/21	08/12/24	0.70%	245,000
2 TOYOTA FINANCIAL SAVINGS BANK	09/16/21	09/16/24	0.65%	245,000
3 SYNCHRONY BANK	09/17/21	09/17/24	0.65%	245,000
4 UBS BANK USA	09/22/21	09/23/24	0.65%	245,000
5 STATE BANK OF INDIA	10/18/21	10/18/24	0.70%	245,000
6 MEDALLION BANK UTAH	01/28/22	01/28/25	1.25%	245,000
7 PENTAGON FEDERAL UNION	01/31/22	01/31/25	1.25%	245,000
8 BEAL BANK	02/02/22	01/29/25	1.15%	245,000
9 VALLIANCE BANK	03/18/22	03/18/25	1.40%	245,000
10 STATE BANK OF TEXAS	03/25/22	03/25/25	1.45%	245,000
11 FIRST FED SAVINGS & LOAN	03/30/22	03/31/25	2.00%	245,000
12 LAFAYETTE FEDERAL CREDIT UNION	03/30/22	03/31/25	2.20%	245,000
13 ALLY BANK	03/31/22	03/28/24	1.95%	245,000
14 COMENITY CAPITAL BANK	04/14/22	04/14/25	2.55%	245,000
15 AMERICU CREDIT UNION	04/21/22	04/21/25	2.30%	245,000
16 BALBOA THRIFT & LOAN	04/29/22	04/29/25	2.00%	245,000
17 CONNEXUS CREDIT UNION	05/26/22	05/28/24	2.65%	245,000
18 METRO CREDIT UNION	07/13/22	07/12/24	3.20%	245,000
19 FIRST TECHNOLOGY CREDIT UNION	08/05/22	08/05/24	3.25%	245,000
20 AUSTIN TELCO FEDERAL CREDIT UNION	12/16/22	12/16/24	5.00%	245,000
21 GREENWOOD MUNICIPAL FED CREDIT UNIK	01/27/23	01/27/25	4.80%	245,000
22 RAIZ CREDIT UNION	01/27/23	01/27/25	4.75%	245,000
23 WORKERS	01/27/23	01/27/25	4.70%	245,000
24 MANUF & TRADERS TRUST CO	01/31/23	01/31/26	4.25%	245,000
25 ALPINE BANK	01/31/23	01/31/25	4.55%	245,000
26 TECHNOLOGY FCU	02/10/23	02/24/25	5.00%	245,000
27 RED CROWN FCU	02/14/23	02/21/25	4.85%	245,000
28 UFIRST FEDERAL CREDIT UNION	02/15/23	02/25/25	4.85%	245,000
29 SEA COMM FEDERAL CREDIT UNION	02/23/23	03/03/25	4.90%	245,000
30 GLOBAL CREDIT UNION	05/02/23	05/12/25	4.85%	245,000
31 WESTERN ALLIANCE BANK	05/02/23	05/05/25	4.85%	245,000
32 PREFERRED BANK	09/03/23	09/03/24	4.16%	100,000
33 PREFERRED BANK	09/08/23	09/08/24	4.16%	150,000
<i>Total CDs (33)</i>			3.254%	<u>\$ 7,845,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾

\$10,069,025.06

AVERAGE MATURITY DAYS

58

AVERAGE INTEREST RATE FOR THE MONTH

3.658%

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.

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.



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Finance
SUBJECT: Second reading and adoption of ordinances increasing the amount of water and wastewater (sewer) rates and charges

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving second reading and adopting the proposed Ordinance No. ##### – Increasing the amount of Water Rates and Charges;
2. Waiving second reading and adopting the proposed Ordinance No. ##### – Increasing the amount of Wastewater Rates and Charges; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The first reading and public hearing occurred on December 6, 2023. The ordinances are now ready for second reading and adoption by the City Council.

BACKGROUND:

At the meeting on December 6, 2023, the City Council reviewed options for setting/increasing water, and wastewater (sewer) rates for a five-year period commencing on February 1, 2024.

Before the December 6, 2023 Council Meeting the City sent out public notices and protest ballots to all property owners in the City as well as to rate payers for water and wastewater services. As is detailed in the September 26, 2023, and December 6, 2023, staff reports, unless the City received a majority protest the City could proceed to increase the rates for these services. On December 6, 2023, the City Council determined that the City received, at most, 937 protest ballots which represented (at most) a 5% protest. This is well below the majority threshold requirement. This procedure was approved by the California electorate as part of Proposition 218 which amended the California Constitution to include this majority protest process for increasing water and wastewater (sewer) services.

At the December 6 meeting the Council introduced Ordinances that set a “cap rate” on water and wastewater (Sewer) increases at 32%, 8%, 8%, 7%, 8% for the five-year period from FY 2023-24 through FY 2027-28. However, at a later date, should Council approve the financing of water facilities and improvements, rates may be considered at a 26%, 8%, 8%, 7% 7% from FY 2023-24 to FY 2027-28. Should the City Council seek to allow rates to change to the lower cap rate, the City Council would need to hold a public hearing and adopt an ordinance allowing for such adjustment. A Public Notice will need to be published in the

Monterey Park Press announcing the public hearing. Note that rates would not become effective until 30 days after the adjusted ordinances were adopted.

Illustrations below show what new water and sewer charges will look like compared to current rates.

Single Family Residential Combined Monthly Bill Impact

	Current	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
Assumptions						
Meter Size	3/4" meter	3/4" meter				
Water Consumption	10 hcf	10 hcf				
Water						
Fixed Service Charge	\$19.20	\$27.18	\$29.36	\$31.71	\$33.93	\$36.64
Consumption Charge	\$21.76	\$34.15	\$36.88	\$39.83	\$42.62	\$46.03
37.5% Surcharge	\$15.36	n/a	n/a	n/a	n/a	n/a
Total	\$56.32	\$61.33	\$66.24	\$71.54	\$76.55	\$82.67
Increase/(Decrease)		\$5.01	\$4.91	\$5.30	\$5.01	\$6.12
Sewer						
Charge per account	\$10.17	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
Total	\$10.17	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
Increase/(Decrease)		\$5.54	\$4.71	\$2.04	\$2.25	\$0.99
Total Monthly Bill	\$66.49	\$77.04	\$86.66	\$94.00	\$101.25	\$108.37
Increase/(Decrease)		\$10.55	\$9.62	\$7.34	\$7.25	\$7.11

Multi-Family Residential Combined Monthly Bill Impact

	Current	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
Assumptions						
Meter Size	2" meter	2" meter				
Water Consumption	90 hcf	90 hcf				
Dwelling Units (DU)	10	10				
Water						
Fixed Service Charge	\$42.15	\$118.52	\$128.00	\$138.24	\$147.91	\$159.75
Consumption Charge	\$215.10	\$382.31	\$412.90	\$445.93	\$477.14	\$515.31
37.5% Surcharge	\$96.47	n/a	n/a	n/a	n/a	n/a
Total	\$353.72	\$500.83	\$540.89	\$584.16	\$625.06	\$675.06
Increase/(Decrease)		\$147.11	\$40.07	\$43.27	\$40.89	\$50.00
Sewer						
Charge per account	\$161.22	\$157.08	\$204.20	\$224.62	\$247.09	\$256.97
Total	\$161.22	\$157.08	\$204.20	\$224.62	\$247.09	\$256.97
Increase/(Decrease)		(\$4.14)	\$47.12	\$20.42	\$22.46	\$9.88
Total Monthly Bill	\$514.94	\$657.91	\$745.10	\$808.79	\$872.14	\$932.03
Total Increase/(Decrease)		\$142.97	\$87.19	\$63.69	\$63.35	\$59.89
Increase/Decrease per DU		\$14.30	\$8.72	\$6.37	\$6.34	\$5.99

Commercial and Institutional Combined Monthly Bill Impact

	Current	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
Assumptions						
Meter Size	1" meter	1" meter				
Water Consumption	53 hcf	53 hcf				
Sewered Flow	53	53				
Water						
Fixed Service Charge	\$20.75	\$41.23	\$44.53	\$48.10	\$51.46	\$55.58
Consumption Charge	\$126.67	\$225.14	\$243.15	\$262.60	\$280.98	\$303.46
37.5% Surcharge	\$55.28	n/a	n/a	n/a	n/a	n/a
Total	\$202.70	\$266.37	\$287.68	\$310.70	\$332.45	\$359.04
Increase/(Decrease)		\$63.67	\$21.31	\$23.01	\$21.75	\$26.60
Sewer						
Charge per account	\$40.68	\$45.61	\$59.30	\$65.23	\$71.75	\$74.62
Total	\$40.68	\$45.61	\$59.30	\$65.23	\$71.75	\$74.62
Increase/(Decrease)		\$4.93	\$13.68	\$5.93	\$6.52	\$2.87
Total Monthly Bill	\$243.38	\$311.98	\$346.98	\$375.92	\$404.19	\$433.66
Total Increase/(Decrease)		\$68.60	\$34.99	\$28.94	\$28.27	\$29.47

The ordinances introduced at the last City Council meeting must be adopted by four affirmative votes. California law requires that the City Council re-introduce any ordinance that is substantively changed from the time it was introduced.

FISCAL IMPACT:

Within the water fund, the proposed rate increase will generate approximately \$30.1 million in additional water rate revenue over the five-year planning period. The proposed wastewater (sewer) rate increases will generate approximately \$14.5 million in additional rate revenue over the five-year planning period. These additional revenues provide adequate funds to support increased water and sewer operating and capital expenses.

Respectfully submitted by:



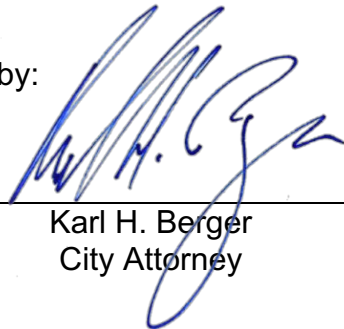
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. Staff Report from December 6, 2023 Meeting (without attachments)
2. Ordinance No. ##### – Setting the amount of Water Rates and Charges
3. Ordinance No. ##### – Setting the amount of Wastewater (Sewer) Rates and Charges

ATTACHMENT 1
Staff Report from December 6, 2023 Meeting
(without attachments)



City Council Staff Report

DATE: December 6, 2023

AGENDA ITEM NO: Public Hearing - 4A

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Finance
SUBJECT: Consideration and Possible Action to adopt ordinances establishing Water and Wastewater (Sewer) Rates

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening the public hearing;
2. Receiving all written and verbal testimony regarding the proposed rate increases;
3. Determining whether there is a majority protest against the proposed rate increases;
4. If no majority protest exists, that the City Council introduce and waive first reading of Ordinance No. _____ – Setting the amount of Water Rates and Charges (Attachment 1);
5. If no majority protest exists, that the City Council introduce and waive first reading of Ordinance No. _____ – Setting the amount of Wastewater (Sewer) Rates and Charges (Attachment 2); and
6. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On July 16, 2014, the City Council adopted Ordinance Nos. 2109 and 2110 adjusting the rates for water and sewer, respectively. These Ordinances included a 10% to 15% increase in rates for a five-year period beginning September 2014. The Ordinances also included an automatic reversal of utility rate charges effective August 2019 back to utility charges existing in August of 2017. Since that time, several factors have changed: declines in water usage resulting from increased efficiency and an increase in operating costs due to inflation. A new comprehensive rate study was desirable.

On June 16, 2021, the Council authorized the City Manager to execute an agreement with HF&H Consultants, LLC (HF&H) for a Utility Rate Fees Study (the Study). The last comprehensive study on the water, wastewater, and refuse rates occurred in 2014.

HF&H has worked with City staff to develop comprehensive rate analyses for the water and wastewater (sewer) enterprises with recommendations that ensure the rates charged are fair and equitable to the City's users and can adequately fund the City's operations of these services.

BACKGROUND:

Proposition 218 Process

Pursuant to Article XIII D, Section 6 of the California Constitution (added by voters via Proposition 218), before imposing new or increasing existing property-related rates for water, wastewater, or solid waste, the City must provide notice by mail of a public hearing for considering such rates. The notice must be provided at least 45 days before the date of the public hearing on the proposed fees.

In 2014, the City Council adopted Resolution No. 11647 establishing procedures for increasing maximum rates for property-related fees in accordance with the requirements of Proposition 218. These procedures require the City Council to approve the Proposition 218 Notice, which contains the proposed monthly rates for residential and commercial water and wastewater services; and the date upon which the rates would become effective if approved. On October 4, 2023, City Council approved the Proposition 218 Notice for the proposed water and sewer rates.

On October 16, 2023, the Proposition 218 Notices were mailed via United States Postal Services to the address of each parcel number in Monterey Park as well as to the owner's address of each parcel in Monterey Park and tenants residing in Monterey Park. The Proposition 218 Notices provided notice of the December 6, 2023, public hearing date; included proposed rates; disclosed that if the proposed rates are approved, they will take effect on January 1, 2024; and contained the official ballot for property owners or authorized representatives wishing to protest the proposed Rates. Notices were mailed out in English, Spanish, and Chinese.

In addition to mailing Proposition 218 notices, a Public Notice was published in the Monterey Park Press on November 13, 2023. Note that, notwithstanding the notices, rates would not become effective until 30 days after the proposed ordinances were adopted. Assuming an adoption date of December 20, 2023, the effective date of the rates would be January 19, 2024; the new rates would be present in invoices sent February 1, 2024.

Out of the 17,492 parcels in Monterey Park 8,747 valid protests are needed to stop the rate increase by the voters. At the time of writing this staff report, the City Clerk's office received fewer than 700 documents regarding this item. Based upon this response, it is recommended that the City Council find that fewer than 8,747 protests were submitted without the need for further validation by the City Clerk.

Section 8(C)(6) of Resolution No. 11647 requires that water and wastewater rates be adopted by ordinance (pursuant to Health and Safety Code § 5471). Accordingly, it is recommended that the City Council introduce and waive first reading of the ordinances setting the amount of water, and wastewater rates. Second reading and adoption would occur on December 20, 2023; Health and Safety Code § 5471 requires a 2/3 majority (i.e., 4 out of 5) vote to adopt the ordinances.

Proposed Water Rates

Monterey Park's current water rates are those in effect for August 2017. Customers are charged a monthly water meter charge based on meter size and a water consumption charge based on actual water usage. Single family residential customers have a three-tier structure and all other customer classes pay a uniform charge. Additionally, all customers pay a 37.5% treatment surcharge that is applied to both the meter charge and consumption charge. This rate structure generates approximately 34% of the Water Enterprise's revenue from the monthly meter charge. HF&H developed a 10-year financial plan for the Water Enterprise, performed a cost-of-service analysis, and designed rates in compliance with Proposition 218.

The financial analysis made the following findings:

- The revenue generated from current rates are inadequate to pay for current and ongoing operations of the water system.
- Operating costs will increase approximately 3.0% each year.
- Capital costs average \$6.2 million per year through FY 2027-28.
- The Water Enterprise pays approximately \$916,967 per year in annual debt service.
- The Water Enterprise has borrowed \$4 million from San Gabriel Valley Water at 0% interest for a ten-year payment term.
- Annual revenue needs to increase to pay for ongoing operations, an aggressive capital program, and additional debt service.

The cost-of-service and rate design analysis support adjusting the water rate structure as follows:

- Residential tier breakpoints should be adjusted with actual customer demand patterns.
- Monthly meter charge should be adjusted to align with the rated capacities of each meter size using recommendations from the American Water Works Association.
- The 37.5% treatment surcharge should be absorbed by the monthly meter charge and consumption charges.
- Financing \$20 million in projects allows rate increases to be set at 26%, 8%, 8%, 7%, 7% instead of the proposed higher rate increases of 32%, 8%, 8%, 7%, 8%
- Approximately 23% of the Water Enterprise's revenue should be generated from the fixed monthly meter charge to maintain revenue stability.

The proposed revenue increases affect each customer and customer class differently. For example, the single-family residential consumption tier 3 rate is increasing due to costs being allocated to customers that cause the system-wide peak use. High water use residential customers will have their bills increase disproportionately to low and average residential customers.

Current and proposed water rates assuming a \$20 million water bond

Monthly Service Charges						
Meter Size	FY 2022-23 Current Rates	FY 2023-24 1/1/2024	FY 2024-25 7/1/2024	FY 2025-26 7/1/2025	FY 2026-27 7/1/2026	FY 2027-28 7/1/2027
5/8" meters	\$26.40	\$19.18	\$20.71	\$22.37	\$23.93	\$25.61
3/4" meters	\$26.40	\$25.88	\$27.95	\$30.18	\$32.30	\$34.56
1" meters	\$28.53	\$39.28	\$42.43	\$45.82	\$49.03	\$52.46
1 1/2" meters	\$44.96	\$72.79	\$78.62	\$84.91	\$90.85	\$97.21
2" meters	\$57.96	\$113.01	\$122.05	\$131.81	\$141.04	\$150.91
3" meters	\$115.98	\$220.24	\$237.86	\$256.89	\$274.87	\$294.11
4" meters	\$191.88	\$340.88	\$368.15	\$397.60	\$425.44	\$455.22
6" meters	\$585.68	\$675.99	\$730.07	\$788.47	\$843.67	\$902.72
8" meters	\$1,464.79	\$1,078.12	\$1,164.37	\$1,257.52	\$1,345.54	\$1,439.73

Water Consumption Charge (per unit)							
Monthly Use	FY 2022-23 Current Rates	Monthly Use	FY 2023-24 1/1/2024	FY 2024-25 7/1/2024	FY 2025-26 7/1/2025	FY 2026-27 7/1/2026	FY 2027-28 7/1/2027
Single Family Residential							
Tier 1 (0-6 hcf)	\$2.89	Tier 1 (0 - 10 hcf)	\$3.12	\$3.37	\$3.64	\$3.90	\$4.17
Tier 2 (7-12 hcf)	\$3.15	Tier 2 (11 - 16 hcf)	\$4.12	\$4.45	\$4.81	\$5.14	\$5.50
Tier 3 (13+ hcf)	\$3.37	Tier 3 (17+ hcf)	\$7.80	\$8.42	\$9.09	\$9.73	\$10.41
All Other							
All Consumption	\$3.29	All Consumption	\$3.89	\$4.20	\$4.54	\$4.85	\$5.19

Proposed Wastewater (Sewer) Rates

Monterey Park's current wastewater rates are those in effect for August 2017. Customers are charged a monthly sewer meter charge based on water meter size customer class. HF&H developed a 10-year financial plan for the Sewer Enterprise, performed a cost-of-service analysis, and designed rates in compliance with Proposition 218.

The financial analysis made the following findings:

- The revenue generated from current rates are inadequate to pay for current and ongoing operations of the sewer system.
- Operating costs will increase approximately 3.4% each year.
- Capital costs average \$3.2 million per year through FY 2027-28.

- The Sewer Enterprise does not have any current debt, nor does the recommendation include debt financing any of the future capital program costs.
- Annual revenue needs to increase to pay for ongoing operations and an aggressive capital program.

The cost-of-service and rate design analysis support adjusting the sewer rate structure as follows:

- All single-family residential accounts should pay the same rate regardless of water meter size. Water meter size is not always indicative of increased indoor water use (i.e., sewer water) due to outdoor irrigation or fire flow needs on each property.
- Multi-family residential customers should also pay on a per dwelling unit basis rather than by water meter size.
- Commercial and Institutional customers should pay the same rates based on meter size that are realigned with the rated capacities of each meter size using recommendations from the American Water Works Association.

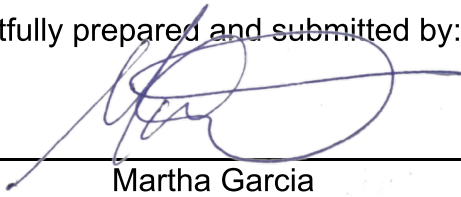
Current and Proposed Monthly Sewer Rates

Monthly Sewer Rates								
Customer Class	Current	Current	Proposed	Proposed				
	Units	FY 2022-23	Units	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
Single Family			<i>effective date</i>	1/1/2024	7/1/2024	7/1/2025	7/1/2026	7/1/2027
5/8", 3/4"	account	\$10.17	per account/DU	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
1"	account	\$12.42	per account/DU	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
1 1/2"	account	\$12.86	per account/DU	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
Multi Family								
3/4"	account	\$29.01	per dwelling unit	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
1"	account	\$34.76	per dwelling unit	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
1 1/4"	account	\$57.25	per dwelling unit	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
1 1/2"	account	\$84.15	per dwelling unit	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
2"	account	\$161.22	per dwelling unit	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
3"	account	\$413.02	per dwelling unit	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
4"	account	\$534.30	per dwelling unit	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
Commercial								
3/4"	account	\$27.09	account	\$27.37	\$35.58	\$39.14	\$43.05	\$44.78
1"	account	\$40.68	account	\$45.61	\$59.30	\$65.23	\$71.75	\$74.62
1 1/4"	account	\$40.68	account	\$91.22	\$118.59	\$130.45	\$143.50	\$149.24
1 1/2"	account	\$78.41	account	\$145.95	\$189.74	\$208.71	\$229.58	\$238.76
2"	account	\$198.97	account	\$291.91	\$379.49	\$417.44	\$459.18	\$477.55
3"	account	\$270.68	account	\$456.11	\$592.94	\$652.23	\$717.45	\$746.15
4"	account	\$386.69	account	\$912.21	\$1,185.88	\$1,304.46	\$1,434.91	\$1,492.31
6"	account	\$1,052.20	account	\$1,459.54	\$1,897.40	\$2,087.15	\$2,295.86	\$2,387.69
Institutional								
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2"	account	\$68.48	account	\$291.91	\$379.49	\$417.44	\$459.18	\$477.55
3"	account	\$73.29	account	\$456.11	\$592.94	\$652.23	\$717.45	\$746.15
4"	account	\$168.28	account	\$912.21	\$1,185.88	\$1,304.46	\$1,434.91	\$1,492.31

FISCAL IMPACT:

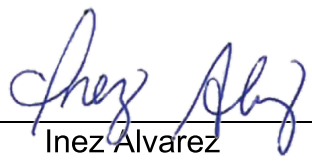
Within the water fund, the proposed rate increase will generate approximately \$30.1 million in additional water rate revenue over the five-year planning period. The proposed wastewater (sewer) rate increases will generate approximately \$14.5 million in additional rate revenue over the five-year planning period. These additional revenues provide adequate funds to support increased water and sewer operating and capital expenses.

Respectfully prepared and submitted by:



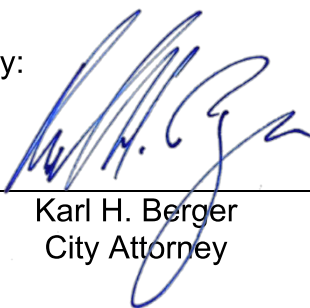
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Ordinance – Water rates
2. Ordinance – Sewer rates

ATTACHMENT 2
Ordinance No. ##### -
Setting the amount of Water Rates and Charges

ORDINANCE NO.

AN ORDINANCE SETTING THE AMOUNT OF WATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE § 5471 AND MONTEREY PARK MUNICIPAL CODE CHAPTER 14.12.

The City Council does ordain as follows:

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

- A. The City of Monterey Park requires a reliable supply of water meeting current and anticipated water quality standards to protect the public general welfare, health and safety;
- B. The purpose of water rates and charges is to protect the public health, safety and general welfare by providing a reliable and adequate supply of water meeting current and anticipated water quality standards for the residents of the City of Monterey Park and to pay for the cost of providing such service;
- C. There is a reasonable relationship between the amount of the rates and charges and the cost of services and facilities necessary to deliver water service to the residents and non-residential development of the City;
- D. Notice regarding the water rates included in this ordinance was provided in accordance with California Constitution Article XIID, § 6(c) and Government Code § 54354.5;
- E. On December 6, 2023, the City Council held a public hearing to consider the results of the protest proceeding and to consider whether to increase the water rates as proposed;
- F. This Ordinance is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA regulations (14 Cal. Code Regs. §§ 15000, *et seq.*; "CEQA Guidelines") 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. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15273;
- G. This ordinance is adopted in accordance with Health and Safety Code § 5471 and Monterey Park Municipal Code ("MPMC") Chapter 14.12 to establish the City's current water rates;
- H. The City Council has considered the evidence and testimony presented at the public hearing. Based in part upon that evidence, and the staff reports presented to the Council regarding this issue, the City Council believes that it

is in the public interest to adopt this Ordinance;

SECTION 2: AMOUNT OF RATES AND CHARGES.

- A. Pursuant to MPMC Chapter 14.12, the City Council establishes the amount of water rates as set forth in attached Exhibit "A," which is incorporated by reference ("Water Charges").
- B. The Water Charges include an annual increase of 32%, 8%, 8%, 7%, 8% beginning February 1, 2024 through fiscal year 2027-28.

SECTION 3: COST ESTIMATES. The City Manager, or designee, will periodically, but not less than annually, review the Water Charges to determine whether revenues from such charges are meeting actual cost of services and facilities needed to deliver water service to the residents and non-residential developments within the City. If the City Manager determines that revenues do not adequately meet costs, the City Manager will recommend to the City Council a revised rate and charge schedule to be adopted by this City Council by ordinance:

SECTION 4: This Ordinance was adopted to comply with the California Supreme Court decision in *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205. To the extent any provision of this Ordinance repeals or supersedes Ordinance No. 2109, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of Ordinance No. 2109 will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance

SECTION 5: 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 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law:

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

SECTION 8: *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 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 Ordinance will become effective immediately upon adoption and will remain effective unless repealed or superseded.

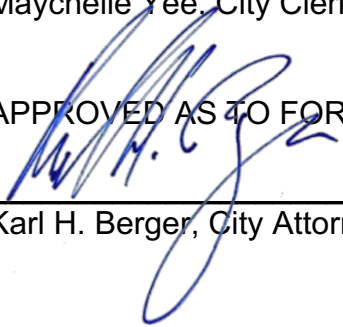
**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE
CITY OF MONTEREY PARK THIS 20th DAY OF DECEMBER 2023.**

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Resolution No.
Page 4 of 4
December 20, 2023

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City at its meeting held on the 20th day of December 2023, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, this __th day of _____, 2023.

City Clerk of the City of Monterey Park

Exhibit A- Current and Proposed Water Rates

Monthly Service Charges						
Meter Size	FY 2022-23 Current Rates	FY 2023-24 1/1/2024	FY 2024-25 7/1/2024	FY 2025-26 7/1/2025	FY 2026-27 7/1/2026	FY 2027-28 7/1/2027
5/8" meters	\$26.40	\$20.16	\$21.77	\$23.51	\$25.16	\$27.17
3/4" meters	\$26.40	\$27.18	\$29.36	\$31.71	\$33.93	\$36.64
1" meters	\$28.53	\$41.23	\$44.53	\$48.10	\$51.46	\$55.58
1 1/2" meters	\$44.96	\$76.36	\$82.47	\$89.07	\$95.30	\$102.93
2" meters	\$57.96	\$118.52	\$128.00	\$138.24	\$147.91	\$159.75
3" meters	\$115.98	\$230.92	\$249.40	\$269.35	\$288.20	\$311.26
4" meters	\$191.88	\$357.38	\$385.98	\$416.85	\$446.03	\$481.72
6" meters	\$585.68	\$708.66	\$765.35	\$826.58	\$884.44	\$955.20
8" meters	\$1,464.79	\$1,130.20	\$1,220.61	\$1,318.26	\$1,410.54	\$1,523.38

Water Consumption Charge (per unit)							
Monthly Use	FY 2022-23 Current Rates	Monthly Use	FY 2023-24 1/1/2024	FY 2024-25 7/1/2024	FY 2025-26 7/1/2025	FY 2026-27 7/1/2026	FY 2027-28 7/1/2027
Single Family Residential							
Tier 1 (0-6 hcf)	\$2.89	Tier 1 (0 - 10 hcf)	\$3.41	\$3.69	\$3.98	\$4.26	\$4.60
Tier 2 (7-12 hcf)	\$3.15	Tier 2 (11 - 16 hcf)	\$4.50	\$4.86	\$5.24	\$5.61	\$6.06
Tier 3 (13+ hcf)	\$3.37	Tier 3 (17+ hcf)	\$8.51	\$9.19	\$9.92	\$10.62	\$11.47
All Other							
All Consumption	\$3.29	All Consumption	\$4.25	\$4.59	\$4.95	\$5.30	\$5.73

ATTACHMENT 3
Ordinance No. ##### -
Setting the amount of Wastewater (Sewer)
Rates and Charges

ORDINANCE NO.

AN ORDINANCE SETTING THE AMOUNT OF WASTEWATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE § 5471 AND MONTEREY PARK MUNICIPAL CODE CHAPTER 14.12.

The City Council does ordain as follows:

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

- A. The City of Monterey Park requires a reliable wastewater discharge system meeting current and anticipated water quality standards to protect the public general welfare, health and safety;
- B. The purpose of wastewater rates and charges is to protect the public health, safety and general welfare by providing a reliable and safe wastewater discharge system that meets current and anticipated wastewater quality standards for the residents of the City of Monterey Park and to pay for the cost of providing such service;
- C. Based upon the record, there is a reasonable relationship between the amount of the rates and charges and the cost of services and facilities necessary to deliver wastewater service to the residents and nonresidential development of the City;
- D. Notice regarding the wastewater rates included in this ordinance was provided in accordance with California Constitution Article XIID, § 6(c) and Government Code § 54354.5;
- E. On December 6, 2023, the City Council held a public hearing to consider the results of the protest proceeding and to consider whether to increase the water rates as proposed;
- F. This Ordinance is exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, *et seq.*; "CEQA") and CEQA regulations (14 Cal. Code Regs. §§ 15000, *et seq.*; "CEQA Guidelines") 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. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15273;
- G. This ordinance is adopted in accordance with Health and Safety Code § 5471 to establish the City's current wastewater rates and charges;
- H. The City Council has considered the evidence and testimony presented at the public hearing. Based in part upon that evidence, and the agenda reports

presented to the Council regarding this issue, the City Council believes that it is in the public interest to adopt this Ordinance.

SECTION 2: AMOUNT OF RATES AND CHARGES.

- A. The City Council establishes amount of wastewater rates as set forth in attached Exhibit "A," which is incorporated by reference ("Wastewater Charges.").
- B. The Wastewater Charges include an annual increase of 40%, 30%, 10%, 10%, 4% beginning February 1, 2024 through fiscal year 2027-28.

SECTION 3: COST ESTIMATES. The City Manager, or designee, will periodically, but not less than annually, review the Wastewater Charges to determine whether revenues from such charges are meeting actual cost of services and facilities needed to deliver water service to the residents and non-residential developments within the City. If the City Manager determines that revenues do not adequately meet costs, the City Manager will recommend to the City Council a revised rate and charge schedule to be adopted by this City Council by ordinance:

SECTION 4: This Ordinance was adopted to comply with the California Supreme Court decision in *Bighorn-Desert View Water Agency v. Verjil* (2006) 39 Cal.4th 205. To the extent any provision of this Ordinance repeals or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5: 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 6: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

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

SECTION 8: *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 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.

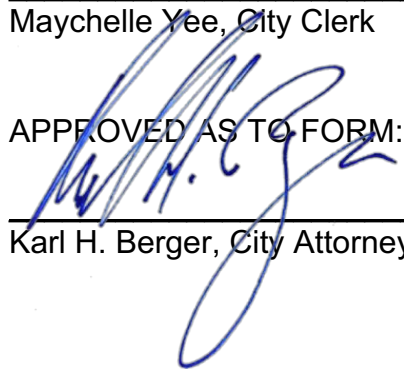
**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE
CITY OF MONTEREY PARK THIS 20th DAY OF DECEMBER 2023.**

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Resolution No.
Page 4 of 4
December 20, 2023

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City at its meeting held on the 20th day of December, 2023, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, this __th day of _____, 2023.

City Clerk of the City of Monterey Park

Exhibit A- Current and Proposed Sewer Rates

Monthly Sewer Rates								
Customer Class	Current	Current	Proposed	Proposed				
	Units	FY 2022-23	Units	FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
Single Family			<i>effective date</i>	<i>2/1/2024</i>	<i>7/1/2024</i>	<i>7/1/2025</i>	<i>7/1/2026</i>	<i>7/1/2027</i>
5/8", 3/4"	account	\$10.17	per account/DU	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
1"	account	\$12.42	per account/DU	\$15.71	\$20.42	\$22.46	\$24.71	\$25.70
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Multi Family								
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3"	account	\$270.68	account	\$456.11	\$592.94	\$652.23	\$717.45	\$746.15
4"	account	\$386.69	account	\$912.21	\$1,185.88	\$1,304.46	\$1,434.91	\$1,492.31
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Institutional								
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4"	account	\$168.28	account	\$912.21	\$1,185.88	\$1,304.46	\$1,434.91	\$1,492.31



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3D

TO: The Honorable Mayor and City Council
FROM: Inez Alvarez, City Manager
SUBJECT: Ending the employment emergency for the City of Monterey Park effective December 31, 2023

RECOMMENDATION:

Staff recommends that the City Council consider:

1. Receiving and filing this report;
2. Adopting a resolution terminating the employment emergency effective December 31, 2023 and authorizing the City Manager to take all practical actions needed to finalize the recruitment and retention of persons for employment; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City Council authorized an employment emergency order in June 2022 to expedite recruitment processes in order to fill around 70 positions that were vacant at that time. The U.S. labor market had a large gap between job openings and workforce participation in 2022 which created a challenging environment for recruitment both nationally and locally. The emergency order authorized the City Manager to take all reasonable and practicable actions to accelerate the process for recruiting, appointing, and retaining persons as City employees to fill all vacant positions, including by (1) suspending parts of the City's personnel rules that are interfering with the City's ability to secure qualified candidates; (2) temporarily appointing qualified persons to positions in accordance with Monterey Park Municipal Code ("MPMC") § 2.28.100; (3) amending titles and classifications of various positions to make them more attractive to qualified candidates; and (4) commencing a substantial overhaul to the City's personnel rules.

Every 60 days, staff reported on recruitment, retention, and promotions under the employment emergency order to the City Council. Now in December 2023, the City has fewer vacant positions and staff recommends ending the employment emergency order effective December 31, 2023.

BACKGROUND:

As of the October 18, 2023 update report to the City Council, the City has hired employees to fill Civil Engineering Associate and Senior Librarian positions. The City has also hired

3 Firefighters and a Human Resources Specialist, and promoted a Senior Code Compliance Officer, as well as 16 part-time employees.

During the employment emergency, the City recruited or retained employees in the following ways:

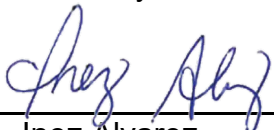
- Promotional opportunities: current full-time employees promoted or lateral recruitment to different departments; and part-time employees promoted to full-time positions.
- Conducted oral interviews with internal oral raters and reduced timelines from two separate oral panels.
- Filled part-time vacancies with shortened or no recruitment process to reduce hiring timeframe.
- Retained key positions:
 - Assistant City Manager incumbent: advanced salary range increase, use of City vehicle (leased), increased vacation accrual, and vacation cap maximum.
 - Increased Water Utility Manager salary range based on compensation study data; adjusted PD Mid-Management salary based on Memorandum of Understanding; and retained Water Operations Supervisor incumbent: use of City vehicle, salaried wage, administrative leave bank, and salary range adjustment.
- Reclassified/retitled positions based on classification study.
- Created and revised class specifications in an expedited timeframe to increase candidate pool for recruitments.
- Revised Personnel Rules and Regulations (“PRR”) are under review and once employee associations and the City meet, the PRR will be brought back to the Council.

The City is actively recruiting for 11 full-time positions City-wide and we anticipate additional vacancies due to retirements in Police and Fire Department ranks. In anticipation of the revised PRR, these modified recruitment tools and processes should continue to assist the City with recruitment processes moving forward.

FISCAL IMPACT:

None.

Respectfully submitted by:



Inez Alvarez
City Manager

Reviewed by:



Ephraim S. Margolin
Deputy City Attorney

ATTACHMENTS:

1. Resolution No. 2022-R49
2. Proposed Resolution

ATTACHMENT 1

Resolution No. 2022-R49

RESOLUTION NO. 2022-R49

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO LACK OF EMPLOYEES AND AUTHORIZING THE CITY MANAGER TO TAKE ALL REASONABLE ACTIONS TO ACCELERATE RECRUITMENT AND RETENTION OF PUBLIC EMPLOYEES.

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

SECTION 1: The City Council finds as follows:

- A. Since the City Council officially terminated the COVID-19 local emergency in April, the City took ambitious actions to restore pre-pandemic levels of municipal services;
- B. In reviewing personnel data from just the last six months, however, it is apparent that the City is seriously short-staffed.
- C. The City of Monterey Park has 325 full time staff positions of which nearly 70 are currently vacant. Of these positions, multiple are critical to protecting public health and safety including, without limitation, Water Production Supervisor; Senior Water Production System Operator; Water Utility Maintenance Worker; Director of Public Works; Facilities Maintenance Supervisor; Finance Manager; Firefighter; Police Officer; Senior Accountant; and Lifeguard;
- D. These are positions that directly respond to the public and/or essential to the smooth operation of municipal services including, for example, providing potable drinking water, and ensuring public safety;
- E. The City Council notes that multiple sources of publicly available information (see, e.g., “Quantifying the Nation’s Workforce Crisis – State of American Business 2022 Update” [January 10, 2022] published by the United States Chamber of Commerce [www.uschamber.com/workforce/quantifying-the-nations-workforce-crisis-2022-state-of-american-business-update] and “COVID-19 ends longest employment recovery and expansion in CES history, causing unprecedented job losses in 2020” June 2021 by the United States Bureau of Labor Statistics [www.bls.gov/opub/mlr/2021/article/covid-19-ends-longest-employment-expansion-in-ces-history.htm]) demonstrate that the challenges for recruiting qualified employees is nationwide;
- F. Because of the City’s personnel rules and policies, however, a typical time period for securing an outstanding candidate for an open employee position is taking four to six months of processing. This includes the initial recruitment; testing; interviewing; and background check;

G. In multiple instances, the City has lost interested candidates to the private sector or other public entities simply because the person did not want to continue waiting to be appointed;

H. Being able to accelerate the testing and interviewing will help make the City more attractive to individuals seeking public service. Additional work is needed regarding the titles of positions; compensation; and various fringe benefits. Moreover, a significant overhaul of the City's personnel rules is crucial to becoming more efficient in the future;

I. In the interim, however, it is in the public interest to cut through the proverbial "red tape" in order to fill positions that are critical to providing municipal services to the public. Under these circumstances, it is apparent that there is an imminent threat to public health and safety that may result from the City's inability to fill crucial positions in a timely and efficient manner;

J. Consequently, a local employment emergency is declared and the City Manager is authorized to take the actions set forth in this Resolution.

SECTION 2: Authorizations. The City Manager is authorized to take all reasonable and practicable actions to accelerate the process for recruiting, appointing, and retaining persons as City employees to fill all vacant positions. Such actions may include, without limitation, the following:

A. Suspend those portions of the City's personnel rules that are interfering with the City's ability to secure qualified candidates. For example, unnecessary testing and interview panels;

B. Temporarily appoint qualified persons to positions in accordance with Monterey Park Municipal Code ("MPMC") § 2.28.100;

C. Execute agreements, in a form approved by the City Attorney, for the services listed in MPMC § 2.28.190;

D. Consider amendments to titles and classifications of various positions to make them more attractive to qualified candidates;

E. Consider compensation and benefits that will attract qualified candidates to public services; and

F. Commence a substantial overhaul to the City's personnel rules.

SECTION 3: During the existence of this local emergency, the powers, functions, and duties of the City Manager and the emergency organization of this City will be those prescribed by California law, by ordinance, and resolutions of this City approved by the

City Council. To the extent that the actions authorized by this Resolution require a meet and confer with the City's bargaining units, those meetings will be held at the earliest practicable time pursuant to Government Code § 3504.5(b).

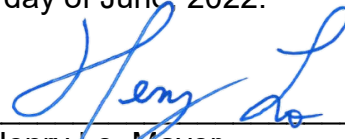
SECTION 4: The City Manager is designated as the authorized representative for public assistance and as the authorized representative for individual assistance of the City of Monterey Park for the purpose of receiving, processing, and coordinating all inquiries and requirements necessary to obtain available state and federal assistance.

SECTION 5: This local emergency will be reviewed by the City Council within 60 days in accordance with Government Code § 8630 to determine whether it should be extended by City Council Resolution.

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

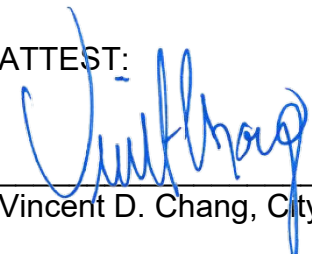
SECTION 7: This Resolution will take effect immediately upon adoption.

PASSED AND ADOPTED this 15th day of June, 2022.



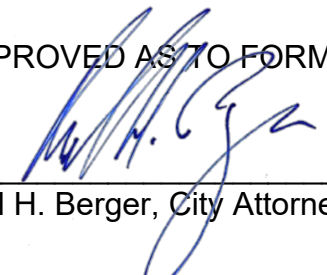
Henry Lo, Mayor

ATTEST:



Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



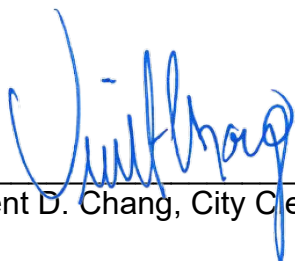
Karl H. Berger, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 2022-R49 was duly adopted and passed at a regular meeting of the Monterey Park City Council on the 15th day of June, 2022 by the following vote:

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

Dated this 15th day of June, 2022.



Vincent D. Chang, City Clerk

ATTACHMENT 2

Proposed Resolution

RESOLUTION NO. 2023-_____

A RESOLUTION ADOPTED BY THE CITY COUNCIL FOR THE CITY OF MONTEREY PARK TERMINATING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO LACK OF EMPLOYEES AND AUTHORIZING THE CITY MANAGER TO TAKE ALL REASONABLE ACTIONS TO ACCELERATE RECRUITMENT AND RETENTION OF PUBLIC EMPLOYEES.

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 Council adopted Resolution No. 2022-R49 on June 15, 2022 declaring a local employment emergency due to the difficulty of hiring and retaining City staff.
- B. At the time the emergency was declared, the City had 325 full time staff positions of which nearly 70 were currently vacant, including many which are critical to protecting public health and safety, including, for example, providing potable drinking water;
- C. Resolution No. 2022-R49 authorized the City Manager to take all reasonable and practicable actions to accelerate the process for recruiting, appointing, and retaining persons as City employees to fill all vacant positions. Such actions may include, without limitation, the following:
 - 1. Suspend those portions of the City's personnel rules that are interfering with the City's ability to secure qualified candidates. For example, unnecessary testing and interview panels;
 - 2. Temporarily appoint qualified persons to positions in accordance with Monterey Park Municipal Code ("MPMC") § 2.28.100;
 - 3. Execute agreements, in a form approved by the City Attorney, for the services listed in MPMC § 2.28.190;
 - 4. Consider amendments to titles and classifications of various positions to make them more attractive to qualified candidates;
 - 5. Consider compensation and benefits that will attract qualified candidates to public services; and
 - 6. Commence a substantial overhaul to the City's personnel rules.
- D. The City Council has received updates on the local emergency every 60 days.

- E. The City Council has determined that the circumstances necessitating the declaration of an emergency will no longer exist on December 31, 2023 and the local emergency is terminated on that date.

SECTION 2: Ratification. The City Council received regular reports regarding the local employment emergency and is fully informed regarding all actions undertaken by the City Manager and City Attorney to protect public health and safety. Accordingly, the City Council ratifies and reaffirms the exercise of emergency powers undertaken by both officials since 2022 to protect public health and safety.

SECTION 3: Termination of Local Emergency. The local employment emergency is terminated.

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 upon December 31, 2023 and will remain effective unless repealed or superseded.

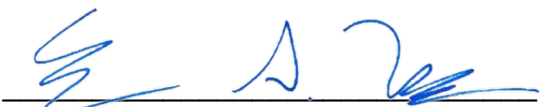
PASSED AND ADOPTED this 20th day of December 2023.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

By: 
Ephraim Margolin, Deputy City Attorney



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: Emergency Medical Services – Approval of Agreement

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorize the City Manager to execute an agreement with Life-Assist, Inc., in a form approved by the City Attorney, for the purchase of emergency medical supplies, equipment, drugs and pharmaceuticals from Account Nos. 1013220-5320 and 1013220-5351; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Fire Department provides emergency medical response through 9-1-1 calls, which requires maintaining an inventory of supplies, disposable tools, and pharmaceuticals. Staff is seeking approval of a Services Agreement with Life-Assist, Inc. to provide the Fire Department's emergency medical supplies, equipment, drugs and pharmaceuticals.

BACKGROUND:

The Monterey Park Fire Department provides EMT and Paramedic services to the community through emergency response 9-1-1 calls. In accordance with providing these services and complying with the Los Angeles County Department of Health Services Emergency Medical Service ("EMS") protocol, it is required to carry an inventory of specific supplies and other ancillary items on the City's response vehicles. Due to the nature of these services, the Fire Department needs a reliable vendor that can provide a quick turn-around on orders, maintain the ability to replace critical equipment and tools within a short time frame, and possess a working knowledge of EMS service delivery needs and developments. The recommended vendor is Life-Assist, Inc.

The Fire Department's current contract with Life Assist, Inc. has expired and staff was in the process of conducting a formal bid. However, in May 2022, the City of Pasadena conducted a formal bid process on behalf of its Fire Department. To ensure fair purchasing practices, Pasadena posted its Bid on its City's online bidding site, Planet Bids, and notices were advertised in the Pasadena Journal and the Pasadena Weekly. The formal bid process closed on June 6, 2022 and six responses were received. On August 1, 2022, the Pasadena City Council approved the award of contract to the lowest bidder Life-Assist, Inc.

Pursuant to Monterey Park Municipal Code ("MPMC") 3.20.050(4) (Cooperative Purchasing), Life Assist, Inc. has extended Pasadena's pricing to Monterey Park. Staff recommends approval of the Service Agreement with Life Assist, Inc. for a period of three years with an extension of Agreement Terms for two additional one-year periods if service and pricing are satisfactory.

FISCAL IMPACT:

Funding for the purchase of emergency medical supplies, equipment, drugs and pharmaceuticals are provided each fiscal year in the Fire Department's Emergency Medical Services budget. The funding accounts are Drugs & Pharmaceuticals Account Number 1013220-5320 in the amount of \$30,000, and Instruments & Minor Medical Equipment Account Number 1013220-5351 in the amount of \$46,000. These are both general fund accounts.

Respectfully submitted by:



Matthew Hallock
Fire Chief

Prepared by:



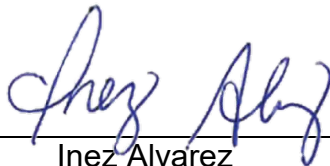
Rebecca Bojorquez
Principal Management Analyst

Reviewed by:



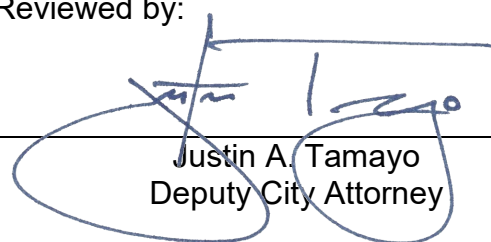
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENT:

1. Pasadena Staff Report and Bid
2. Pasadena Authority for Pricing

ATTACHMENT 1

Pasadena Staff Report and Bid

CITY OF PASADENA
City Council Minutes
August 1, 2022 – 4:30 P.M.
City Hall Council Chamber

The regular meeting was convened and held virtually by videoconference/teleconference.

OPENING: Mayor Gordo called the regular meeting to order at 4:36 p.m. (Absent: None)

On the order of the Mayor, the regular meeting recessed at 4:36 p.m. to discuss the following closed sessions:

CLOSED SESSION

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Agency Designated Representatives: Cynthia Kurtz and Alex Souto

Employee Organization: Non-Represented Executive, Non-Represented Management, and Non-Represented Non-Management

CITY COUNCIL CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code Section 54957.6

Agency Designated Representatives: Cynthia Kurtz and Alex Souto

Employee Organization: Pasadena Police Officers Association (PPOA)

The above closed session items were discussed, with no reportable action at this time.

ROLL CALL:
Councilmembers:

Mayor Victor M. Gordo
Vice Mayor Andy Wilson
Councilmember Tyron Hampton
Councilmember John J. Kennedy (in Memoriam)
Councilmember Steve Madison
Councilmember Gene Masuda
Councilmember Jessica Rivas
Councilmember Felicia Williams

Staff:

Interim City Manager Cynthia Kurtz
City Attorney/City Prosecutor Michele Beal Bagneris
Assistant City Clerk Sandra Robles

Mayor Gordo called the meeting to order at 5:18 p.m. The pledge of allegiance was led by Christopher Morey, nephew of the Honorable Councilmember John J. Kennedy.

Ceremonial Matters

Mayor Gordo, spoke on the passing of Councilmember John J. Kennedy on July 21, 2022, sharing the following statement: "We are

all still grieving the sudden loss of Councilmember Kennedy on July 21st, and it has been a somber couple of weeks for us in Pasadena. Anyone in our community who was fortunate enough to have a conversation with John knows how deeply he cared for this City and its residents. He was born and raised in Pasadena (the 8th of 10 children), and from an early age he devoted his life's work to strengthening our community and helping to make it a better place for all. I've been fortunate to serve alongside John on this Council since he was first elected in 2013. Councilmember Kennedy consistently exuded compassion, intellect, integrity, and thoughtfulness. He was charismatic, and his love of people and community drove him to achieve great things throughout his life in service to Pasadena. Though he was ill, that did not keep John from doing what he loved—helping to make positive, forward-driven, impactful change—and creating a better Pasadena not just for those of us here now, but for the benefit of future generations. In recent weeks he attended and spoke at several milestone events in District 3, including groundbreakings for the Robinson Park Recreation Center swimming pool and the Heritage Square South apartments, which will provide 70 units of affordable housing for formerly homeless seniors. This was a project for which John advocated very strongly, and of which he was extremely proud. And rightfully so. John also recently attended the unveiling of another important project that he was influential in bringing about—the historic monument at 100 West Walnut—which recognizes Pasadena's diverse history and honors the families and businesses that were displaced by urbanization during the 1960s and 70s. John understood the importance of history and learning from past mistakes so that together we could move forward to a better and more unified future as "One Pasadena". From the spontaneous gathering of the community on the steps of City Hall when we learned of John's passing, to the outpouring of grief and the number of inquiries we've received regarding the timing of his memorial service, it is evident that John's reach in the community was far and wide, and that he positively impacted the lives of many, many persons. A public event to celebrate Councilmember Kennedy's life and legacy will be held in Centennial Square in front of City Hall on Friday, September 30 from 5:00 - 6:30 p.m., and a reception will follow from 6:30-8:00 p.m. We also recognize that many may have questions about how and when the vacant District 3 seat on the Council will be filled between now and the next election. Know that we are actively working through that process, and more information will be forthcoming. I will miss John J. Kennedy. It has been a pleasure working with him all these years for the betterment of our community, and I would like to thank him for his love of Pasadena, and his selfless availability to everyone over the years—no matter was too small to receive John's kind attention, sincere reflection, and constructive input. His was a life well lived. We will be adjourning today's meeting in memory and in honor of Councilmember John J. Kennedy. And to the Kennedy Family, be assured our hearts are with you at this difficult time."

Councilmember Masuda expressed his condolences to the family of the Honorable Councilmember John J. Kennedy, and shared that Mr. Kennedy was the perfect representative for his district, he inspired his residents, worked tirelessly to give his district hope and opportunity, and will be remembered for promoting diversity in the City of Pasadena. Councilmember Masuda shared that he will miss John's warm smile and expressed his thanks and appreciation to John for his caring leadership, determination, and for making a difference in Pasadena.

Vice Mayor Wilson shared the following statement for the record: "Dear Friends, Progress can only be made when we commit to collaborating with partners who bring different perspectives and expand our worldview. I found such a partner with my colleague and friend John Kennedy. Though we had vastly different lived experiences, we shared a common commitment to making our City better and creating "One Pasadena." This honest and constructive alliance made us both better policymakers. So with the recent and unexpected passing of John Kennedy, I lost not just a friend and colleague but a key partner who made me a better public servant. I know both our community, and I personally, will sorely miss him, notably his larger than life personality and his thundering voice. I am so grateful for his passion and energy all directed to making our community better. His passing will indeed leave a critical void. I send my prayers to John and his family, but also thank him for his important contributions to our City and his invaluable partnership."

Councilmember Madison extended his condolences to Jonathan, Christopher, and the entire Kennedy family. He shared that John was not just a colleague on the Council but also a friend, acknowledged John's roots in the City and his fierce commitment to the City and the residents, especially the working families, young people, the elderly, and the underprivileged. Councilmember Madison shared that John was known on a national scale, and he shared the fond memory of meeting President Joe Biden at Mr. Kennedy's home, and watching Mr. Kennedy appear in the HBO documentary, Obama: In Pursuit of a More Perfect Union. Councilmember Madison shared that politically he had differences with John from time to time, but noted that the two agreed more than they disagreed. Councilmember Madison shared he learned a lot from John Kennedy, and noted that the most difficult fact in all of this is not being able to say goodbye, and that John will be greatly missed. Councilmember Madison stated, "One measure of a life well lived is leaving this place better after your time here than you found it. And I know for sure that's true for John J. Kennedy and for Pasadena."

Councilmember Williams shared that John was not just her close colleague on the City Council, describing their time spent during "decompression/yoga talks" the following day after each Council meeting, but also her friend and partner in crime at Estate Sales that they frequented together in Pasadena. Councilmember Williams

shared that John was an inspiration to her, and one of the reasons why she ran for City Council, and stated that John's goals as a Councilmember focused on what was best for Pasadena and the residents/constituents that he served. She emphasized how much John will be missed by her, both at Council meetings as a strong and determined leader, but more significantly in the personal time that she spent with him as a friend.

Councilmember Rivas expressed her gratitude at the opportunity to get to know John Kennedy, described how much he cared for others, and dedicated himself to (as he would say) help the least of us. He was someone who committed himself to the service of the community. Councilmember Rivas stated she looked up to John and will miss working with him, learning from him, hearing his perspective and his experiences, and was grateful that John always made time to chat with her. She extended her condolences to Jonathan and Christopher, and the entire Kennedy family.

Councilmember Hampton shared his memories as a NAACP youth member, and how he aspired to be like John J. Kennedy who was the President of the NAACP at the time. Councilmember Hampton spoke on his close personal ties to John and the Kennedy family, sharing that John was one of the first people he shared the news with that he was having a second child. Councilmember Hampton stated that losing John is like losing a brother and a family member. He spoke on how well John always represented the City of Pasadena, whether he was in another country or at the national level. Councilmember Hampton stated that John will never be forgotten and he will live through him, through all the people he inspired, especially the young people of Pasadena. Councilmember Hampton spoke on the City Council honoring John J. Kennedy, the need to memorialize his name as part of one of his passionate achievements and contributions to the City. Councilmember Hampton expressed his condolences to the Kennedy family, and stated, "I am really blessed and honored to have been able to serve alongside John."

Johnathan Kennedy, nephew of the Honorable Councilmember Kennedy, shared the following statement on behalf of the Kennedy family: "We would like to express our sincere gratitude and appreciation to Mayor Victor Gordo and City Councilmembers for the opportunity to honor Councilmember John J. Kennedy, the man we knew in the Kennedy family as a brother and as an uncle. Councilmember Kennedy lived an incredible life. He lived like there was no tomorrow. He lived a life well-lived and he loved his community with all of his heart. Above all, he was a man of GOD. And with that being said, I just want to say thank you and we really appreciate you on behalf of the Kennedy family."

Public comment on
matters not on the agenda

The following individuals expressed condolences to the family of the Honorable Councilmember Kennedy; spoke on the need for accountability and transparency within the Pasadena Police Department; advocated for the termination of all the Pasadena Police Officers involved in the shooting of Anthony McClain; expressed concerns and provided comments related to the Los Angeles County District Attorney's Office review of the Office Involved Shooting of Anthony McClain, and/or requested information on the July 30, 2022 officer involved shooting incident of Adam Youines:

Michael Williams, Pasadena resident
Allen Shay, Pasadena resident
Olden Denham, Pasadena resident
Brittney Pollock, Sherman Oaks resident
Julia, Los Angeles resident
Hiram Cormier, Jr., Los Angeles resident

The following individuals expressed condolences to the family of the Honorable Councilmember Kennedy; spoke on the need for the City to help address the unlawful evictions taking place in the City of Pasadena, urging that the City to publicize information on City platforms regarding the Los Angeles County's COVID-19 Tenant Protection Resolution (that provides current eviction protections); and expressed concerns with sunseting of the City's local moratorium on evictions for non-payment of rent by tenants impacted by Covid-19:

Ryan Bell, representing Pasadena Tenant Union
Jane Panangaden, Pasadena resident
Bee Rooney, Pasadena resident
Bennie Villalobos, Pasadena resident
Monique, Pasadena resident
Aeryn Levey, Pasadena resident

Jolly, Pasadena resident, spoke on several failed attempts to reach the Pasadena Fire Department to address a notice she received related to her property in Pasadena, and asked the City for help in addressing this matter.

Jill Shook, Pasadena resident, echoed comments on the Los Angeles County's COVID-19 Tenant Protection Resolution; expressed thanks and appreciation to the City Council for unanimously supporting the Zoning Code Amendment: Religious Facilities with Affordable Housing, and expressed condolences to the family of the Honorable Councilmember Kennedy.

Bert Newton, Pasadena resident, expressed his thanks to the City Council for unanimously voting to support the Zoning Code Amendment: Religious Facilities with Affordable Housing; while expressing concerns that the motion passed at the July 18, 2022 City Council meeting perpetuates exclusionary zoning.

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A CONTRACT WITH MERRIMAC ENERGY GROUP TO PURCHASE JET-A FUEL FOR A NOT-TO-EXCEED AMOUNT OF \$1,437,500

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed contract is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378; as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment;
- (2) Authorize a contract with Merrimac Energy Group for the purchase of Jet-A fuel in an amount not-to-exceed \$1,437,500 over a period of five years. The City Council grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B) contracts for with the City's best interest are served; and
- (3) It is further recommended the City Council grant the proposed contract an exemption from Competitive Bidding pursuant to Pasadena Municipal Code Section 4.08.030 and City Charter Section 1002 contracts with other governmental entities or their contractors for labor, material, supplies or services. (Contract No. 32349)

ORDINANCES AMENDING TITLE 4 (REVENUE AND FINANCE) SECTION 4.17.050 AND SECTION 4.19.040 OF PASADENA MUNICIPAL CODE RELATED TO TIME OF COLLECTION OF RESIDENTIAL IMPACT FEE AND TRAFFIC REDUCTION AND TRANSPORTATION IMPROVEMENT FEE

Recommendation: It is recommended that the City Council:

- (1) Find that the actions proposed in the agenda report are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
- (2) Direct the City Attorney to prepare an ordinance within 60 days to amend Pasadena Municipal Code Section 4.17.050 related to the time of collection of the Residential Impact Fee; and
- (3) Direct the City Attorney to prepare an ordinance within 60 days to amend Pasadena Municipal Code Section 4.19.040 related to time of collection of the Traffic Reduction and Transportation Improvement Fee.

AUTHORIZATION TO ENTER INTO A PURCHASE ORDER WITH CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC., TO FURNISH POWERSTRUT EQUIPMENT AND MISCELLANEOUS ELECTRICAL PARTS AND SUPPLIES FOR THE WATER AND POWER DEPARTMENT IN AN AMOUNT NOT-TO-EXCEED \$3,120,095 IF ALL OPTIONAL EXTENSIONS ARE EXERCISED

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 21065, 15060(c)(2), 15060(c)(3), and

15378, and as such, no environmental document pursuant to CEQA is required for the project; and

(2) Accept the bid dated May 2, 2022, submitted by Consolidated Electrical Distributors Inc., in response to specifications for "Powerstrut Equipment & Miscellaneous Electrical Parts for the Pasadena Water and Power Department Materials Warehouse"; reject all other bids received; and authorize the Interim City Manager or designee to enter into a Purchase Order ("PO") with Consolidated Electrical Distributors Inc., for three years or an amount not-to-exceed \$1,872,057 whichever occurs first, with two optional one-year extensions not-to-exceed \$624,019 each.

Item discussed separately

RECOGNITION AND APPROPRIATION OF 2021 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS

ADOPT A RESOLUTION ESTABLISHING NEW CLASSIFICATIONS AND SALARIES AND UPDATING SALARIES OF EXISTING CLASSIFICATIONS

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action in the agenda report is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3) (General Rule); and

(2) Adopt a Resolution Establishing New Classifications and Salaries and Updating Salaries of Existing Classifications. (Resolution No. 9937)

APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PASADENA AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, LOCAL 858, FOR THE TERM OF JULY 1, 2022 - JUNE 30, 2026

Recommendation: It is recommended that the City Council:

(1) Find that the proposed action in the agenda report is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15061(b)(3) (Common Sense Exemption);

(2) Approve a Memorandum of Understanding (MOU) between the City of Pasadena and the American Federation of State, County, and Municipal Employees (AFSCME), Local 858, for the term of July 1, 2022 through June 30, 2026; and (Contract No. 23,722)

(3) Adopt a Resolution authorizing tax deferral of member paid contributions to the California Public Employees' Retirement System (CalPERS) for AFSCME employees with PEPR membership in CalPERS (Resolution No. 9938)

Item discussed separately

CONTRACT AWARD TO PSOMAS; MICHAEL BAKER INTERNATIONAL, INC.; AND IMPACT SCIENCES, INC., FOR ON-CALL ENVIRONMENTAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$500,000 FOR EACH CONSULTANT

AUTHORIZATION TO ENTER INTO CONTRACTS FOR MEDICAL SUPPLIES NOT-TO-EXCEED \$1,500,000

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;

(2) Accept the bid dated June 6, 2022 submitted by Life-Assist, Inc., in response to an Invitation for Bid to furnish and deliver medical supplies as requested and authorize the Interim City Manager to enter into a multi-year contract with Life-Assist, Inc., for an amount not-to-exceed \$1,250,000 which includes \$750,000 for an initial three year term and two optional one-year terms, with each year not-to-exceed \$250,000 subject to approval by the City Manager; and (Contract No. 32364)

(3) Accept the bid dated June 6, 2022 submitted by Bound Tree Medical, LLC, in response to an Invitation for Bid to furnish and deliver medical supplies as requested and authorize the Interim City Manager to enter into a multi-year contract with Bound Tree Medical, LLC, for an amount not-to-exceed \$250,000 which includes \$150,000 for an initial three year term and two optional one-year terms, with each year not-to-exceed \$50,000 subject to approval by the City Manager. (Contract No. 32365)

AMENDMENT TO CONTRACT NO. 31434 WITH POINTC, LLC (PointC) FOR CONSULTANT SERVICES TO PROVIDE STATE ROUTE 710 NORTHERN STUB POST RELINQUISHMENT SUPPORT

Recommendation: It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;

(2) Authorize the Interim City Manager to amend Contract No. 31434 with PointC to increase the contract amount by \$85,000, thereby increasing the total not-to-exceed amount from \$797,001 to \$882,001, through July 31, 2023, for consultant services to provide SR 710 Northern Stub Post Relinquishment Support; and (Contract No. 31434-4)

(3) To the extent, this could be considered a separate procurement subject to the Competitive Selection Process, it is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection Process pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served.

APPROVAL OF THE 2022 UPDATE TO THE CITY OF PASADENA TRANSIT DIVISION TITLE VI PROGRAM IN ACCORDANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Recommendation: It is recommended that the City Council:

- (1) Find that the following proposed actions are exempt from review pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3); and
- (2) Approve the 2022 update to the City of Pasadena Transit Division Title VI Program.

CONTRACT AWARD TO MARIPOSA TREE MANAGEMENT INC., FOR PALM TREE TRIMMING FOR AN AMOUNT NOT-TO-EXCEED \$2,069,100 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

- (1) Find the project proposed in the agenda report is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Article 19, Section 15301 (Class 1), and that there are no features that distinguish this project from others in the exempt class, and therefore, there are no unusual circumstances; and
- (2) i) Accept the bid dated June 7, 2022, submitted by Mariposa Tree Management Inc., (Mariposa) in response to project specifications for Palm Tree Trimming; ii) reject all other bids received; and iii) authorize the Interim City Manager to enter into a contract for an amount not-to-exceed \$1,655,280 over a four-year period (which includes a \$150,480 contingency to provide for any necessary change orders), with the option for a one-year extension in the amount of \$413,820 (which includes a \$37,620 contingency) at the discretion of the City Manager, for a maximum contract length of five years and a total contract amount not-to-exceed \$2,069,100, inclusive of Consumer Price Index increases. (Contract No. 32346)

CONTRACT AWARD TO SULLY-MILLER CONTRACTING COMPANY FOR ASPHALT CONCRETE CEMENT FOR AN AMOUNT NOT-TO-EXCEED \$342,400 FOR UP TO FIVE YEARS

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project; and
- (2) i) Accept the bid dated June 11, 2022 submitted by Sully-Miller Contracting Company (Sully-Miller) in response to project specifications for Asphalt Concrete Cement; and ii) authorize the Interim City Manager to enter into a contract for an amount not-to-exceed \$273,920 over a four-year period (which includes a \$24,908 contingency to provide for any necessary change orders), with the option for a one-year extension in the amount of \$68,480 (which includes a \$6,227 contingency) at the discretion of the City Manager, for a maximum contract length of five years and a total not-to-exceed contact amount of \$342,400, inclusive of Consumer Price Index increases.

CONTRACT AWARD TO TELECOM LAW FIRM, P.C. FOR ON-CALL TELECOMMUNICATIONS FACILITIES CONSULTANT SERVICES IN AN AMOUNT NOT-TO-EXCEED \$1,000,000

Recommendation: It is recommended that the City Council:

- (1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 5, Section 15061(b)(3), the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and
- (2) Authorize the Interim City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with Telecom Law Firm, P.C., for On-Call Telecommunications Facilities Consultant Services for four years with one optional one-year extension at the discretion of the City Manager and on terms and conditions set forth in the agenda report, including change orders by the City Manager as to time, for a total amount not-to-exceed \$1,000,000. (Contract No. 32354)

CONTRACT AWARD TO MNS ENGINEERS, INC.; CABRINHA, HEARN AND ASSOCIATES; AND DAVID EVANS AND ASSOCIATES FOR ON-CALL LAND SURVEY CONSULTING SERVICES IN AN AMOUNT NOT-TO-EXCEED \$1,000,000 FOR EACH CONSULTANT

Recommendation: It is recommended that the City Council:

- (1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 5, Section 15061(b)(3), the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;
- (2) Authorize the Interim City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with MNS Engineers, Inc., for Land Survey Consultant Services for four years with one optional one-year extension at the discretion of the City Manager and on terms and conditions set forth in the agenda report for a total amount not-to-exceed \$1,000,000. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services); (Contract No. 32355)
- (3) Authorize the Interim City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with Cabrinha, Hearn and Associates for Land Survey Consultant Services for four years with one optional one-year extension at the discretion of the City Manager and on terms and conditions set forth in the agenda report for a total amount not-to-exceed \$1,000,000. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services); (Contract No. 32356)

- (4) Authorize the Interim City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with David Evans and Associates for Land Survey Consultant Services for four years with one optional one-year extension at the discretion of the City Manager and on terms and conditions set forth in the agenda report for a total amount not-to-exceed \$1,000,000. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services); and (Contract No. 32358)
- (5) Authorize the City Manager to extend the term of the contracts.

**LEGISLATIVE POLICY COMMITTEE: AB 1766 (STONE)
DEPARTMENT OF MOTOR VEHICLES: IDENTIFICATION CARDS**

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action in the agenda report is not a "project" subject to the California Environmental Quality Act ("CEQA"), State CEQA Guidelines Section 15378(b)(1) (proposals for legislation to be enacted by the State Legislature) and (2) (general policy making); and
- (2) Authorize the Mayor to sign a letter of support of AB 1766.

Recommendation of the Legislative Policy Committee: On June 28, 2022, the Legislative Policy Committee received a staff presentation on this matter and voted unanimously to recommend that City Council support this Bill.

Sandra Robles, Assistant City Clerk, reported that one letter in support of the staff recommendation, was received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record for this item.

**PUBLIC SAFETY COMMITTEE: AUTHORIZE THE INTERIM CITY
MANAGER TO ENTER INTO AN AGREEMENT WITH THE
CALIFORNIA BOARD OF STATE AND COMMUNITY
CORRECTIONS FOR A CALIFORNIA VIOLENCE INTERVENTION
AND PREVENTION GRANT AND TO TAKE THE FOLLOWING
RELATED ACTIONS: ENTER INTO A CONTRACT WITH THE D-
VEAL CORPORATION FOR MULTI-DIMENSIONAL FAMILY
THERAPY SERVICES; ENTER INTO A CONTRACT WITH THE
BOYS AND GIRLS CLUB OF PASADENA TO PROVIDE
ACADEMIC, PHYSICAL AND EMOTIONAL SUPPORTIVE
SERVICES; AND APPROVE THE ASSOCIATED BUDGET AND
PERSONNEL ALLOCATIONS**

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378, as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment;
- (2) Authorize the Interim City Manager to enter into an agreement with the California Board of State and Community Corrections ("BSCC") to accept and administer these grant funds on behalf of the City of

Pasadena to conduct community violence prevention and intervention services; (Contract No. 23,723)

(3) Amend the Fiscal Year 2023 Public Health Department operating budget by recognizing and appropriating funds of \$684,909 in BSCC violence intervention and prevention funding and increasing the Department personnel allocation by 1.0 full-time equivalent ("FTE"); (Budget Amendment No. 2023-04)

(4) Authorize the Interim City Manager to enter into a contract, with the D-Veal Corporation for Multi-Dimensional Family Therapy ("MDFT") Services for three years, contingent on continued grant funding, in an amount not-to-exceed \$1,141,700; Competitive Bidding is not required pursuant to City Charter Section 1002(F) Contracts for Professional or Unique Services; (Contract No. 32366)

(5) Authorize the Interim City Manager to enter into a contract, with the Boys & Girls Club of Pasadena to provide academic, physical, and emotional supportive services for three years, contingent on continued grant funding, in an amount not-to-exceed \$90,000; Competitive Bidding is not required pursuant to City Charter Section 1002(F) Contracts for Professional or Unique Services; and (Contract No. 32363)

(6) Grant the proposed contracts an exemption from the competitive selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

RESIGNATIONS, APPOINTMENTS, & REAPPOINTMENTS

RESIGNATION OF GREGG GOLDMAN FROM THE ROSE BOWL OPERATING COMPANY BOARD (UCLA Nomination)

RESIGNATION OF JESSICA XIE FROM THE HUMAN SERVICES COMMISSION (District 7 Nomination)

RESIGNATION OF ALEJANDRO MENCHACA FROM THE HISTORIC PRESERVATION COMMISSION (District 7 Nomination)

APPOINTMENT OF JANIE LYNN HEINRICH TO THE ACCESSIBILITY & DISABILITY COMMISSION (District 6 Nomination)

APPOINTMENT OF PETER ANGELIS TO THE ROSE BOWL OPERATING COMPANY BOARD (UCLA Nomination)

Approval of Minutes

June 3, 2022
June 6, 2022

Claims Received and
Filed

Claim No.	Claimant	Claim Amount
2023-0061	James Gomes	\$ 461.40
2023-0062	Emmanuel Cruz Pinedo	700.00
2023-0063	Nanore Balian	8,036.05

2023-0064	Anthony Picanzo on behalf of Woodhouse Brothers, Inc.	899.00
2023-0065	Duplicate to claim no. 2022-0033	
2023-0066	Allstate Insurance Company ASO Rosario Samaniego	3,821.54
2023-0067	Wawanesa ASO of Brian Petrella	1,008.43
2023-0068	Ronald Johnson	1,000.00
2023-0069	Windy Johnson	25,000.00+
2023-0070	Duplicate to claim no. 2023-0069	
2023-0071	Enedio Espinoza	25,000.00+
2023-0072	Quentin B. Simms	10,000.00+
2023-0073	Maurice Wardlaw	10,000.00+

Motion

It was moved by Vice Mayor Wilson, seconded by Councilmember Williams, to approve all items on the Consent Calendar with the exception of Item 4 (Recognition and Appropriation of 2021 Urban Area Security Initiative (UASI) Grant Funds) and Item 7 (Contract Award to Psomas; Michael Baker International, Inc.; and Impact Sciences, Inc., for On-Call Environmental Services...), which was discussed separately:

AYES: Councilmembers Hampton, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo
 NOES: None
 ABSENT: None
 ABSTAIN: None

CONSENT ITEMS DISCUSSED SEPARATELY

RECOGNITION AND APPROPRIATION OF 2021 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS

Recommendation: It is recommended that the City Council:

- (1) Find that the proposed action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), the General Rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment;
- (2) Authorize the Interim City Manager to enter into a contract with the City of Los Angeles to accept and administer the 2021 Urban Area Security Initiative (UASI) grant funds on behalf of the City of Pasadena; and (Contract No. 23,724)
- (3) Amend the Fiscal Year 2023 Operating Budget by recognizing revenue and appropriating \$716,705 awarded by UASI as detailed in

the Fiscal Impact section of the agenda report. (Budget Amendment No. 2023-04)

Sandra Robles, Assistant City Clerk, reported that one letter in opposition to the staff recommendation, was received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record for this item.

Following brief discussion, it was moved by Councilmember Madison, seconded by Councilmember Williams, to approve the staff recommendation:

AYES: Councilmembers Hampton, Madison, Masuda, Rivas, Williams, Vice Mayor Wilson, Mayor Gordo

NOES: None

ABSENT: None

ABSTAIN: None

CONTRACT AWARD TO PSOMAS; MICHAEL BAKER INTERNATIONAL, INC.; AND IMPACT SCIENCES, INC., FOR ON-CALL ENVIRONMENTAL SERVICES FOR AN AMOUNT NOT-TO-EXCEED \$500,000 FOR EACH CONSULTANT

Recommendation: It is recommended that the City Council:

(1) Find the project proposed in the agenda report to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 5, Section 15061(b)(3), the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;

(2) Authorize the Interim City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with Psomas for On-Call Environmental Services for a total amount not-to-exceed \$500,000 over a four-year term. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services); (Contract No. 32343)

(3) Authorize the Interim City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with Michael Baker International, Inc., for On-Call Environmental Services for a total amount not-to-exceed \$500,000 over a four-year term. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services); (Contract No. 32344)

(4) Authorize the Interim City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with Impact Sciences, Inc., for On-Call Environmental Services for a total amount not-to-exceed \$500,000 over a four-year term. Competitive bidding is not required pursuant to City Charter Section 1002(F) (contracts for professional or unique services); and (Contract No. 32345)

(5) Authorize the City Manager to extend the term of the contracts.

Councilmember Madison asked staff to include Tax Payer Protection Disclosure information on all vendors/responsive bidders, and noted the benefits of including all four responsive proposers, given that the firm not selected is a Pasadena business, would have allowed the City Council to open contracts with all four proposers, thus providing more flexibility in selecting a project consultant for a job-specific proposal.

Following brief discussion, it was moved by Councilmember Madison, seconded by Councilmember Masuda, to approve the staff recommendation:

AYES: Councilmembers Hampton, Madison, Masuda, Rivas,
Williams, Vice Mayor Wilson, Mayor Gordo
NOES: None
ABSENT: None
ABSTAIN: None

ORDINANCE – FIRST READING

Conduct first reading of “AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 8.92 TO TITLE 8 OF THE PASADENA MUNICIPAL CODE ENTITLED “BUILDING ELECTRIFICATION”

The following individuals provided comments in support of the agenda item:

Michael Rochmes, representing Climate Reality Los Angeles
Chapter
Sandy Krasner, representing Citizens Climate Lobby –
Pasadena/Foothills Chapter
David Juarez, CA Restaurant Association

The above ordinance was offered for first reading by Councilmember Williams:

AYES: Councilmembers Hampton, Madison, Masuda, Rivas,
Williams, Vice Mayor Wilson, Mayor Gordo
NOES: None
ABSENT: None
ABSTAIN: None

Advisory Bodies

CONSIDERATION OF ROSE BOWL OPERATING COMPANY (RBOC) FIVE-YEAR STRATEGIC INITIATIVES
Recommendation of the Rose Bowl Operating Company (RBOC):
It is recommended that the City Council:

- (1) Authorize the General Manager, on behalf of the City Council, to:
- a. Diligently pursue the following revenue generating opportunities in a pre-development phase:
 - i. Family Golf Center;

- ii. Campus Marque/Sponsorship Program;
- iii. Sponsorship 210 freeway signage;
- iv. Alignment of interests in contracts with UCLA and Tournament of Roses;
- v. South End Zone seating project;
- vi. Analysis of a potential citywide parking tax on paid parking spaces;
- vii. A potential increase of Transient Occupancy Tax (TOT);
- viii. Third-party funding opportunities related to future capital improvements;
- b. Explore additional opportunities in the Rose Bowl area that would broaden the monetization opportunities while being cognizant of acceptable use within the Arroyo Seco; and
- (2) Direct the Interim City Manager to work together with the Rose Bowl Operating Company (RBOC) General Manager, and report to the RBOC and City Council (or designated City Council Committee) quarterly with updates on progress.

Steve Haderlein, RBOC President, began by expressing his condolences to the family of the late Honorable Councilmember Kennedy; and provided introductory comments.

Jens Weiden, RBOC Chief Executive Officer, and Dan Barrett, President, CAA ICON Strategic Advisory, presented a PowerPoint presentation on the item; and all responded to questions.

Mayor Gordo thanked the RBOC staff for the presentation; encouraged pursuing potential opportunities and benefits associated with the Mills Act, and noted that he will continue to advocate with the City's legislative representatives on behalf of the Rose Bowl, as well as the Tournament of Roses, for available local and state resources and funding opportunities to support the Rose Bowl and New Years Day Parade and Game. Mayor Gordo expressed his support for staff to further study the potential for a city-wide parking tax and a potential increase of the City's Transient Occupancy Tax (TOT).

Councilmember Williams spoke in support of the displacement events held at the Rose Bowl (commending staff for being creative and aggressive in pursuing such opportunities); noted her concerns and hesitation in being able to support capital improvement projects without knowing the impact level to the City's general fund; stated the need for a full economic analysis, including an analysis on the bonds; expressed support for the RBOC to pursue non-capital projects and opportunities, as well as the alignment of interests in contracts with UCLA and Tournament of Roses, and alternative funding opportunities as a way to support future capital improvements.

Matt Hawkesworth, Finance Director, responded to questions surrounding refinancing the Rose Bowl bonds, stating the bonds are callable bonds but it is not financially advantageous to call them, but

noted that if the federal government took action to eliminate the Build America Bonds (BABS) subsidy completely the City would have additional options.

Vice Mayor Wilson spoke on the strategic initiatives presented, cautioned the pursuit of public funding sources, such as a city-wide parking tax and/or increase of Transient Occupancy Tax (TOT); challenged the RBOC and the City to go beyond temporary solutions and the need for more holistic and aspirational long-term approaches, such as branding/marketing the Rose Bowl as a regional destination (i.e. family, visitor, and/or entertainment destination). Vice Mayor Wilson spoke on the success of the music festivals, citing that as a framework to reimagine the future of the Rose Bowl together with the Arroyo as singular destination.

In response to Vice Mayor Wilson's comments, Mayor Gordo noted that reimaging the Arroyo is a separate conversation outside of the scope of this discussion (and beyond the jurisdiction of the RBOC), but acknowledged the need for a broader conversation on whether there is interest in the community in pursuing such a holistic approach.

Councilmember Hampton expressed his support to further discuss the Arroyo and Rose Bowl as a whole, suggesting that such an issue might be an appropriate topic for a City Council task force effort.

Councilmember Rivas spoke in support of staff's recommendation, commented on the stadium naming rights as an option to generate revenue, and asked that this option not be completely eliminated but further studied/explored as a possible substantial revenue opportunity.

Jens Weiden, Chief Revenue Officer, responded to questions regarding campus marquee/sponsorship programs and stadium naming rights.

Councilmember Madison spoke on the constraints surrounding the Rose Bowl being located in a residential open-space environment, limiting potential opportunities for revenue generation; and spoke in support of the staff recommendation to allow the RBOC to further pursue the presented opportunities.

Following discussion, Councilmember Madison spoke in support of the staff recommendation, suggesting it be amended to direct the RBOC to prioritize the initiatives that are the most feasible and likely to raise revenue, report back on findings, and provide a recommendation on whether revenue enhancement opportunities will help to achieve stated capital improvement goals for the stadium.

Mayor Gordo requested that further review of the Mills Act concept be included as part of the proposed motion.

Sandra Robles, Assistant City Clerk, reported that two letters expressing concerns with the severe impact the Rose Bowl's debt has had on the City's financial resources; advocating for the needs of the Pasadena residents to take precedence over Rose Bowl operations; one letter advocating for the preservation of the Arroyo, and urging further thought on how the Rose Bowl is managed and operated; one letter urging that any consideration given to changes to the stadium or the Golf Course be carefully evaluated in terms of the impact on these valuable historic resources; one letter supporting the elimination of the cap on the Rose Bowl Admission Tax, even such an action would require a vote-approved ballot initiative; with all correspondence received by the City Clerk's Office, distributed to the City Council, posted on-line, and made part of the public record for this item.

The following individuals provided comments on the agenda item:

Sonja Berndt, Pasadena resident
Nina Chomsky, representing Linda Vista-Annandale Association
Geoffrey Baum, representing West Pasadena Residents'
Association
Jill Shook, Pasadena resident

Councilmember Hampton asked that the RBOC consult with Michael Ross, Chief Executive Officer of the Pasadena Center Operating Company (PCOC), as the RBOC further pursues consideration for potential increases to the Transient Occupancy Tax (TOT).

Following discussion, Councilmember Williams requested that direction to staff include prioritization of non-capital projects; and spoke on the need for more community outreach and further discussion on the historic nature of the Arroyo Seco, and the types of projects that are consistent with this valuable City resource.

Following discussion, Vice Mayor Wilson requested that additional direction be given to the City Manager to work with the Mayor and RBOC on the broader discussion surrounding the future of the Arroyo and to report back on the matter a future City Council meeting.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Masuda, to approve the staff recommendation, with RBOC staff directed to prioritize the initiatives and opportunities on the basis of feasibility and ability to generate revenue; provide a recommendation on whether such revenue enhancement opportunities will help achieve stated capital improvement goals for the stadium; include a review of the Mills Act concept; and with direction to the City Manager to work with the Mayor and RBOC on the broader discussion surrounding the future of the Arroyo Seco and Rose Bowl area, with RBOC and City staff to report back to the City Council at a future meeting.

AYES: Councilmembers Hampton, Madison, Masuda, Rivas,
Vice Mayor Wilson, Mayor Gordo
NOES: Councilmember Williams
ABSENT: None
ABSTAIN: None

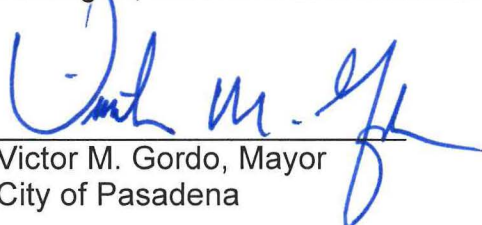
Nina Chomsky, representing Linda Vista-Annandale Association, expressed concerns regarding public safety, parking management, traffic control, and illegal merchandise being sold in the middle of neighborhood streets surrounding the Rose Bowl at this past soccer event.

Councilmember Hampton acknowledged Ms. Chomsky concerns; requested that information on the California Highway Patrol (CHP) freeway closures scheduled on event days be distributed to the Councilmembers; and stated that his next district meeting will include a discussion on the Rose Bowl event challenges described by the public comment, focusing on needed improvements and solutions.

George Cunningham, Chief Operations Officer, briefly commented on the CHP threshold to close an entrance or exit ramp during events, spoke on the challenges with traffic, neighborhood concerns and staffing shortages, noting that the RBOC will be addressing these issues at an upcoming board meeting.

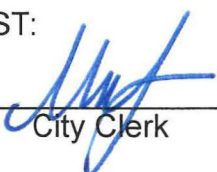
ADJOURNMENT

On order of the Mayor, the regular meeting of the City Council adjourned at 8:55 p.m., in memory and in honor of our friend and colleague, the Honorable District 3 Councilmember, John J. Kennedy.

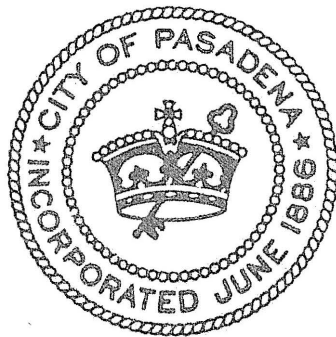


Victor M. Gordo, Mayor
City of Pasadena

ATTEST:



City Clerk



Agenda Report

August 1, 2022

TO: Honorable Mayor and City Council

FROM: Fire Department

SUBJECT: AUTHORIZATION TO ENTER INTO CONTRACTS FOR MEDICAL SUPPLIES NOT TO EXCEED \$1,500,000

RECOMMENDATION:

It is recommended that the City Council:

1. Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061 (b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment;
2. Accept the bid dated June 6, 2022 submitted by Life-Assist, Inc. in response to an Invitation for Bid to furnish and deliver medical supplies as requested and authorize the City Manager to enter into a multi-year contract with Life-Assist, Inc. for an amount not to exceed \$1,250,000 which includes \$750,000 for an initial three year term and two optional one-year terms, with each year not to exceed \$250,000 subject to approval by the City Manager; and
3. Accept the bid dated June 6, 2022 submitted by Bound Tree Medical, LLC. in response to an Invitation for Bid to furnish and deliver medical supplies as requested and authorize the City Manager to enter into a multi-year contract with Bound Tree Medical, LLC for an amount not to exceed \$250,000 which includes \$150,000 for an initial three year term and two optional one-year terms, with each year not to exceed \$50,000 subject to approval by the City Manager.

BACKGROUND:

The Fire Department (Department) responds to nearly 13,500 emergency medical calls annually and uses a variety of medical supplies when responding to those calls that require the provision of emergency medical care. In support of this effort, staff purchases a variety of medical supplies and equipment to ensure the Department's first responders are prepared to treat patients with medical conditions and traumatic injuries. This helps to ensure the Department is able to provide critical pre-hospital emergency

medical care as required by Los Angeles County Emergency Medical Services Agency. Supplies and equipment purchased by staff include necessary items such as bandages, splints, intravenous supplies, oxygen masks, medications, and airway equipment.

The Fire Department has a current contract with Life-Assist for medical supplies that was approved on July 24, 2017. Life-Assist was awarded a three-year contract with the Fire Department through a formal bid process to furnish medical supplies, for a not to exceed amount of \$200,000 each year of the three-year term. On October 21, 2020, the contract term was amended to a five year contract.

On May 10, 2022, the City published an Invitation for Bid (IFB) to furnish and deliver medical supplies as required by the Fire Department. The bid was advertised for close to four weeks through Planet bids. Notifications were sent to 757 vendors, with 35 vendors downloading the IFB document. No local Pasadena vendors downloaded or submitted a bid. On June 6, 2022, six bids were received.

Staff requested vendors to bid on 45 of the most commonly ordered products based on historical purchases of the Department to evaluate pricing. Three of the six bids received were deemed non-responsive due to incomplete bids. Of the three, responsive bids received, the bid results are as follows:

No.	Bidders	Total Weighted Bid Price
1.	APTOS LOGISTICS, INC. (San Ramon, CA) (5 year total)	\$1,227,447
2.	BOUND TREE MEDICAL, LLC (Dublin, OH) (1 year total)	\$135,323
3.	LIFE ASSIST, INC. (Cordova, CA) (1 year total)	\$93,200

Following a formal bid process, Life-Assist, Inc. is recommended as the primary vendor to furnish and deliver medical supplies in accordance with the City's specifications. Life-Assist is an established California corporation, and was the lowest bidder that was able to provide all specified goods and meet all indicated requirements. Total expenditures are not to exceed \$1,250,000, which includes \$750,000 for an initial three-year term and two optional one-year terms with each year not to exceed \$250,000.

Bound Tree Medical LLC is recommended as a secondary vendor due to the ongoing supply chain issues and allocation limits for products such as saline, PPE items and certain medications experienced during the COVID-19 pandemic. For the past 2 years there have been many items that are in a nationwide shortage in which there was no identified vendor backup. Securing a second vendor, will assist the Department in providing expeditious medical services to the public. Total expenditures are not to exceed \$250,000, which includes \$150,000 for an initial three-year term and two optional one-year terms with each year not to exceed \$50,000.

COUNCIL POLICY CONSIDERATION:

The proposed contract furthers the City Council's strategic planning goal to ensure public safety.

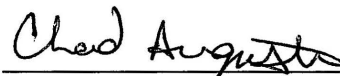
ENVIRONMENTAL ANALYSIS:

The proposed contract has no environmental impact; it is exempt from CEQA review pursuant to State CEQA Guidelines and Section 15061 (b) (3), the general rule that CEQA only applies to projects that may have an effect on the environment.

FISCAL IMPACT:

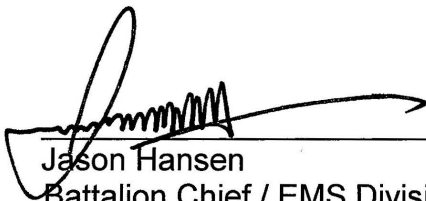
The total cost of this action is \$1,500,000 if the additional one-year terms are exercised. Funding for this action will be addressed by utilization of the existing and future budgeted appropriations in the Fire Department's General Fund operating budget account for EMS (10131021-810100). There are no anticipated impacts to other operational programs or capital projects as a result of this action.

Respectfully submitted,



CHAD AUGUSTIN
Fire Chief
Fire Department

Prepared by:



Jason Hansen
Battalion Chief / EMS Division
Fire Department

Approved by:



CYNTHIA J. KURTZ
Interim City Manager



COMPETITIVE BID

FURNISH AND DELIVER
MEDICAL SUPPLIES
FOR THE
FIRE DEPARTMENT
CITY OF PASADENA, CALIFORNIA



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Attachments:

A - EquivalentsTable



1.0 NOTICE INVITING BIDS

FOR MEDICAL SUPPLIES

1.1 Delivery Instructions

Bids will be received electronically through Planet Bids (www.planetbids.com). A bid received after the time set for the bid opening shall not be considered. Bidders are required to submit (upload) all items listed in the BIDDER'S CHECKLIST including acknowledgement of all addendums. Bids will be received prior to **2:00 pm Monday, June 6, 2022**, and will be opened online at that time. The bids shall be clearly titled:

MEDICAL SUPPLIES

Copies of the Specifications may be obtained by mail or in person from the Purchasing Division, 100 N. Garfield Ave., Room S-349, Pasadena, CA 91109, Telephone No. (626) 744-6755.

Refer to the Specifications for complete details and bidding requirements. The Specification and this Notice shall be considered a part of any contract made pursuant thereunder.

1.2 Bid Conference

The City does not plan to hold a pre-bid conference. Instead, the City will accept written questions via email.

1.3 Release Date

Release Dated: Thursday, May 19, 2022

CYNTHIA J. KURTZ

Interim City Manager



2.0 INSTRUCTIONS TO BIDDERS

2.1 Summary

The Pasadena Fire Department (PFD) is seeking a vendor to furnish and delivery medical supplies as required.

2.2 Contact Information

Vendor Registration Instructions & Customer Service information:

[Click here to register onto Planet Bids:](#)

<https://www.planetbids.com/portal/portal.cfm?CompanyID=14770>

If you are already registered and need help logging in or retrieving your user information call 818-992-1771 x0.

Additional instructions are included in this solicitation (See section named "Instructions for Registering onto Planet Bids").

Customer Service

For assistance with e-bidding or uploading documents: Contact Planet Bids

Monday through Friday 5am - 5pm PST, except statutory holidays

Project Contact:

Cynthia Foronda

Senior Office Assistant

Email: cforonda@cityofpasadena.net

Phone: [\(626\) 744-7182](tel:(626)744-7182)

Procurement Contact:

Antonio Watson

Project Manager

Email: awatson@cityofpasadena.net

Phone: [\(626\) 744-8382](tel:(626)744-8382)

Department:

Fire Department

2.3 Timeline

Release Project Date	May 19, 2022
Question Submission Deadline	May 26, 2022, 2:00pm
Bid Submission Deadline	June 6, 2022, 2:00pm



3.0 GENERAL INSTRUCTIONS

3.1 General Bid Requirements

To be considered, a bidder must follow the format for bids in the specifications. Bids must be binding and firm. Any bid may be withdrawn before bid opening but not for 90 days after opening.

3.2 Bidder Must Make Thorough Investigation

It is the bidder's responsibility to examine the location of the proposed work, to fully acquaint themselves with the specifications and the nature of the work to be done. The bidder shall have no claim against the City based upon ignorance of the nature and requirements of the project, misapprehension of site conditions, or misunderstanding of the specifications or contract provisions.

3.3 Acceptance of Conditions

By submitting a bid, each bidder expressly agrees to and accepts the following conditions:

- A. All parts of the Instructions to Bidders and Specifications will become part of the Contract between the selected bidder and the City;
- B. The City may require whatever evidence is deemed necessary relative to the bidder's financial stability and ability to complete this project;
- C. The City reserves the right to request further information from the bidder, either in writing or orally, to establish any stated qualifications;
- D. The City reserves the right to solely judge the bidder's representations, and to solely determine whether the bidder is qualified to undertake the project pursuant to the criteria set forth herein. The bidder, by submitting a bid, expressly acknowledges and agrees that the judgment of the City as to whether or not the bidder is qualified to perform the project, shall be final, binding and conclusive;
- E. The City reserves the right to reject all bids, waive any irregularity in any of the bids, or cancel or delay the project at any time;
- F. This bidding process does not commit the City to award any contract, and the City is not liable for any costs incurred by the bidder in the preparation and submission of a bid.

3.4 Truth and Accuracy of Representation

False, incomplete or unresponsive statements in connection with the bid may be sufficient cause for rejection of a bidder.

3.5 City Changes to the Bid Documents

The City reserves the right to change any part of these Instructions to Bidders and Specifications any time prior to the bid opening. Any changes shall be in the form of addenda and will become a part of the bid documents and of the contract. Addenda shall be made available to each bidder. A bidder's failure to address the requirements of the addenda may result in the bid not being considered. If the City determines that a time extension is required for the bid, the addenda will give the new submission date.



3.6 Notice Regarding Disclosure of Contents of Document

All bids accepted by the City at the time of bid opening shall become the exclusive property of the City. Upon opening, all bids accepted by the City shall become a matter of public record and shall be regarded as public, with the exception of those elements of each bid which are identified by the bidder as business or trade secrets and plainly marked as "trade secret," "confidential," or "proprietary." Each element of a bid which a bidder desires not to be considered a public record must be clearly marked as set forth above, and any blanket statement (i.e., regarding entire pages, documents, or other non-specific designations) shall not be sufficient and shall not bind the City in any way whatsoever. If disclosure is required under the California Public Records Act or otherwise by law (despite the bidder's request for confidentiality), the City shall not in any way be liable or responsible for the disclosure of any such records or part thereof.

3.7 Award of Bid and Determination of Responsiveness

The contract shall be awarded to the lowest responsive and responsible bidder. In determining whether a bidder is responsible and responsive, the following shall be considered:

- A. The quality of the material offered;
- B. The ability, capacity and skill of the bidder to perform the contract or provide the material or services;
- C. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- D. The sufficiency of the bidder's financial resources and the effect thereof on his ability to perform the contract or provide the material or services;
- E. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- F. The quality and timeliness of the bidder's performance on previous orders or contracts for the City;
- G. Litigation by the bidder on previous orders or contracts with the City;
- H. The ability of the bidder to provide future maintenance and service where such maintenance and service is essential;

3.8 Errors and Omissions

Bidders shall not be allowed to take advantage of any errors or omissions in the Instructions to Bidders or Specifications. Full instructions will be given if such error or omission is discovered and timely called to the attention of the City.

3.9 Patent Feed; Patent, Copyright, Trade Secret, and Trademark Fees

Each bidder shall include in the price bid any patent fees, royalties and charges on any patented article or process to be furnished or used in the prosecution of the Work.

3.10 Taxes

Price bid shall include all federal, state, local and other taxes.

3.11 Local Bidders; Refund of Sales and Use Tax



For the purpose of determining the lowest bidder on a contract for materials and supplies only, 1.75% of that portion of the bid subject to sales or use tax shall be deducted from any bid where it is determined that if such bidder were awarded the contract, the City would receive a refund of the 1.75% sales and use tax pursuant to the Uniform Sales and Use Tax Ordinance of the City of Pasadena.

3.12 Special Requirements of Contractors

There is a separate packet of forms as part of these specifications that a bidder must complete to establish compliance with a number of special City of Pasadena requirements, including, but not limited to, Equal Employment and Affidavit of Non Collusion. These forms and their instructions should be considered an integral part of the specifications and failure to complete them shall be grounds, in the sole discretion of the City, for rejection of any bidder.

3.13 Public Contract Code Sec. 9204 New Public Works Claims Procedure

As detailed in the Section Titled [#Public Works Claims Procedure](#) new Public Contract Code Section 9204, effective January 1, 2017, specifies new procedural requirements for claims submitted by a contractor on any public works project.

3.14 Federal Terms and Conditions

In as much as there are Federal Requirements for this solicitation please see the Section named [#Federal Terms and Conditions](#).



4.0 SPECIAL CITY REQUIREMENTS

4.1 Equal Employment Opportunity in Contracting

Policy - The City of Pasadena is committed to a policy of Equal Employment:

- Contracting. Contractors expressly agree to comply with the City's ordinances and regulations regarding Equal Opportunity Employment as well as regulations that may be mandated by the source of the funds supporting this contract.

Compliance – To the extent permitted by law, Contractor expressly agrees to establish compliance with the Equal Employment Opportunity Practices Provisions of Chapter 4.08 of the Pasadena Municipal Code, and the Rules and Regulations adopted pursuant to said ordinance.

The successful bidder may be required to submit documentation during the term of the contract to evidence on going compliance with the City's Equal Opportunity Practices Provisions. Such documentation may include, but not be limited to certified payroll records and Current Permanent Workforce Utilization reports.

Required Forms – Each bidder must submit a completed Form AA-1. Failure to submit this form will result in automatic disqualification with no exceptions unless bidder has an approved Form on file with the City.

Questions regarding Chapter 4.08 of the Pasadena Municipal Code and regulations adopted pursuant thereto should be directed to the Department of Finance, Purchasing Division 626.744.6755.

4.2 Declaration of Non-Collusion by Contractor

The City requires that each bidder executes and submits to the City with the Bid, the attached Declaration of Non Collusion.

4.3 Local Preferences

The City of Pasadena is committed to promoting the economic health and well being of its residents. To this end, contractor agrees to recruit Pasadena residents initially and to give them preference, if all other factors are equal, for any new positions that result from the performance of this contract and which are performed within the City.

4.4 Protest Procedure

This procedure specifies the process to be utilized by the City of Pasadena in resolving protests regarding this solicitation. In order for a protest to be considered by the City of Pasadena, it must be submitted in accordance with the procedures outlined in the FORMAL SOLICITATION PROTEST PROCURE found at the following link: (<https://ww5.cityofpasadena.net/finance/doing-business-with-the-city/>). A protest submitted that is not in accordance with this procedure, may be returned to the submitting party without any further action by the City of Pasadena.

4.5 Bid Shall Remain Open

Bidder agrees that their bid shall remain open and shall not be withdrawn for a period of not less than one hundred and twenty (120) calendar days from the date of opening bids, or until rejected by the City, whichever occurs first.

4.6 Equivalents to Specifications



The material, equipment or service offered by the bidder will meet all requirements of the specifications in this Notice Inviting Bids. Questions requesting approval of equals must be submitted before the deadline for questions to the City contacts listed in the Bid Invitation. Bidder must provide all information (no pricing) with their bid in order for the City to determine if the product offered is an equal to the manufacturer specified and/or meets the technical specifications. This includes details for each item to which a proposed equal will be taken, proposed make and model specifications, and any other information on the material specified herein regarding approved equals requested. Bidder must state brand name and/or manufacturer of each item proposed and include detailed specifications. All guarantees and/or warranties must also be stated. Parts and materials must be latest model or current date and meet specifications.

During the question and answer period, the City reserves the right to determine whether equivalents meet the bid specifications of the City, and are equal to the manufacturer specified or the stated technical specifications. The decision of the City regarding equality shall be final.



5.0 GENERAL SPECIFICATIONS

5.1 BID PROPOSAL QUANTITIES

The quantities contained in the bid documents are approximate only and are for the sole purpose of comparing bids. The City may, in accordance with the specifications, order more equipment and/or materials as necessary at the City's sole discretion, as increased by the unit price noted and payment will be made for the amount of material actually provided as determined by the City and accepted at the unit prices noted in the bid.

5.2 EVALUATION OF BID

Bids will be evaluated based on the lowest Grand Total Price submitted in the Bidders' Proposal. The contract award will be made from among responsive and responsible bidders. In case of a discrepancy between the unit prices and item total, the unit price shall govern. In the event of a discrepancy between the item totals and the grand total price the item totals shall prevail. The prices will be subject to adjustment by the City on that basis in the event of discrepancy and bid awarded.

Bidder must bid on all items listed on the Bid Price Sheet. The City anticipates the order amount of the items listed in the Bidder's Proposal. However, the City of Pasadena does not imply nor make any commitment to purchase a specific quantity. The City may increase or decrease the quantities based on the current requirements, and the contractor agrees to furnish more or less of the items stated in the Bidder's Proposal. Additional varieties of the items may be ordered as a result of this bid. Award of contract shall be based upon the grand total price of items contained in the Bidder's Proposal.

The Market Basket in this solicitation is established to represent 80% of the total estimated value of the contract to be awarded. As a result, the list of goods to be purchased under this solicitation includes the top 20 goods purchased by dollar volume. Prices for the remaining goods for this solicitation are represented by dollar value in the Grand Total, though they will not be a part of the market basket analysis.

5.3 SAMPLE CONTRACT

A sample of the contract the successful bidder will be required to enter into with the City is attached hereto and by this reference incorporated herein and made part of these specifications.

5.4 LICENSE AND PERMITS

Contractor shall obtain and pay for any required business license under Title 5 of the Pasadena Municipal Code. For further information contact Municipal Services Department at (626) 744-4166, Monday-Friday between 8am and 5pm.

5.5 SUBSTITUTION FOR PATENTED AND SPECIFIED ARTICLES

Wherever these Specifications specify any material or process by patent or proprietary name, or by name of manufacturer, such specification is only for the purpose of describing the material or process desired and shall be deemed to be followed by the words and/or approved equivalent. Any bidder may offer in the proposal any material or process that is equivalent in every respect to the material or process specified. This statement of alternate unit shall clearly



describe the material or process for which the substitution is proposed and shall provide technical data establishing equivalency.

5.6 System for Award Management (SAM.Gov)

Prior to contract award, the lowest responsive and responsible bidder must provide an active registration with "Sam.Gov." Vendors seeking to register can register for free at the following link: <https://sam.gov/content/entity-registration>

5.7 BID YOUR FULL EQUAL OR BETTER

Materials and equipment furnished shall be new, complete, ready-for-use and of the latest model, shall not have been used in demonstration or other services and have all the usual equipment as shown by manufacturer's current specifications and catalogs unless otherwise specified.

5.8 PASADENA LIVING WAGE ORDINANCE

This project is subject to the City of Pasadena's Living Wage Ordinance, Pasadena Municipal Code Chapter 4.11. The ordinance requires that contractors providing labor or services to the City under contracts in excess of \$25,000 pay no less than the City's Living Wage to all employees who spend any of their time providing labor or delivering services to the City.

The selected contractor will be required to evidence compliance with the Living Wage Ordinance by submitting payroll records as requested by the City. Each record shall include the full name of each employee performing labor or providing services under the contract; job classification; rate of pay and benefit rate.

Failure to comply with the provisions of the Pasadena Living Wage Ordinance is grounds for termination of the contract and a basis for penalties as stated in Pasadena Municipal Code Chapter 4.11. Questions concerning the Pasadena Living Wage Ordinance should be directed to:

Finance Department
Purchasing Division
626-744-6755 - phone
626-744-6757 – fax

Please visit <https://ww5.cityofpasadena.net/finance/doing-business-with-the-city/> for the current calendar year Pasadena Living Wage rate.

5.9 PAYMENT

Section 9-3 of the "STANDARD SPECIFICATION FOR PUBLIC WORKS CONSTRUCTION" is hereby replace with the following: Payment will be made when invoice has been submitted upon the completion this project.

5.10 LIABILITY INSURANCE

Proof of insurance is not required to be submitted with your bid, but will be required prior to the City's award of the contract. A copy of the City standard is included in this solicitation.

5.11 REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION (IRS Form W-9)

The apparent low bidder may be required to submit a completed and signed IRS Form W-9. Failure to submit this form may result in the bidder being deemed non-responsive



5.12 DURATION OF CONTRACT

The initial term of the contract resulting from these Specifications shall be for three years from the date of execution by the City. The contract may be extended for two optional one-year extension periods subject to the approval of the City Manager.

5.13 PRICE ADJUSTMENTS

At the conclusion of the first contract year and prior to the commencement of the second contract year or any subsequent contract extension period, the contractor may request unit price increases. Under no circumstances shall the City accept price increases, which exceed the rate of the then current Consumer Price Index (C.P.I.) for the latest available preceding 12 month period.

5.14 Invoice Submission Portal

Invoice Submission Portal

The invoice submission process is activated when an invoice is submitted through the Vendor Invoice Portal. Invoices submitted are automatically sent to the department being invoiced for review. Once the city department verifies its accuracy, the department will submit the invoice to Accounts Payable for payment processing. One final review and approval by the department who was invoiced is needed in order for a check to be issued. Checks are issued on Tuesday and Thursday.

How to submit invoices to the City of Pasadena?

Create an account: Visit the City's Invoice Submission website:
<https://invoice.cityofpasadena.net/> and select "Create Account"

Refer to the "[Invoice Submission Portal - Vendor User Guide](#)" for detailed instructions.



6.0 BID SPECIFICATIONS

6.1 SCOPE OF SERVICES

The Pasadena Fire Department (PFD) is seeking a vendor to furnish and delivery medical supplies as listed in this bid. Successful bidders must be authorized distributors for the product offerings, and must submit documentation indicating the authorized purchase of the listed supplies. The vendor must honor all the manufacturers' warranties.

The vendor must have a sales representative available for support and questions. Any necessary sales support through training and/or demonstration of products and equipment must be provided by the vendor.

6.2 DELIVERY

Orders for medical supplies will be placed on a weekly basis, approximately 52 times a year. Items ordered must be delivered to the address listed below at Fire Station 37 within three business days. Normal delivery hours are Monday through Friday: 8:00AM to 5:00PM PST. Orders must be shipped the same day if placed by 5:00pm PST. All delivery costs under the weekly order schedule must be included in the unit pricing.

Fire Station 37 Address:

3430 E Foothill Blvd, Pasadena, CA 91107

Failure to adhere to weekly services and delivery performance requirements may be cause for immediate termination of the contract. All items are to be delivered Free On Board (FOB) to Fire Station 37 in the City of Pasadena.

Emergency orders may occur on rare occasions when special or additional supplies are needed on short notice. Deliveries for emergency orders must occur within 24 hours. All delivery costs for emergency orders must be clearly indicated in the Table in the Bidder's Proposal.

6.3 BRANDS

Any manufacturer's names, trade names, brand names, model or catalog numbers used in these specifications are for the purpose of describing and establishing general quality levels. Such references are not intended to be restrictive. Bids will be considered for any brand which meets or exceeds the quality of the specifications listed for any item; such bids shall state brand name and number and include detailed specifications. Bidder must state alternate brand name and/or manufacturer of each item proposed in this bid in the "Approved Equal Bid Table."

Parts and materials must be latest model or current date and meet specifications. Bids will be considered on equipment or material complying with specifications. No deviations or substitutions for the items listed in the Bid Table will be accepted.

For all items where bidders are quoting an "approved equal", bidder must provide all information with their bid in order for the City to determine if the product offered is an equal to the brand specified and/or meets the technical specifications. The City reserves the right to determine whether the alternate brand is equal to the brand specified or the stated technical specifications. The decision of the City regarding equality shall be final.



Lowest responsive bidder not to be determined solely based on price. Past experiences, quality, custom online capabilities and adaptability in respect to the requirements will be taken into consideration.

6.4 MISCELLANEOUS MEDICAL SUPPLIES

The City estimates that it will purchase \$30,000 in Medical Supplies not listed in this bid. Bidders are required to provide an electronic PDF file of their catalogue of the Medical Supplies they provide at the time of bid, which must include list prices and detailed descriptions. Additionally, in the Bidder's Proposal, Bidders are required to indicate their total percentage discount or markup on the estimated \$30,000 of Miscellaneous Medical Supplies in terms of dollars (\$).

6.5 EQUIVALENTS

For bidders proposing "Equivalents" to the items listed in the BIDDER'S PROPOSAL, please provide all the information on the attached "Equivalents Table." Bidders must bid on all items listed in the Bidder's Proposal. No unapproved substitutions for the items listed in the Bid Table will be accepted. All requests for approved equivalents must be submitted during the Q&A period. The City reserves the right to determine whether the alternate brand is equal to the brand specified or the stated technical specifications. Supporting materials must be provided by the bidder at the time of bid for any items proposed as "Equivalents" or the bid may be deemed non-responsive. The decision of the City regarding equality shall be final. Incomplete bids may be deemed non-responsive.



7.0 BIDDER'S PROPOSAL

To the Honorable City Council of the City of Pasadena, California

In response to the Notice Inviting Bids for **MEDICAL SUPPLIES** the undersigned proposes and agrees to furnish the required material in strict conformity with the general and detailed specifications and data on manufacturer's data sheets and/or exceptions made part of the bid and accepted by the City in writing.

Each bidder must bid on all items shown in the Bidder's Pricing Table. If any bidder makes any alteration, interlineation or deviation in any of the printed matter of the proposal or if the signature of the bidder is incomplete, the bid will be considered informal and may be rejected.

The price bid shall include any and all charges required under the California Retail Sales Act of 1933 as amended and the California Use Tax Act of 1935.

Instructions: For each Item, please multiply the Unit Price by the corresponding Quantity to determine the Item Price. Sum the Item Prices to determine the Item Total. Sum the Item Total and the Sales Tax to determine the Grand Total Price.

All bid pricing must be entered into Planet Bids or the bid may be considered informal and deemed non-responsive, do not use a separate document attachment to represent your pricing. All required attachments must be completed and uploaded electronically into Planet Bids (www.planetbids.com) prior to the set bid date and time in the "Notice Inviting Bids."

BID PROPOSAL TABLE

Line Item	Description	Manuf Number	Manufacturer	Unit of Measure	Quantity	Unit Cost	Total
1	i-gel O2 Resus Pack, Small Adult, Size 3 [*]	8703030	INTERSURGICAL	ea	15	20.25	303.75
2	i-gel O2 Resus Pack, Medium Adult, Size 4 [*]	8704030	INTERSURGICAL	ea	15	20.25	303.75
3	i-gel O2 Resus Pack, Large Adult, Size 5 [*]	8705030	INTERSURGICAL	ea	15	20.25	303.75
4	Guedel Airway 60mm B [*]	43060-50	ADC	ea	10	0.62	6.20
5	Guedel Airway 70mm W [*]	43070-50	ADC	ea	10	0.62	6.20
6	Berman Airway, 80mm, Green [*]	121803	Teleflex	ea	10	0.17	1.70
7	Berman Airway, 90mm, Yellow [*]	121804	Teleflex	ea	100	0.17	17.00
8	Berman Airway, 100mm, Red [*]	121805	Teleflex	ea	100	0.17	17.00
9	BriteView Laryngoscope Blade, Miller #1, Pink [*]	LB51MIL1-DS	Hartwell Medical	ea	5	6.25	31.25
10	BriteView Laryngoscope Blade, Mac #3, Orange [*]	LB51MAC3-DS	Hartwell Medical	ea	5	6.25	31.25
11	BriteView Laryngoscope Blade, Mac #4, Green [*]	LB51MAC4-DS	Hartwell Medical	ea	5	6.25	31.25



Line Item	Description	Manuf Number	Manufacturer	Unit of Measure	Quantity	Unit Cost	Total
12	Masimo M-LNCS DCI-I Reusable Sensor, Adult [*]	2501	MASIMO	ea	2	150.00	300.00
13	Masimo M-LNCS PDTX Disposable Sensor, Pedi, 18" [*]	2510	MASIMO	ea	5	13.00	65.00
14	PHYSIO-CONTROL EDGE Electrode w/QUIK-COMBO Connector, Adult [*]	11996-000091	PHYSIO-CONTROL	ea	5	28.50	142.50
15	DIAGNOSTIX™ Palm Style BP Unit, Adult, Navy Blue [*]	703-11AN	ADC	ea	2	44.00	88.00
16	BD Microtainer Lancets, Low Flow, PURPLE (Bx/200) [*]	366592	BD	BX	5	50.00	250.00
17	Ambu® BLUE SENSOR Electrode, 1.5in h (Packs of 10) [*]	SP 00 S 10	AMBU	pk	6,000	2.00	12,000.00
18	Ambu® Perfit™ ACE Extrication Collar [*]	00 281 000	AMBU	ea	780	4.00	3,120.00
19	Ambu® Perfit™ Mini ACE Extrication Collar [*]	106 281 000	AMBU	ea	60	4.00	240.00
20	CapnoLine Plus Oral Nasal Cannula with O2, ADULT [*]	MVAO100U	Medtronic USA	ea	300	11.00	3,300.00
21	AMSAFE IV Set, 2-MicroClave, Back Check Valve, 15 drop [*]	MRA15B-105	AMSINO	ea	1,806	2.65	4,785.90
22	AMSAFE IV Set, 2-MicroClave, 60 Drop [*]	MRSA602-100	AMSINO	ea	5	3.38	16.90
23	ViaValve™ Safety IV Catheter, 18 ga. x 1 1/4" [*]	326510	SMITH	ea	1,800	1.60	2,880.00
24	ViaValve™ Safety IV Catheter, 20 ga. x 1 1/4" [*]	326610	SMITH	ea	3,400	1.60	5,440.00
25	NitroMist® Nitroglycerin Spray, 230 Metered Sprays [*]	76299-430-08	Mist Pharmaceutical	ea	46	148.00	6,808.00
26	BD PosiFlush™ Pre-Filled Saline Syringe, 10 ml (pack of 30) [*]	306546	BECTON DICKENSON	pk	58	10.50	609.00
27	Epinephrine, 1:10,000 1 mg, 10 ml LifeShield® Syringe [*]	0409-4933-01	PFIZER DDP INJECTABLES	ea	310	60.00	1,860.00
28	Naloxone, 2 mg, 2 ml LUER-JET™ SYRINGE [*]	76329-3369-1	Intern'l Medication Sys.	ea	120	32.50	3,900.00
29	Sodium Chloride IV Solution, 0.9%, B Braun, 1000 ml Bag [*]	0264-7800-09	B Braun	ea	1,944	2.95	5,734.80
30	Pelican Air 1465EMS EMS Case, Orange [*]	014650-0050-150	Pelican Products	ea	20	235.00	4,700.00
31	Ambu® SPUR® II Bag Mask Resuscitator, Adult [*]	000 211 520	AMBU	ea	240	8.50	2,040.00



Line Item	Description	Manuf Number	Manufacturer	Unit of Measure	Quantity	Unit Cost	Total
32	Ambu® SPUR® II Bag Mask Resuscitator, Pediatric [*]	000 213 530	AMBU	ea	12	11.75	141.00
33	Ambu® SPUR® II Bag Mask Resuscitator, Infant [*]	000 212 540	AMBU	ea	5	11.75	58.75
34	CONTINUOUS CARE Nebulizer, Hand Held [*]	MS 101	MEDSOURCE	ea	350	35.00	245.00
35	GRAHAM® MegaMover® Portable Transport Unit [*]	51926	GRAHAM	ea	300	16.50	4,950.00
36	APEX Pro Nitrile Exam Glove, Small [*]	AP12-1	Ansell Healthcare	case	5	190.00	950.00
37	APEX Pro Nitrile Exam Glove, Medium [*]	AP12-2	Ansell Healthcare	case	5	190.00	950.00
38	APEX Pro Nitrile Exam Glove, Large [*]	AP12-3	Ansell Healthcare	case	5	190.00	950.00
39	APEX Pro Nitrile Exam Glove, X-Large [*]	AP12-4	Ansell Healthcare	case	5	190.00	950.00
40	STROBE Eyewear, Black Frame, Clear Lens [*]	49GN80	GATEWAY	ea	5	1.25	6.25
41	i-view Video Laryngoscope [*]	8008000	Intersurgical	ea	5	90.00	450.00
42	DYNAREX Adhesive Bandage, Sheer Strips, 3/4" x 3" (box of 100) [*]	3601	DYNAREX	box	48	1.45	69.60
43	DUKAL™ Trauma Dressing, 10" x 30" [*]	1030TD	DUKAL	ea	50	1.05	52.50
44	KERLIX™ Gauze Bandage, 4.5" x 4.1 yds, Sterile [*]	6715	KENDALL	ea	310	1.40	434.00
45	QuikClot® Combat Gauze LE™, 3" x 4 yds Z-fold [*]	350	Z-MEDICA	ea	160	30.00	4,800.00
46	Deliveries for emergency orders within 24 hours	NA	NA	ea	10	0	0
47	REGULAR DELIVIES (weekly basis within three business days)	NA	NA	ea	1	0	0

MISCELLANEOUS MEDICAL SUPPLIES

Please multiply your percentage discount or markup to a sum of \$30,000, and add to or subtract from \$30,000. Example: 30,000 x 10% markup = \$3,000; plus \$30,000 = \$33,000.

Therefore, 10% markup would fill in \$33,000 in the Unit Cost.



Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
48	Miscellaneous Medical Supplies of \$30,000 [*]	30,000	Dollars	0.75	22,500.00



8.0 SIGNATURE PAGE AND LEGAL STATUS

Terms Net 30 days

Delivery shall be no more than NINETY (90) days after receipt of City purchase order.

Firm Life-Assist, Inc.

Contact name Contracts Department

Address 11277 Sunrise Park Drive, Rancho Cordova, CA. 95742

Phone No. 800-824-6016 Fax No. 800-290-9794

Email Address Quotes@Life-Assist.com

The undersigned certifies that he is an official legally authorized to bind his firm and to enter into a contract should the City accept this proposal.

Bid proposal by Corey Farrar

(Name of Firm)

Legal status of bidder: Please check the appropriate box

☒ Corporation State of Incorporation California

☐ Partnership List Names _____

☐ DBA State full name _____ DBA _____

☐ Other Explain _____

Signature of Bidder Corey Farrar Title Pricing Specialist

(Authorized Signature)

Address 11277 Sunrise Park Drive City Rancho Cordova State CA Zip 95742

Telephone No. () 800-824-6016

Signed this Third day of June, 20 22

ADDENDUM NO. BIDDER'S INITIALS

1. Addendum 1 - CF

2. _____

3. _____



9.0 BIDDER'S CHECKLIST

9.1 TO THE BIDDER

The following list is provided for the convenience of both you and the City and to help eliminate errors and omissions which may render your bid unacceptable. Please check all appropriate boxes and submit with your bid.

- BIDDER'S PROPOSAL (Signed by Bidder)
- DECLARATION OF NON-COLLUSION (Signed by Bidder)
- VENDOR QUESTIONNAIRE (forms AA1; AA2; & AA3 signed by Bidder)
- SIGNATURE PAGE AND LEGAL STATUS

Subsequent to the closing of this solicitation, the selected vendor will be required to provide the following documents within 10 calendar days of being notified, otherwise the submitted proposal may be deemed non-responsive.

- REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION (IRS Form W-9)
- Pasadena Business License
- ALL INSURANCE REQUIREMENTS



10.0 INSURANCE REQUIREMENTS

10.1 Insurance Requirements

<http://www.cityofpasadena.net/finance/wp-content/uploads/sites/27/Vendors-Materials-and-Supplies.pdf?v=1651615728253>



11.0 PUBLIC WORKS CLAIMS PROCEDURE

PUBLIC CONTRACT CODE SEC. 9204 NEW PUBLIC WORKS CLAIMS PROCEDURE

AB 626, approved by the Governor on September 29, 2016, created a new Public Contract Code Section 9204, which specifies new procedural requirements for claims submitted by a contractor on any public works project. These new requirements contain burdens for both private contractors and public entities and are specifically made applicable to charter cities.

For this legislation, a "public works project" is defined as "the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind." This definition is not as broad as in the Prevailing Wage Law.

A "claim" is defined as "a separate demand by a contractor sent by registered mail or certified mail with return receipt requested..." and is limited to three types of contract disputes:

1. "A time extension...for relief from damages or penalties for delay assessed by a public entity..."
2. "Payment by the public entity of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract for a public works project and payment for which is not otherwise expressly provided or to which the claimant is not otherwise entitled", and/or
3. "Payment of an amount that is disputed by the public entity."

Upon receipt of a claim, a public entity must "conduct a reasonable review" and provide a written statement to the contractor within 45 days of receipt of the claim. Failure of a public entity to respond to a claim within the time periods described in Section 9204 "shall result in the claim being deemed rejected in its entirety."

For any undisputed portion of a claim, a public entity must make payment within 60 days of the public entity's issuance of the written statement.

If the contractor disputes the public entity's written statement, or if the public entity fails to respond, the contractor may demand "an informal conference to meet and confer for settlement of the issues in dispute." The public entity must schedule the meet and confer conference within 30 days of the demand.

Within 10 business days following the meet and confer conference, the public entity must provide a written statement identifying the portion of the claim that remains in dispute.

Any payment due on an undisputed portion of the claim must be made within 60 days of the meet and confer conference. Amounts not paid in a timely manner shall bear interest at 7 percent per year.

After the meet and confer conference, any disputed portion of the claim "shall be submitted to non-binding mediation." If mediation fails to resolve the dispute, the parts of the claim that remain in dispute shall be subject to applicable procedures outside Section 9204 (statutory and contractual).

The full text of this new legislation is set forth below:

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:



SECTION 1.

Section 9204 is added to the Public Contract Code, to read:

9204.

(a) The Legislature finds and declares that it is in the best interests of the state and its citizens to ensure that all construction business performed on a public works project in the state that is complete and not in dispute is paid in full and in a timely manner.

(b) Notwithstanding any other law, including, but not limited to, Article 7.1 (commencing with Section 10240) of Chapter 1 of Part 2, Chapter 10 (commencing with Section 19100) of Part 2, and Article 1.5 (commencing with Section 20104) of Chapter 1 of Part 3, this section shall apply to any claim by a contractor in connection with a public works project.

(c) For purposes of this section:

(1) "Claim" means a separate demand by a contractor sent by registered mail or certified mail with return receipt requested, for one or more of the following:

(A) A time extension, including, without limitation, for relief from damages or penalties for delay assessed by a public entity under a contract for a public works project.

(B) Payment by the public entity of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract for a public works project and payment for which is not otherwise expressly provided or to which the claimant is not otherwise entitled.

(C) Payment of an amount that is disputed by the public entity.

(2) "Contractor" means any type of contractor within the meaning of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who has entered into a direct contract with a public entity for a public works project.

(3) (A) "Public entity" means, without limitation, except as provided in subparagraph (B), a state agency, department, office, division, bureau, board, or commission, the California State University, the University of California, a city, including a charter city, county, including a charter county, city and county, including a charter city and county, district, special district, public authority, political subdivision, public corporation, or nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency.

(B) "Public entity" shall not include the following:

The Department of Water Resources as to any project under the jurisdiction of that department.

The Department of Transportation as to any project under the jurisdiction of that department.

The Department of Parks and Recreation as to any project under the jurisdiction of that department.

The Department of Corrections and Rehabilitation with respect to any project under its jurisdiction pursuant to Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code.

The Military Department as to any project under the jurisdiction of that department.



The Department of General Services as to all other projects.

The High-Speed Rail Authority.

(4) "Public works project" means the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

(5) "Subcontractor" means any type of contractor within the meaning of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who either is in direct contract with a contractor or is a lower tier subcontractor.

(d) (1) (A) Upon receipt of a claim pursuant to this section, the public entity to which the claim applies shall conduct a reasonable review of the claim and, within a period not to exceed 45 days, shall provide the claimant a written statement identifying what portion of the claim is disputed and what portion is undisputed. Upon receipt of a claim, a public entity and a contractor may, by mutual agreement, extend the time period provided in this subdivision.

(B) The claimant shall furnish reasonable documentation to support the claim.

(C) If the public entity needs approval from its governing body to provide the claimant a written statement identifying the disputed portion and the undisputed portion of the claim, and the governing body does not meet within the 45 days or within the mutually agreed to extension of time following receipt of a claim sent by registered mail or certified mail, return receipt requested, the public entity shall have up to three days following the next duly publicly noticed meeting of the governing body after the 45-day period, or extension, expires to provide the claimant a written statement identifying the disputed portion and the undisputed portion.

(D) Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the public entity issues its written statement. If the public entity fails to issue a written statement, paragraph (3) shall apply.

(2) (A) If the claimant disputes the public entity's written response, or if the public entity fails to respond to a claim issued pursuant to this section within the time prescribed, the claimant may demand in writing an informal conference to meet and confer for settlement of the issues in dispute. Upon receipt of a demand in writing sent by registered mail or certified mail, return receipt requested, the public entity shall schedule a meet and confer conference within 30 days for settlement of the dispute.

(B) Within 10 business days following the conclusion of the meet and confer conference, if the claim or any portion of the claim remains in dispute, the public entity shall provide the claimant a written statement identifying the portion of the claim that remains in dispute and the portion that is undisputed. Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the public entity issues its written statement. Any disputed portion of the claim, as identified by the contractor in writing, shall be submitted to nonbinding mediation, with the public entity and the claimant sharing the associated costs equally. The public entity and claimant shall mutually agree to a mediator within 10 business days after the disputed portion of the claim has been identified in writing. If the parties cannot agree upon a mediator, each party shall select a mediator and those mediators shall select a qualified neutral third party to mediate with regard to the disputed portion of the claim. Each party shall bear the fees and costs charged by its respective mediator in connection with the selection of the



neutral mediator. If mediation is unsuccessful, the parts of the claim remaining in dispute shall be subject to applicable procedures outside this section.

(C) For purposes of this section, mediation includes any nonbinding process, including, but not limited to, neutral evaluation or a dispute review board, in which an independent third party or board assists the parties in dispute resolution through negotiation or by issuance of an evaluation. Any mediation utilized shall conform to the timeframes in this section.

(D) Unless otherwise agreed to by the public entity and the contractor in writing, the mediation conducted pursuant to this section shall excuse any further obligation under Section 20104.4 to mediate after litigation has been commenced.

(E) This section does not preclude a public entity from requiring arbitration of disputes under private arbitration or the Public Works Contract Arbitration Program, if mediation under this section does not resolve the parties' dispute.

(3) Failure by the public entity to respond to a claim from a contractor within the time periods described in this subdivision or to otherwise meet the time requirements of this section shall result in the claim being deemed rejected in its entirety. A claim that is denied by reason of the public entity's failure to have responded to a claim, or its failure to otherwise meet the time requirements of this section, shall not constitute an adverse finding with regard to the merits of the claim or the responsibility or qualifications of the claimant.

(4) Amounts not paid in a timely manner as required by this section shall bear interest at 7 percent per annum.

(5) If a subcontractor or a lower tier subcontractor lacks legal standing to assert a claim against a public entity because privity of contract does not exist, the contractor may present to the public entity a claim on behalf of a subcontractor or lower tier subcontractor. A subcontractor may request in writing, either on his or her own behalf or on behalf of a lower tier subcontractor, that the contractor present a claim for work which was performed by the subcontractor or by a lower tier subcontractor on behalf of the subcontractor. The subcontractor requesting that the claim be presented to the public entity shall furnish reasonable documentation to support the claim. Within 45 days of receipt of this written request, the contractor shall notify the subcontractor in writing as to whether the contractor presented the claim to the public entity and, if the original contractor did not present the claim, provide the subcontractor with a statement of the reasons for not having done so.

(e) The text of this section or a summary of it shall be set forth in the plans or specifications for any public works project that may give rise to a claim under this section.

(f) A waiver of the rights granted by this section is void and contrary to public policy, provided, however, that (1) upon receipt of a claim, the parties may mutually agree to waive, in writing, mediation and proceed directly to the commencement of a civil action or binding arbitration, as applicable; and (2) a public entity may prescribe reasonable change order, claim, and dispute resolution procedures and requirements in addition to the provisions of this section, so long as the contractual provisions do not conflict with or otherwise impair the timeframes and procedures set forth in this section.

(g) This section applies to contracts entered into on or after January 1, 2017.



(h) Nothing in this section shall impose liability upon a public entity that makes loans or grants available through a competitive application process, for the failure of an awardee to meet its contractual obligations.

(i) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 2.

The Legislature finds and declares that it is of statewide concern to require a charter city, charter county, or charter city and county to follow a prescribed claims resolution process to ensure there are uniform and equitable procurement practices.

SEC. 3.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



12.0 INSTRUCTIONS FOR PLANET BIDS

Follow these simple steps to submit your proposal electronically:

If you are already registered and need help logging in or retrieving your user information call 818-992-1771 x0.

STEP ONE – Copy the highlighted link into your Internet browser bar to access the **City of Pasadena VENDOR PORTAL** (Planet Bids):

<https://www.planetbids.com/portal/portal.cfm?CompanyID=14770>

Electronic Submission of Bids

All Bidders are required to submit their bid pricing electronically via the eBid system Bid Schedule tab. The electronic system will close submission exactly at the date and time set forth in this solicitation or as changed by addenda. In addition, an electronic copy of the Bid Proposal Package must be uploaded to the eBid system.

Bidders are responsible for submitting and having their bid accepted before the closing time set forth in this solicitation or as changed by addenda. NOTE: Pushing the submit button on the electronic system may not be instantaneous; it may take time for the Bidder's submittal and documents (if applicable) to upload and transmit before the bid is accepted. It is the Bidder's sole responsibility to ensure their bid and document(s) are uploaded, transmitted, and arrive in time electronically. The City will have no responsibility for bids that do not arrive in a timely manner, no matter what the reason.

Upon closing of the Bid, Bid Results will be available on the eBid system under the Bid Results tab.

In the case of a discrepancy between the electronic bid schedule (pricing) and any uploaded Bid schedule document or pricing, the electronic bid schedule will be the accepted bid.

Bid Proposal Package shall be ONE (1) PDF file, uploaded to the eBid system. Failure to submit a single PDF file may result in a non-responsive Bid.

Steps to Submit Your Electronic Proposal:

To submit an offer to the City, vendor must complete the following

1. Acknowledge all Addenda
2. Select Place eBid
3. Accept City of Pasadena Terms and Conditions Message
4. Accept PlanetBids Message
5. Complete all tabs within the ebid form. Bidder may save their work and return.
6. Select Submit when offer is complete.
7. Confirm submission to the City
8. Receive confirmation. Bidder will receive an onscreen and email confirmation if successfully submitted. Bidder may return to edit their bid if there is still time.



Note: If an addenda is issued after a bidder has submitted a proposal to the city, bidder must return to take steps below. Failure to do both steps will result in an invalidated offer.

- 1- Acknowledge the new addenda; and
- 2- Select Place ebid, return to their offer and select submit again.



13.0 SAMPLE CONTRACT

TERMS AND CONDITIONS OF PURCHASE ORDER CONTRACT

<https://www.cityofpasadena.net/wp-content/uploads/sites/27/Terms-Conditions-of-Purchase-Order.pdf>



13.1 DECLARATION OF NON-COLLUSION BY CONTRACTOR

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Corey Farrar, being first duly sworn deposes

and says that he/she is Pricing Specialist

(Insert "Sole Owner", "Partner", "President", "Secretary", or other proper title)

of Life-Assist, Inc. (Insert name of bidder)

who submits herewith to the City of Pasadena a proposal;

That all statements of fact in such proposal are true;

That such proposal was not made in the interest of or on behalf of any undisclosed person, partnership, company, association, organization or corporation;

That such proposal is genuine and not collusive or sham;

That said bidder has not, directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the City of Pasadena, or of any other bidder or anyone else interested in the proposed contract; and further

That prior to the public opening and reading of proposals, said bidder:

- a. Did not directly or indirectly, induce or solicit anyone else to submit a false or sham proposal;
- b. Did not directly or indirectly, collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham proposal, or that anyone should refrain from bidding or withdraw his proposal;
- c. Did not, in any manner, directly or indirectly seek by agreement, communication or conference with anyone to raise or fix the proposal price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of his proposal price, or of that of anyone else;
- d. Did not, directly or indirectly, submit his proposal price or any breakdown thereof, or the contents thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any individual or group of individuals, except the City of Pasadena, or to any person or persons who have a partnership or other financial interest with said bidder in his business.

I certify under penalty of perjury that the above information is correct

By: Corey Farrar Title: Pricing Specialist

Date: 6/3/2022





Purchasing Division

100 N. Garfield Ave., Room 328

Pasadena, CA 91101

(626) 744-6755

(626) 744-6757 Fax

13.2 Vendor Questionnaire (Form AA-1)

Affidavit of Equal Opportunity Employment & Non-segregation

By submitting this form you are declaring under penalty of perjury under the laws of the State of California and the laws of the United States that the information is true and correct. Furthermore, you are certifying that your firm will adhere to equal opportunity employment practices to assure that applicants and employees are not discriminated against because of their race, religion, color, national origin, ancestry, disability, sex or age. And, your firm does not and will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not and will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. Additionally, no employees, consultants, or board members of your company or your subcontractors are current employees of the City of Pasadena.

Name of Company Life-Assist, Inc. Telephone 800-824-6016

Address 11277 Sunrise Park Drive Fax Number (optional) _____

City Rancho Cordova State CA Zip 95742

Contact Person Contracts Department E-mail Address Quotes@Life-Assist.com

DBA (if applicable) _____

Active City of Pasadena Business License Number N/A

Remit Address (if different) _____

Please state clearly and concisely the type(s) of goods and services your company would provide on this contract:

Medical Supplies for First Responders

Required For All Public Works: Pursuant to Division 2, Part 7, Chapter 1 (commencing with section 1720) of the California Labor Code, you must provide your Registration Number under the Department of Industrial Relations:

Small and Micro Business Preference Program: If certified by California Department of General Services as a small or micro business, please provide DGS Reference Number: (Visit the Purchasing Division website for additional information)

The following section is OPTIONAL and is for statistical reporting purposes only. Ownership (please check all that apply):

African-American _____ Asian _____ Armenian _____ Hispanic _____ Native American _____ Disabled _____ Female _____



Competitive Bid - MEDICAL SUPPLIES

Release Date: Thursday, May 19, 2022

Page 32

13.3 Project Workforce Utilization (Form AA-2)

This form is to be included in all bid documents for projects involving labor or services valued at \$25,000 or more.

Instructions: Please indicate the job titles/classifications to be used in the performance of this contract should it be awarded to your firm. Please indicate the number of employees in each job classification as well as the number of new hires, if any, as a result of this contract.

Name of Company: _____ Project: _____

Job Titles/Classification	Estimated number of existing staff to be employed in this classification if awarded the contract	Estimated number of new hires to be employed in this classification if awarded the contract
Are any current employees or potential new hires Pasadena residents? If so, how many?		

13.4 Current Permanent Workforce Utilization (Form AA-3)

(OPTIONAL)



Competitive Bid - MEDICAL SUPPLIES
Release Date: Thursday, May 19, 2022
Page 33

Name of Company: _____

Project: _____

Completion of this form is OPTIONAL. Any information supplied by Proposers is for reporting purposes only and will not be factored into the award of any contract.

Instructions: Please indicate the number of employees in each Job Classification belonging to the following groups.

	White (not of Hispanic origin)	African-American (not of Hispanic origin)	Hispanic	Asian/Pacific Islander	Native American	Armenian	Male	Female
CLASSIFICATION								
Officials/Managers								
Professionals								
Technicians								
Office/Clerical								
Skilled Craft Workers								
Operators (semi-skilled)								
Laborers								
Service Workers								
TOTAL								





Authorized Distributor List

Life-Assist, Inc. is an Authorized Distributor for over 100 manufacturers. Upon request Life-Assist will provide letters from the manufacturers labeling us as Authorized Distributors.

3M Healthcare	Flexicare	PerSys Medical
Abbot Diabetes Care	GE Healthcare	PharmaCare
Alied Healthcare	GMAX Industries	Philips Healthcare
Ambu	GOJO Industries	Physio-Control
Aquability	Graco	Prestan MAnikin
Argon Medical Devices	Graham-Field Health	Prestige Medical
Arkray USA	Halyard Health	Purell
Arrow International	Healthmark Industries	Puritan Medical Products
B. Braun Medical	Hospira	Retractable Tech
Bard Medical	HR Pharmaceuticals	Sage Products
Becton Dickinson	Hudson RCI	Salter Labs
Bionix	Hydrox Laboratories	Samson Strap
Bioseal	Hygenall	Sharps
Cables and Sensors	Kendall Healthcare	Sion Biotext
Cardiac Science	Kimberly-Clark	Steris Corporation
CareFusion	Laerdal Medical	Teleflex
Certa Dose, Inc.	Major Pharmaceuticals	Tyco Mallinckrodt
Clorox Healthcare	Masimo	Valeant Pharmaceuticals
Conmed	Medovations	Vermed
Covidien	Medtronic USA	Vyaire Medical
DuPont	Mercury Medical	Welch Allyn
EKF Diagnostics	Metrex Research	West-Ward Pharmaceuticals
Elkay Plastics	Motion Medical	Zoll Medical
EM Innovations	NDC Inc	Zyno Solutions
Emerson Healthcare	Nephron Pharmaceuticals	
Energizer	NicePak PDI	
Ethicon	Oridion Medical	
Exel International	Owen Mumford	
Flambeau	PAX Bags	



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 12/29/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 916-773-4560 Foothill Valley Insurance 13 Sierragate Plaza Ste.A Roseville, CA 95678 Tyla A Belton	CONTACT NAME: Tyla A Belton PHONE (A/C, No, Ext): 916-773-4560 FAX (A/C, No): 916-773-4583 E-MAIL ADDRESS: tyla.b@foothillvalley.com														
INSURED Life Assist, Inc. 11277 Sunrise Park Drive Rancho Cordova, CA 95742	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A : Admiral Insurance Company</td> <td>24856</td> </tr> <tr> <td>INSURER B : Berkshire Hathaway Homestate</td> <td>20044</td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Admiral Insurance Company	24856	INSURER B : Berkshire Hathaway Homestate	20044	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER B : Berkshire Hathaway Homestate	20044														
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			CA00000250021	01/01/2022	01/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS ONLY			CA00000250021	01/01/2022	01/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☐ UMBRELLA LIAB ☒ EXCESS LIAB ☒ OCCUR ☐ CLAIMS-MADE DED ☒ RETENTION \$ 0			GX00000189704	01/01/2022	01/01/2023	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	LIWC319947	01/01/2022	01/01/2023	☐ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: For Information Purposes Only

CERTIFICATE HOLDER

CANCELLATION

FORIN-1 For Information Purposes Only	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the
requester. Do not
send to the IRS.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Life-Assist, Inc.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☒ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
	5 Address (number, street, and apt. or suite no.) See instructions. 11277 Sunrise Park Drive	Requester's name and address (optional)
	6 City, state, and ZIP code Rancho Cordova, CA 95742	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
			-					
or								
Employer identification number								
9	4		-	2	4	4	0	5 0 0

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ► 	Date ► 02/04/2022
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

ATTACHMENT 2

Pasadena Authority for Pricing



FIRE DEPARTMENT

August 23, 2022

Cherise Akers
Contracts Manager
Life-Assist, Inc.
11277 Sunrise Park Drive
Rancho Cordova, CA 95742

**RE: City of Pasadena Invitation For Bid
Furnish and Deliver Medical Supplies for the Fire Department
Issued May 19, 2022**

Dear Cherise Akers:

The Pasadena Fire Department will allow for other agencies and organizations to utilize the pricing that Life-Assist, Inc. offers to the department for its purchases of medical supplies and equipment. Pricing was originally secured through a formal bid process that closed on June 6, 2022, for the furnishing and delivery of medical supplies.

Other agencies may obtain a price at least equal to that of which Life-Assist offers to the Pasadena Fire Department for the same items.

Thank you,

Jason Hansen
EMS Battalion Chief
Pasadena Fire Department



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3F

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: California Office of Emergency Services High Frequency Communications Equipment Program – Award of Contract to NVIS Communications, for the Purchase of High Frequency Radios

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving bidding requirements pursuant to Monterey Park Municipal Code §3.20.050(2) and award the bid to NVIS Communications for the purchase of high frequency radios;
2. Authorizing the City Manager to execute an agreement in a form approved by the City Attorney; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In April 2021, the City of Monterey Park applied for and awarded a grant through the California Office of Emergency Services ("CAL-OES") for the purchase of high frequency radios. The purpose of this grant is to ensure that local governments are included in an integrated high frequency radio network that utilizes frequencies authorized by the Federal Communications Commission ("FCC") and can be capable of communicating with other local, state and federal agencies.

BACKGROUND:

Monterey Park Fire Department was awarded a grant through CAL-OES and at the time of the grant application, staff identified Collins Aerospace as the vendor of choice for high frequency radios. However, after consulting with other agencies in the area and those awarded the same CAL-OES grant, staff identified NVIS Communications as the more appropriate vendor to purchase portable high frequency radios because the radios provided by NVIS Communications will seamlessly integrate with Verdugo Fire Communications (the dispatching agency for Monterey Park and surrounding cities). The portable radios will allow the Fire Chief and Battalion Chiefs the ability to communicate with Verdugo and other local, state, and federal agencies in the event of a natural or manmade disaster.

FISCAL IMPACT:

The City of Monterey Park received \$60,000 for the 2022 grant year. Grant Funds of \$60,000 have been budgeted in Fiscal Year 2023-2024 budget. No additional funds are requested to cover the total cost of the purchase high frequency radios.

Respectfully submitted by:



Matthew Hallock
Fire Chief

Prepared by:



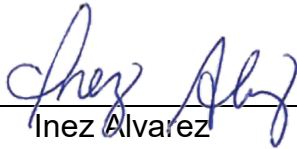
Rebecca Bojorquez
Principal Management Analyst

Reviewed by:



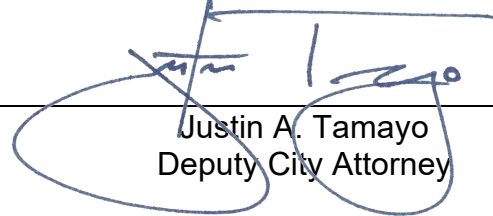
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENT:

1. NVIS Communications Quote

ATTACHMENT 1

NVIS Communications Quote

 NVIS Communications NVIS Communications, LLC 28850 Shannon Court Tehachapi, CA 93561 Telephone: 408-712-1591 ftippetts@nviscom.com		Quote No. NVIS 20056877	Quote Date 11/09/2023	Pages 1 of 2	
		NVIS Representative Feather Tippetts		Telephone: 1-408-712-1591	
		Customer Order no.	Quotation Valid to: 12/30/2022		
CONSIGNEE: Ryan Weddle Monterey Park Fire Department 350 W. Newmark Avenue Monterey Park, CA 91754 626.999-1051 rweddle@montereypark.ca.gov		PURCHASER: Ryan Weddle Monterey Park Fire Department 350 W. Newmark Avenue Monterey Park, CA 91754 626.999-1051 rweddle@montereypark.ca.gov			
FORWARDING AGENT / MERCHANT / CARRIER Freight Forwarder to be advised		QUOTATION			
Despatch Method Air Freight	Freight Method	The Company Bank is: J.P. Morgan Chase 270 Park Avenue, New York, NY 10017 SWIFT/BIC No: CHASUS33 USD ACCT 916300882 Routing No: 322271627 Payment Terms: 30 days from Invoice Date <i>***EFT or Zelle Preferred, Credit Cards Accepted with a 3.5% fee on total.***</i>			
Point of Delivery: DDP Monterey Park, CA USA (INCOTERMS 2010 APPLY) Delivery:					
Line	Part Number	Description	Quantity	Unit Price	Amount
10		Codan FlyAway Kits - CalOES Grant Pricing			
20	HF-PACKAGES	FLYK-125-SMART 3G ENVOY TRANSPORTABLE HF	2 EA	25,800.00	51,600.00
		Sub-items 30 to 280 belong to item 20			
30	08-07520-001	Case, FLYK-125, Black	2 EA		
40	08-07218-002	RF Unit, 2210 Envoy X2	2 EA		
50	08-07000-001	Handset, 2220	2 EA		
60	15-00149	Cradle, 2220	2 EA		
70	15-10469-000	Opt F, Fan (Int fit)	2 EA		
80	15-04177-EN	Envoy Getting Started Guide	2 EA		
90	78-20022	Tcwr Supply, 3020 c/w packaging	2 EA		
100	67-90307	Cable, 3C Blk Mld IEC-US 2m	2 EA		
110	08-07336-001	Envoy Smartlink, 2240	2 EA		
120	08-07205-001	Cable, 2230/2240 to RF-Unit, 1m	2 EA		
130	78-01263	Antenna, With Gimble WiFi RP-SMA	2 EA		
140	15-04186-EN	Reference Manual, Envoy Smartlink, 2240 Opt	2 EA		
150	15-10593-000	3G ALE/DV/2G Data, 2210 (Int fit) Cable,	2 EA		
160	08-06952-002	Data, 15way 2210 Tcwr to USB A 6m Upgrade,	2 EA		
170	15-10595	AES-256 Encryption, 2210/2110 Upgrade,	2 EA		
180	15-10597	Low Rate DV, 2210/2110	2 EA		
190	15-10645	Opt, Digital Voice, Open Protocol	2 EA		
200	15-10561	Opt GPS, 2210	2 EA		
210	15-00765	GPS Rcvr, Envoy/SRx/AR Voice	2 EA		
220	15-10618	Opt Free Tune TX 2210/2310/2410	2 EA		
230	15-10622	Opt, XTEND App Enable 2210/2310/2410	2 EA		
240	15-10630	Option, Virtual CP Enable, 2210/2310/2410	2 EA		
Customer Notes: All freight and insurance quotes are only valid for 30 days from the Quote Date. If the quote is accepted 30 days after the Quote Date but is within Quotation Validity, Codan Limited reserve the right to amend and update all freight and insurance charges.					Sub total 47,628.00 Total USD
All Prices Quoted in United States Dollars					
This Quotation is subject to Codan's Standard Terms and Conditions of Supply and International Product Warranty, copies of which are available at www.codancomms.com/terms . Codan is not required to supply The Purchaser following issuance of this Quotation unless and until The Purchaser formally submits an Order to Codan. By submitting an Order to Codan, The Purchaser warrants and represents to Codan that it has read and understood Codan's Standard Terms and Conditions of Supply and International Product Warranty, and agrees to comply with these in full.					



NVIS Communications

NVIS Communications, LLC
28850 Shannon Court
Tehachapi, CA 93561
Telephone: 408-712-1591
ftippetts@nviscom.com

Quote No. NVIS 20056877	Quote Date 11/09/2023	Pages 2 of 2
NVIS Representative Feather Tippetts		Telephone: 1-408-712-1591
QUOTATION		

Line	Part Number	Description	Quantity	Unit Price	Amount
250	05-06374	Earth Braid, 5mm Holes, 1,5m	2 EA		
260	08-07214-001	Cable, USB Programming, 222X / 2230 1,5M	2 EA		
270	67-90406	Adaptor,microUSB Plug 2 USB Socket,153mm	2 EA		
280	15-04190-USB	Sprint Net Software, USB Package	2 EA		
290	78-13043	Mast, Rolatube, 5m	2 EA		
300	78-01359	Ant, Tactical Broadband (150W)	2 EA		
310	08-05837-030	Cable, Coax UHF to N RG58 30m	2 EA		
320	HF-PACKAGES	HF-PROGRAMMING-PACKAGE Sub-items 330 to 380 belong to item 320	1 EA	954.00	954.00
330	15-04178-USB	TPS Software	1 EA		
340	15-04168-USB	Key Management Software, USB Package	1 EA		
350	15-04171-USB	Key Fill Software, USB Package	1 EA		
360	15-06002-USB	Virtual Control Point S/w,2210/2310/2410	1 EA		
370	08-07214-001	Cable, USB Programming, 222X / 2230 1,5M	1 EA		
380	67-90406	Adaptor,microUSB Plug 2 USB Socket,153mm	1 EA		
400	TRAINING	CBT (Computer Based Virtual Envoy Radio) @ 3 Licenses for 60 Days. TEAMS HF Basics Training - Unlimited	1 EA	500.00	500.00

**Radios are subject to Australian Government
Export Controls.
A signed End-User Declaration will be required.**

Sub total	53,054.00
Monterey Park 10.25% Sales	5,438.04
Tax Freight	1,335.27
Insurance	172.69
Total USD	60,000.00

All Prices Quoted in
United States Dollars

This Quotation is subject to Codan's Standard Terms and Conditions of Supply and International Product Warranty, copies of which are available at www.codancomms.com/terms. Codan is not required to supply The Purchaser following issuance of this Quotation unless and until The Purchaser formally submits an Order to Codan. By submitting an Order to Codan, The Purchaser warrants and represents to Codan that it has read and understood Codan's Standard Terms and Conditions of Supply and International Product Warranty, and agrees to comply with these in full.



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3G

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: Recognition of January 11, 2024 as National Human Trafficking Awareness Day

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution recognizing January 11, 2024 as National Human Trafficking Awareness Day and;
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

National Human Trafficking Awareness Day, observed annually on January 11th, is an initiative aimed at spotlighting the issue of human trafficking. The campaign seeks to educate communities, empower individuals to recognize signs of trafficking, and inspire collective action to prevent and combat this contemporary form of slavery. By designating a specific day, the initiative brings attention to the issue of human trafficking, encouraging diverse stakeholders, including government entities, law enforcement, non-profit organizations, businesses, and the general public, to actively engage in initiatives combating human trafficking.

On January 11, 2024 city staff, elected officials and residents are encouraged to wear blue attire in honor of National Human Trafficking Awareness Day, symbolizing unity and raising visibility for the cause. By combining awareness, education, community engagement, and strategic partnerships, the City actively contributes to the collective effort to eliminate this violation of human rights.

BACKGROUND:

The Blue Campaign was launched by the U.S. Department of Homeland Security in 2010 as a national public awareness effort dedicated to combating human trafficking. The campaign focuses on providing educational resources, training programs, and support services for victims, fostering collaboration, and engaging the private sector in ethical practices. Initiatives such as Wear Blue Day encourage public participation, symbolizing solidarity and raising awareness about human trafficking.

FISCAL IMPACT:

None.

Respectfully submitted by:

Prepared by:



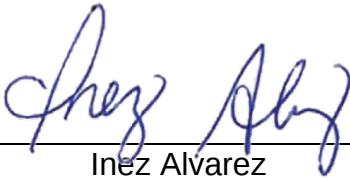
Matthew Hallock
Fire Chief



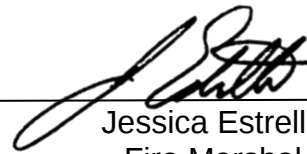
Reymundo Lozano
Senior Code Enforcement Officer

Approved by:

Reviewed by:



Inez Alvarez
City Manager



Jessica Estrella
Fire Marshal

ATTACHMENT:

1. Draft Resolution

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK RECOGNIZING JANUARY 11, 2024 AS NATIONAL HUMAN TRAFFICKING AWARENESS DAY

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

SECTION 1: The City Council finds as follows:

- A. Human trafficking is a heinous crime that violates the basic human rights of its victims, exploiting them for forced labor, sexual exploitation, and other forms of modern-day slavery.
- B. The City of Monterey Park is committed to promoting awareness, preventing, and combating human trafficking within its borders.
- C. National Human Trafficking Awareness Day is observed annually on January 11, serving as a vital reminder of the urgent need to address this global issue.
- D. This day provides an opportunity for communities, organizations, and individuals to come together to raise awareness, educate the public, and take action to prevent and combat human trafficking.
- E. It is crucial to acknowledge the tireless efforts of law enforcement, non-profit organizations, and advocates who work relentlessly to rescue victims, prosecute offenders, and raise awareness about human trafficking.
- F. By recognizing National Human Trafficking Awareness Day, the City of Monterey Park aims to contribute to a collective effort to eliminate this grave violation of human dignity.
- G. Promoting awareness is crucial to the prevention and elimination of human trafficking within our city and an informed community is better equipped to identify and report instances of human trafficking, support victims, and collaborate with law enforcement agencies and non-profit organizations
- H. The City of Monterey Park encourages all residents, businesses, schools, and community organizations to participate in events, educational programs, and initiatives aimed at raising awareness about human trafficking and supporting efforts to combat it.

- I. The City of Monterey Park expresses its gratitude to all individuals and organizations actively working towards eradicating human trafficking and commits to continuing its efforts to create a community where the rights and dignity of every individual are upheld.

SECTION 2: *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 3: *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 4: *Effective Date*. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 20th day of December 2023.

Jose Sanchez, Mayor

Attest:

Maychelle Yee, City Clerk

State of California)
County of Los Angeles) §.
City of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. was duly and regularly adopted by the City Council of the City of Monterey Park at a regular meeting held on the 20th day of December, 2023, by the following vote:

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

Dated this 20th day of December 2023.

Maychelle Yee, City Clerk
Monterey Park, California



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3H

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: CIP 95030 Demolition of Fire Station Tower Project – Reject All Submitted Bids

RECOMMENDATION:

It is recommended that the City Council consider:

1. Rejecting all bids for Capital Improvement Project (CIP) No. 95030 – Demolition of Fire Station Tower Project; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY

Per Resolution No. 2023-R52, the Public Works Director solicited bids for CIP 95030 – Demolition of Fire Station Tower Project. The bid opening was held on November 9, 2023. The City received one bid from California Contractors. Staff recommends rejection of all bids due to the cost proposal exceeding the City's budget for this project.

BACKGROUND

On October 16, 2023, staff advertised the bid for CIP 95030 – Demolition of Fire Station Tower Project. The bid opening was held on November 9, 2023, by the City Clerk's Office and one bid was received from California Contractors. The proposed scope of work includes the demolition of the fire station tower and restoration of the roof.

RANK	BIDDER	BASE BID AMOUNT
1	California Contractors	\$510,444.00

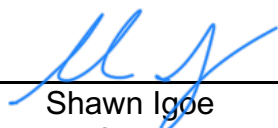
The only and apparent lowest responsible bidder, California Contractors, submitted a bid for \$510,444.00. California Contractors's proposal exceeds the City's \$100,000 budget for this project. Therefore, staff recommends that the City Council reject all bids. Staff is currently working on advertising for roof repairs at various City facilities and will incorporate the scope of work for this project in the bid package for more competitive pricing.

FISCAL IMPACT

There is no fiscal impact associated with rejecting the bid.

Staff Report
December 20, 2023

Respectfully submitted by:



Shawn Igoe
Director of Public Works

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT

None



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3I

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Second Amendment to Agreement 2273-A with National Business Furniture, LLC

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a Second Amendment with National Business Furniture, LLC, in a form approved by the City Attorney, to purchase office furniture for various city departments for an amount of \$175,000; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In 2021, the City entered into an agreement with National Business Furniture, LLC (NBF) for the purchase of office furniture for the Police Department. A First Amendment to the agreement was executed to add the purchase of additional furniture for the Human Resources Department. It is recommended that City Council approve a Second Amendment to purchase office furniture for various other departments including, Community Development, Fire Prevention, Public Works and Finance. The estimated cost for the additional furniture is \$175,000.

BACKGROUND:

Staff continuously evaluates City facilities and equipment, including office furniture. In recent years, several pieces of office furniture were replaced due to them reaching the end of their useful service life. It is recommended that new furniture be purchased to replace remaining equipment in Community Development, Fire Prevention, Public Works and Finance. The office furniture at these locations has reached its useful service life and needs to be replaced to accommodate current and future employees. Staff has met with NBF to obtain a cost estimate for needed furniture including desks, bookcases, file organizers, panels, etc. Their pricing is competitive, maintains a common theme, improves ergonomics, and reduces the need to have multiple parts available for future maintenance needs should alternative furniture products be purchased. The proposed Second Amendment would include the purchase of additional furniture for \$175,000 and would extend the current agreement through December 31, 2024.

2023-2024 STRATEGIC PLAN GOAL:

The proposed amendment meets the City's strategic goal of City Property/Facilities. The purchase of additional furniture will allow the City to replace outdated furniture in several departments. This will not only add consistency in office workstations throughout the City, but also provide for updated utility and long-term durability of office space for current and future employees.

FISCAL IMPACT:

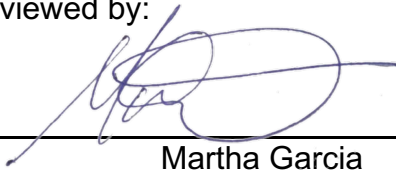
The total cost to purchase additional office furniture for the various departments is \$175,000.

Respectfully submitted by:



Shawn Igoe
Director of Public Works

Reviewed by:



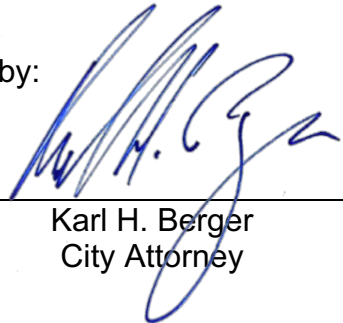
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. None



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Consent Calendar - 3J

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Amendment to Agreement 2360-A with Townsend Public Affairs

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute Amendment No. 1 to Agreement 2360-A with Townsend Public Affairs Inc., in a form approved by the City Attorney; to provide legislative advocacy and grant writing for an amount not to exceed \$90,000; and
2. Taking such additional, related, action that may be desirable.

BACKGROUND:

Townsend Public Affairs, Inc. (TPA) is an experienced legislative advocacy and grant writing firm that provides local, regional, state, and federal service to public agencies. TPA has provided services to over 300 clients and operates five (5) offices in California and Washington, DC.

In March 2023 the City entered into a limited-term contract for services with TPA to evaluate the various services provided by TPA. Since entering into the agreement with TPA, the City has received nearly \$4 million in grants and earmark funding. It is anticipated that an additional \$1.5 million will be awarded for additional projects early next year. They have additionally provided legislative advocacy and support for various items during this limited-term contract. It is recommended that City Council approve an amendment to extend their agreement through December 31, 2024 for an amount not to exceed \$90,000.

2023-2024 STRATEGIC PLAN GOAL:

The proposed amendment supports various of the City's strategic goals as the advocacy and grant writing provided by TPA can help the City secure grant funds for various projects, depending on funding availability and requirements. This can include items such as solar panel grants to meet sustainability goals, Police and Fire equipment to meet public safety and homelessness goals, along with many other opportunities.

FISCAL IMPACT:

The FY 23-24 budget has sufficient funds for the proposed amendment that will be shared between the various Departments. However, the anticipated grant funding received will

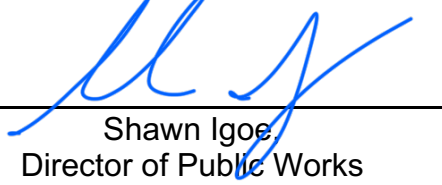
Staff Report

Page 2 of 3

December 20, 2023

significantly offset the cost of the agreement. Funds for services in FY 24-25 will be budgeted through the City's annual budget process.

Respectfully submitted by:



Shawn Igoe
Director of Public Works

Reviewed by:



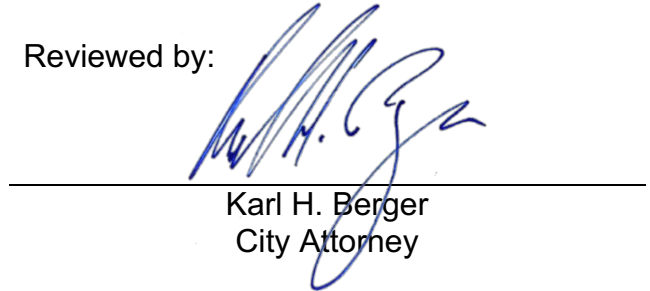
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Townsend PA Proposal

ATTACHMENT 1

Proposal

TOWNSEND

PUBLIC AFFAIRS

EST **TPA** 1998



**Proposal for
Legislative Advocacy
and Grant Writing Services**

December 8, 2023

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NORTHERN CALIFORNIA • CENTRAL CALIFORNIA
SOUTHERN CALIFORNIA

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December 8, 2023

Inez Alvarez, City Manager
City of Monterey Park
320 West Newmark Ave.
Monterey Park, CA 91754

Dear Ms. Alvarez,

Thank you for the opportunity for Townsend Public Affairs, Inc. ("TPA") to submit our proposal for Legislative Advocacy and Grant Funding Services to the City of Monterey Park ("City").

Since its inception in 1998, TPA has earned the reputation as **Champions for Better Communities** by providing the experience, resources, and relationships expected from a premier legislative advocacy and grant writing firm while also giving clients the unique brand of customer service they deserve: personal attention, maximum accessibility, and passion for their mission.

Our strategic approach to advocacy and funding is tailored to meet the individual needs of each client by leveraging the breadth and depth of our team as well as our vast network of relationships with key stakeholders and decision makers.

Utilizing this method on behalf of our clients, TPA has shepherded over 100 legislative and regulatory proposals into law and secured over \$2.9 billion in grants from state, federal, and local government agencies as well as nonprofit foundations and private companies. Additionally, over the last 9 months, TPA is proud to have helped secure over \$4.9 million in competitive grant funding and legislative directed spending on behalf of the City of Monterey Park.

Thank you again for your interest in our firm and your consideration of this proposal. Please contact us if you have any questions or need additional information. We would be honored to serve the City of Monterey Park.

Yours truly,

Christopher Townsend
President



FIRM OVERVIEW

TPA is a state and federal legislative advocacy and grant writing firm that provides lobbying and funding services to public agencies and nonprofit organizations throughout California.

- **Founder/Owner/President:** Christopher Townsend
- **Advocacy Success:** Shepherded **over 100** client-sponsored legislative proposals into law
- **Funding Success:** Over **\$2.9 billion** in state, federal, and local government grants as well as grants from nonprofit organizations and private companies
- **Longevity:** 25 years (founded in 1998)
- **Number of Employees:** 21
- **Number of Registered State and Federal Lobbyists and Grant Writers:** 16
- **Number of Offices: Five**
 - TPA State Capitol Office, Sacramento
 - TPA Federal Office, Washington, DC
 - TPA Northern California Office, Oakland
 - TPA Central California Office, Fresno
 - TPA Southern California Office, Newport Beach
- **Types of Clients:**
 - City Governments
 - County Governments
 - Water and Sanitation Districts
 - Transportation Districts
 - K–12 School Districts
 - Community College Districts
 - Parks and Recreation Districts
 - Fire Protection Districts
 - Museums, Science Centers, and Cultural Facilities
- **Areas of Specialization:**
 - Local Governance (Cities, Counties, Special Districts)
 - Transportation Policy and Infrastructure
 - Water and Sanitation Policy and Infrastructure
 - Education Policy and Infrastructure
 - Housing and Economic Development
 - Parks and Community Facilities (Recreational, Cultural, Historical)
 - Energy, Environment, and Natural Resources
 - Public Safety
 - Budget and Finance
- **Ranking by Revenue Reported to the California Secretary of State:**
 - 8th of 491 Firms Registered for 2021–22 Legislative Session
 - 99th Percentile
- **More California public agencies** have hired TPA to represent them in **Washington, DC** than any other advocacy firm in the nation.



STATE LEGISLATIVE ADVOCACY ACHIEVEMENTS

Policy Sector	Issue	Outcome Of Lobbying Efforts
Local Governance	Local Control and Finance	- Public Facilities and Finance - Public Employee Programs - Contractual Assessment Programs - Infrastructure Financing Opportunities
	Public Employee Benefits	- PEPRA Compliance - JPA Benefits - Medical Benefits Vesting
	Cannabis	- Drafting Local and State Cannabis Regulations - Local Control
Transportation	Local Streets and Roads	- State Highway Relinquishments - Local Venue Signage on State Highways
	State Highway System	- State Bond Funding for Highway Projects - Expansion of Toll Lanes/Toll Roads
Water and Sanitation	Water Quality	- Drinking Water Public Health Regulations - Groundwater Pollution Liability - Groundwater Management Plans - Direct/Indirect Potable Reuse
	Water Infrastructure	- State Bond Funding for Water Projects - Local Reliability Projects - Water Conservation Programs
	Sanitation Infrastructure	- Integrated Regional Watershed Projects - Advanced Water Treatment Facilities
Housing and Community Development	Affordable Housing	- Developing Funding for Affordable Housing - Expanding Affordable Housing Eligibility
	Economic Development	- Capital Investment Incentive Program Expansion - Enterprise Zone Program Regulations - Military Base Reuse Land Planning
	Redevelopment	- Agency Dissolution Process - Developing Post-RDA Funding Sources - State Liability Reduction
Recreation and Natural Resources	Park Facilities	- Joint-Use Projects with School Districts - State Bond Funding for Local Park Projects (Propositions 11, 68, and 84)
	Greenhouse Gas Reduction	- TOD Housing to Support Cap and Trade Objectives - Increase Transit Accessibility for Active Transportation
Cultural and Historical Resources	Cultural Facilities	- CA Cultural and Historical Endowment - CA Nature Education Facilities Program
Public Safety	Public Health	- Air Pollution Reduction Methods - Treatment of the Remains of a Deceased - Veteran Resources
	Crime Reduction	- Sex Trafficking Control - Gun Control
	Local Law Enforcement	- Increasing Local Police Presence/COPS - Police Body Cameras - Regional Public Safety Task Force Initiatives
Education	Community College Districts	- Veterans Resources - Alternative Energy Job Training - ADA Reform
	K–12 School Districts	- K–12 Safety Planning Programs - Joint Use Projects with Civic Agencies
	School Facilities	- Charter School Facilities Funding - Community College Facilities Funding - K–12 School District Facilities Funding

A DETAILED SCHEDULE OF OUR STATE, FEDERAL, AND LOCAL LEGISLATIVE ADVOCACY ACHIEVEMENTS CAN BE PROVIDED UPON REQUEST



FEDERAL LEGISLATIVE ADVOCACY ACHIEVEMENTS

Policy Sector	Issue	Outcome of Lobbying Efforts
Local Control and Local Budget	COVID-19 Pandemic Messaging	- Helped lead the creation and passage of the CARES Act and the American Rescue Plan (ARPA) - Crafted regional advocacy letters to urge for increased local relief funding - Coordinated with National League of Cities and the White House to utilize and distribute TPA templates, models, and language regarding COVID-19 messaging - Facilitated conversations between the Department of Treasury and local public agencies regarding the implementation and reporting of CARES Act and ARPA funds
	Wireless Infrastructure	- Obtained copy of draft text of wireless infrastructure bill that threatened local control - Using both statistics and anecdotal evidence, advocated against provisions that would challenge local control, resulting in mitigation of provisions upon introduction
	Local Funding	Successfully advocated for reauthorization and return of funding for the Secure Rural Schools/Payment in Lieu of Taxes programs
	State and Local Tax Deduction	Modified provision from tax legislation that would have impacted local public agency general fund budgets
	Sober Living Homes	- Negotiated public messaging on issue - Influenced witnesses and premise for sober living hearing - Proposed amendment to circumvent controversial provisions; amendment was adopted by House committee - Pushed for House and Senate passage of opioids package including sober living provision in each version—both packages passed with sober living provision intact
Transportation and Infrastructure	Streets, Roads, Public Transit, Highways, and Airports	Successfully advocated for continued or increased funding for four out of five federal transportation infrastructure programs between Fiscal Years 2018 and 2019, with the fifth program receiving a one-time tripling of funding in Fiscal Year 2018
Water	Water	- Successfully advocated for an increase in funding for Bureau of Reclamation WaterSMART grant programs two fiscal years in a row - Authorized millions of dollars in funding for clients through the 2022 WRDA process
Affordable Housing, Homelessness, and Community Development	Homelessness	Secured direct HUD funding for innovative programs to provide temporary housing and rehabilitation to homeless individuals
	Private Activity Bonds	Negotiated removal of provision from tax legislation that would have impacted key financing tool for new construction
	Community Development Block Grants	Successfully advocated for maintained funding for HUD Community Development Block Grants between Fiscal Years 2017 and 2019
Public Safety and Emergency Management	Anti-Crime Provisions	- Inserted rural gang priority language in House and Senate Appropriations Committee Report - Created regional coalition of Central California cities and law enforcement agencies to advocate for prioritizing rural gang violence
	Local Law Enforcement	Increased local police presence through securing funding from the U.S. Department of Justice COPS program
	Firefighter Grants	Successfully advocated for continuation of funding for FEMA firefighter grants
Education	Public Education	Authorized \$30 million for California Maritime Centers of Excellence through the 2022 National Defense Authorization Act (NDAA)



EXAMPLES OF SUCCESSFUL STATE/FEDERAL EARMARKS

The following charts detail TPA's success in securing state and federal earmarks over the past several years. **In addition to the state budget funding secured for the City of Monterey Park listed below, TPA also helped secure a \$1.5 million federal earmark that is currently pending in the House. We expect these funds to be included in the Fiscal Year 2023-24 budget once it is approved by Congress.**

FY 2023–24 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
City of Agoura Hills	Bikeway Master Plan Implementation	\$500,000
City of Anaheim	Haskett Library Makerspace	\$300,000
	Store One Upgrades	\$1,000,000
	Mobile Family Resource Center Operations	\$1,500,000
City of Avalon	Cabrillo Mole Phase II	\$2,000,000
City of Costa Mesa	Behavioral Health Unit	\$750,000
City of Del Mar	Sand Replenishment	\$500,000
City of El Monte	Pioneer Park	\$500,000
City of Emeryville	40th Street Corridor Improvement	\$750,000
City of Fremont	Multi-Service Community Center At Central Park	\$1,000,000
	Housing Navigation Center	\$500,000
	Commercial District Wi-Fi Access Expansion Project	\$1,500,000
City of Gardena	Rowley Park Gymnasium Renovation	\$3,000,000
	Mas Fukai Park	\$2,000,000
City of Half Moon Bay	Coastside Farmworker Housing Development	\$2,000,000
	Affordable Housing Projects	\$1,250,000
City of Hayward	St. Rose Hospital Sub-Acute Facility	\$2,000,000
	Stack Youth and Family Center Phase II	\$2,500,000
	Hayward Evaluation and Response Teams (HEART)	\$1,212,000
City of Irvine	Real Time Crime Center	\$2,000,000
	Public Safety Enhancements	\$990,000
City of Kingsburg	Fire Department Ladder Truck	\$350,000
City of La Habra	Vista Grande Park	\$2,000,000
City of La Verne	EOC Upgrades	\$200,000
City of Laguna Beach	Moss Street Beach Access Improvements	\$1,225,000
	Moulton Meadows Dog Play Area	\$300,000
City of Mendota	Community Center	\$8,000,000
City of Modesto	Downtown Streets Teams	\$1,000,000
	Awesome Spot Playground	\$400,000
	Modesto MoBeautiful	\$250,000
City of Monterey Park	Fire Station Rehab	\$2,000,000
City of Morro Bay	Storm Drain Replacement - Sequoia Court	\$300,000
City of Newport Beach	Trash Interceptor	\$1,600,000
City of Oakley	East Cypress Road Widening	\$2,000,000
City of Oceanside	OFD Training Center - Portable Buildings/Pump Facility	\$500,000
City of Orange	Homeless Resource Center, Phase I	\$1,000,000
	Homeless Resource Center, Phase II	\$2,000,000
City of Parlier	Indoor/Outdoor Regional Sports Park	\$1,000,000
City of Pleasanton	PFAS Water Treatment Project	\$1,000,000
City of Reedley	Transitional Housing Facility Improvements	\$150,000
	Sports Park Field Lighting	\$350,000



FIRM OVERVIEW

	EV Charging Facilities	\$100,000
City of San Leandro	Nimitz Motel Acquisition	\$2,500,000
City of San Pablo	San Pablo Recreation/Space Project	\$3,000,000
City of Santa Clara	SC Overnight Care Locations	\$1,800,000
	Regional Public Safety Interoperable Radio Communications	\$1,750,000
City of South San Francisco	Great America Parkway	\$200,000
City of Temecula	Ynez Road Improvements	\$1,000,000
City of Tulare	Tulare Fire Department Equipment	\$1,000,000
City of Tustin	Tustin Legacy Park	\$750,000
Consumnes Community Services District	Elk Grove Regional Veterans Memorial Wall	\$1,000,000
Contra Costa County Fire Protection District	Firefighter Peer Support & Crisis Referral Pilot	\$2,500,000
Discovery Cube Los Angeles	STEM Walk and Ride Trails Project	\$933,000
Hesperia Parks and Recreation District	Corporation Yard Relocation/Construction	\$2,000,000
Orange County Pacific Symphony	Education and Enrichment	\$2,000,000
TOTAL FY 2023–24 STATE BUDGET EARMARKS		\$73,910,000

FY 2022–23 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
California Academy of Sciences	Thriving California Environmental Learning Plan	\$2,100,000
City of Agoura Hills	Linear Park Project	\$6,000,000
City of Anaheim	Boysen Park Rehabilitation	\$15,000,000
City of Berkeley	Marina and Pier Projects	\$15,000,000
City of Buena Park	Water System Improvements	\$5,000,000
City of Compton	Artesia Boulevard Bridge Rehabilitation	\$12,000,000
City of Costa Mesa	Citywide Park Project	\$10,000,000
	Ketchum Liboldt Park	\$1,200,000
	Fairview Developmental Center	\$3,500,000
City of Del Mar	Del Mar Bridge Replacement Project	\$2,200,000
City of Dinuba	Fire Department Equipment and Training	\$2,000,000
City of Farmersville	Fire Station Construction	\$7,000,000
City of Fremont	Teen Center Building Upgrades	\$8,000,000
	Sabercat Bridge and Trail project open space acquisition and planning	\$6,000,000
	I-680 Sabercat Bridge Infrastructure	\$6,000,000
	Housing Navigation Center	\$500,000
City of Fullerton	Navigation Center Project	\$6,000,000
City of Gardena	Broadband Infrastructure	\$4,000,000
	Revitalization of Gardena Boulevard	\$2,000,000
City of Hayward	Scattered Site Housing Model to Create Cost-Effective Permanent Housing for Unhoused Individuals	\$5,400,000
City of Huntington Beach	Mental Health Crisis Unit	\$1,500,000
City of Irvine	Sweet Shade Park	\$2,800,000
	Mental Health Crisis Unit	\$1,500,000
City of La Habra	Imperial/Coyote Creek Sinkhole	\$8,500,000



FIRM OVERVIEW

City of Laguna Beach	Mental Health Crisis Unit	\$1,500,000
City of Merced	Merced Regional Fire Training Center	\$3,000,000
City of Oakland	Teachers Rooted in Oakland (TRiO) Program	\$5,000,000
City of Palo Alto	Replacement of Fire Station 4	\$5,200,000
	Newell Road Bridge Replacement	\$2,000,000
City of Parlier	Parlier Police Station	\$2,500,000
City of Santa Clara	Magical Bridge All-Inclusive Playground in Central Park	\$800,000
City of South San Francisco	Linden Park Project	\$3,200,000
	County of San Mateo Union Community Alliance	\$1,500,000
City of Tustin	Centennial Park Rehab Project	\$4,800,000
Discovery Cube Los Angeles	Sustainability Park Project	\$5,000,000
Discovery Cube Orange County	Santiago Creek Sustainability Park	\$10,000,000
Imperial County	Lithium Valley Specific Plan and PEIR	\$5,000,000
Land Conservancy of San Luis Obispo County	Camatta Ranch Preservation	\$2,500,000
North Orange County Public Safety Task Force	Servicing the Public Safety Collaborative efforts within the cities of Anaheim, Brea, Buena Park, Fullerton, La Habra, Stanton, and Placentia	\$8,000,000
Oakland Museum of California	Calli Americas Poster Collection Digitizing and Cataloguing Project	\$250,000
Port of Hueneme	eCrane - Electrical Crane Plug-In Infrastructure	\$5,000,000
Tri-Valley Cities Coalition	Valley Link Rail Project (Environmental Study and Preliminary Engineering)	\$5,000,000
TOTAL FY 2022-23 STATE BUDGET EARMARKS		\$200,950,000

FY 2021-22 STATE BUDGET EARMARKS

Client Name	Project	Amount Awarded
City of Costa Mesa	Regional Fire and Rescue Facility Improvements	\$2,500,000
City of Del Mar	Del Mar Fairgrounds Operating Shortfall	\$3,500,000
City of Emeryville	Affordable Housing Site Remediation	\$2,500,000
City of Farmersville	Fire Engine Acquisition	\$750,000
City of Fremont	Mission Blvd Interchange Modernization Project	\$7,200,000
City of Fullerton	Hunt Library Restoration	\$2,750,000
	Homelessness Recuperative Center	\$4,000,000
City of Half Moon Bay	Carter Park Renovation Project	\$4,750,000
City of Hayward	Hayward Navigation Center	\$662,000
	South Hayward Youth Family Center Project	\$1,000,000
City of Irvine	Bommer Canyon Fire Prevention Efforts	\$1,000,000
City of Lafayette	Safe Pathway for Children Trail	\$238,000
City of Modesto	Infrastructure Improvements to County Islands	\$5,000,000
City of Oakland	Oakland Fund for Public Innovation for the California Entrepreneurship Capital in the Community Initiative	\$8,000,000
	Local Jurisdiction Assistance for Cannabis Equity Program	\$9,905,020
	Oakland MACRO Project	\$10,000,000



FIRM OVERVIEW

	Port of Oakland Freight and Passenger Infrastructure Enhancements	\$280,000,000
City of Pismo Beach	Public Safety Communications Equipment	\$470,000
City of Reedley	Olson/Kings River Sewer Main Replacement	\$2,800,000
City of San Leandro	Memorial Park Rehabilitation Project	\$2,750,000
City of San Pablo	Alternative Policing and Mental Health Program	\$2,000,000
City of Santa Ana	Youth Facilities Improvements	\$4,000,000
City of South San Francisco	Vehicle License Fee Adjustment	\$3,000,000
City of Tracy	Multi-Generational Recreation Center	\$5,000,000
City of Tustin	New Emergency Backup Generator	\$1,500,000
Discovery Science Foundation	Discovery Cube of Orange County Re-Opening Operating Expenses	\$2,040,000
	Discovery Cube of Los Angeles Re-Opening Operating Expenses	\$2,600,000
North Orange County Public Safety Task Force	North Orange County Public Safety and Homelessness Task Force Program Extension	\$7,800,000
TOTAL FY 2021–22 STATE BUDGET EARMARKS		\$377,715,020

FY 2019–20 STATE BUDGET EARMARKS		
Client Name	Project	Amount Awarded
City of Agoura Hills	Stormwater Treatment Project	\$1,000,000
City of Avalon	Underground Fuel Tank Removal and Replacement	\$500,000
City of Buena Park	Historical Facilities Renovations	\$500,000
City of Costa Mesa	Lions Community Park	\$1,000,000
City of Dinuba	Water Well Replacement	\$1,000,000
City of Huntington Beach	Multi-Use Blufftop Path	\$1,700,000
City of Laguna Beach	Laguna Canyon Road Fuel Modification	\$1,000,000
City of Oakland	Public Safety Projects	\$4,000,000
	Bus Services	\$1,000,000
City of Selma	Storm Drain, Storage, and Recharge	\$1,500,000
Discovery Cube of Los Angeles	Natural Resources Pavilion	\$5,000,000
Discovery Cube of Orange County	Property Acquisition/Parking Structure	\$10,000,000
East Contra Costa Fire Protection District	Equipment, Vehicles, and Facilities Acquisitions and Improvements	\$500,000
North County Transit District	Del Mar Bluffs Stabilization Project	\$6,130,000
Tri-Valley Cities Coalition	Dublin Sports Grounds All-Abilities Playground	\$1,400,000
TOTAL FY 2019–20 STATE BUDGET EARMARKS		\$36,230,000

CUMULATIVE TOTAL STATE BUDGET EARMARKS FOR FY 2019–20, FY 2021–22, FY 2022–23, AND FY 2023–24:

\$688,805,020



FY 2023 FEDERAL APPROPRIATIONS EARMARKS		
Client	Project	Amount Awarded
City of Avalon	Pebbly Beach Road	\$2,000,000
Affordable Community Living	Veteran Housing Project	\$1,000,000
City of Berkeley	Martin Luther King Junior Youth Services Center Renovation	\$750,000
City of Del Mar	Shoreline Access Improvement Project	\$750,000
Discovery Cube Los Angeles	Community Pavilion and Gardens	\$2,000,000
Discovery Cube Orange County	Santiago Creek Festival Grounds Sustainability Park	\$2,000,000
City of Dinuba	Well 21	\$1,500,000
City of Emeryville	Intergenerational Affordable Housing Project on San Pablo Avenue	\$500,000
City of Gardena	Rosecrans Community Center	\$1,000,000
Guadalupe Union School District	Early Childhood Education Center	\$2,000,000
City of Half Moon Bay	Highway 1/ Frenchman Creek Intersection and Bike/Ped Improvements	\$2,000,000
City of Hesperia	Cedar Street	\$2,000,000
City of Lafayette	School Street Safe Routes to Schools	\$3,100,000
Merced County Association of Governments	YARTS Fleet Replacement Project	\$3,680,000
City of Murrieta	Keller Ave Interchange	\$2,600,000
North Orange County Public Safety Collaborative	Homelessness and Mental Health Recovery Services	\$5,000,000
City of Oakland	Coliseum Place Affordable Housing Project	\$750,000
	Procedural Justice/Community Police Trust	\$646,000
	Lincoln Center Resilience Hub	\$2,000,000
Orange County Housing Finance Trust	Funding to Support Permanent Supportive and Low-Income Housing	\$3,000,000
City of Ontario	Active Seniors on the Go	\$439,094
City of Pleasanton	PFAS Treatment and Well Rehabilitation Project	\$2,000,000
City of Palmdale	Ave. M Grade Separation Project	\$2,000,000
	Ave. M Grade Separation Project	\$1,500,000
City of Parlier	Police Station Rehabilitation and Improvements	\$875,000
Rancho Santiago Community College District	Workforce Development Pathways Targeting Dislocated and At-Risk Populations	\$2,000,000
City of Santa Clara	Fire Station Microgrid Project	\$500,000
	Anna Drive Neighborhood Flood Protection Project	\$3,000,000
City of South El Monte	Merced Avenue Greenway Project	\$3,000,000
Sunline Transit Agency	Fueling Infrastructure Expansion	\$2,500,000
City of Tulare	Water Delivery System	\$500,000
	Emergency Homeless Shelter	\$1,500,000
Yorba Linda Water District	Green Crest Lift Station	\$300,000
Yosemite Community College District	Modesto Junior College Regional Fire Training Facility Apparatuses and Props	\$2,000,000
TOTAL FY 2023 FEDERAL APPROPRIATIONS EARMARKS		\$60,390,094



FY 2022 FEDERAL APPROPRIATIONS EARMARKS		
Client Name	Project	Amount Awarded
Amity Foundation	Mother's Hub Residence	\$2,838,521
Cities of Anaheim, Brea, Buena Park, Fullerton, Stanton, Placentia	North Orange County Public Safety and Homelessness Task Force: Homelessness and Mental Health Recovery Services	\$5,000,000
Cities of Dublin, Livermore, and Pleasanton	AXIS Mental Health Urgent Care	\$450,000
City of Agoura Hills	Community Center	\$1,000,000
City of Beaumont	Pennsylvania Avenue Widening	\$1,500,000
City of Berkeley	African American Holistic Resource Center	\$1,000,000
City of Brea	Tracks at Brea Extension	\$2,000,000
City of Chino Hills	Open Space Fuel Reduction	\$565,000
City of El Monte	MacLaren Community Park Project	\$1,500,000
City of Emeryville	Contaminated Remediation for Housing	\$2,000,000
City of Hesperia	Maple Avenue Street Improvements	\$2,000,000
City of Huntington Beach	Sand Mitigation	\$15,500,000
	Mobile Crisis Response Program	\$500,000
City of Murrieta	Homeless Outreach Services Funding	\$500,000
City of Oakland	Mental Health Resilience Project	\$1,230,000
	Mental Health Resilience Project	\$734,000
	Broadway—Bus and Pedestrian Safety	\$2,000,000
	Violence Prevention Project	\$200,000
City of Placentia	Golden Avenue Bridge	\$2,200,000
City of San Ramon	Iron Horse Trail Crow Canyon Road Iron Horse Trail Bicycle-Pedestrian Overcrossing	\$2,000,000
City of Santa Clara	City of Santa Clara De La Cruz Blvd, Lick Mill Blvd, and Scott Blvd Bicycle Projects	\$2,725,000
City of Stanton	Orangewood Parkette	\$850,000
Discovery Cube of Orange County	Land Acquisition and Development for Sustainability Festival	\$2,000,000
East Contra Costa Fire Protection District	Fire Station	\$1,500,000
Guadalupe Union School District	LeRoy Park	\$1,700,000
North County Transit District	Hydrogen Fuel Cell Electric Bus Station	\$1,717,836
Rancho Santiago Community College District	RSCCD Digital Access Consortium	\$2,000,000
Town of Danville	Danville Townwide Traffic Signal Modernization	\$1,000,000
	Iron Horse Trail Bridge, Nature Park, and Pedestrian Safety Project	\$350,000
Yorba Linda Water District	Heli-Hydrant	\$500,000
TOTAL FY 2022 FEDERAL APPROPRIATIONS EARMARKS		\$59,060,357

**TOTAL FEDERAL APPROPRIATIONS EARMARKS
FOR FY 2022 and FY 2023:
\$119,450,451**



GRANT FUNDING ACHIEVEMENTS

This table provides an overview of our grant funding achievements on behalf of our clients from state, federal, and local government agencies as well as private and nonprofit grant programs.

These amounts represent grants secured through a competitive and/or legislative process and do NOT include any funds awarded to clients via formulas or related forms of funding entitlements.

As part of TPA's overall grant funding achievements, TPA helped secure a \$1.4 million grant for the Monterey Park Bruggemeyer Library earlier this year.

Policy Area	State Funding	Federal Funding	All Sources
Water and Sanitation	\$134.1 Million	\$13.2 Million	\$147.3 Million
Transportation	\$704.7 Million	\$233.4 Million	\$938.2 Million
Education	\$256.9 Million	\$49.9 Million	\$306.8 Million
Parks and Recreation	\$292.2 Million	\$30.6 Million	\$322.9 Million
Cultural Resources	\$140.0 Million	\$14.2 Million	\$154.3 Million
Housing and Development	\$772.0 Million	\$36.4 Million	\$806.8 Million
Public Safety	\$155.2 Million	\$80.1 Million	\$235.2 Million
TOTAL	\$2.5 Billion	\$457.8 Million	\$2.9 Billion

A DETAILED 20-PAGE SCHEDULE OF OUR STATE, FEDERAL, AND LOCAL GRANT FUNDING ACHIEVEMENTS CAN BE PROVIDED UPON REQUEST



STATE GOVERNMENT RELATIONSHIPS

City's State Legislative Delegation:

- Senator Susan Rubio
- Assembly Member Mike Fong

Governor's Administration and Agency Leadership:

- Governor Gavin Newsom
 - Executive Secretary Dana Williamson
 - Senior Counselor Jason Elliott
- Lieutenant Governor Eleni Kounalakis
- State Treasurer Fiona Ma
- State Controller Malia Cohen
- Attorney General Rob Bonta
- Superintendent of Public Instruction Tony Thurmond
- Secretary Wade Crowfoot, Natural Resources Agency
- Secretary Toks Omishakin, California State Transportation Agency
- Secretary Amelia Yana Garcia Gonzalez, California Environmental Protection Agency
- Secretary Tomiquia Moss, Business, Consumer Services, and Housing Agency
- Director Armando Quintero, Department of Parks and Recreation
- Director Karla Nemeth, Department of Water Resources
- Director Joe Stephenshaw, Department of Finance
- Director Gustavo Velasquez, Department of Housing and Community Development

State Legislative Leadership:

- Senate President Pro Tempore Toni Atkins
- Senate President Pro Tempore – Designee Mike McGuire
- Senate Republican Leader Brian Jones
- Assembly Speaker Robert Rivas
- Assembly Speaker Pro Tempore Jim Wood
- Assembly Majority Leader Cecilia Aguiar-Curry
- Assembly Republican Leader James Gallagher

Key Legislative Committee Leadership

- Senate Appropriations Chair Anthony Portantino
- Senate Budget Chair Nancy Skinner
- Senate Governance and Finance Committee Chair Anna Caballero
- Senate Human Services Committee Chair Marie Alvarado-Gill
- Senate Transportation Committee Chair Lena Gonzalez
- Assembly Transportation Committee Chair Lori Wilson
- Assembly Appropriations Chair Buffy Wicks
- Assembly Budget Chair Jesse Gabriel
- Assembly Local Government Committee Chair Juan Carrillo
- Assembly Housing and Community Development Committee Chair Chris Ward
- Assembly Water, Parks, and Wildlife Committee Chair Diane Papan



FEDERAL GOVERNMENT RELATIONSHIPS

City's Federal Legislative Delegation:

- Senator Alex Padilla
- Senator Laphonza Butler
- Representative Judy Chu

President's Administration and Federal Agencies:

- White House Office of Intergovernmental Affairs
 - Evan Wessel, Associate Director of Intergovernmental Affairs
- Department of Agriculture
 - Homer Wilkes, Under Secretary Natural Resources and Environment
 - Carlos Suarez, California State Conservationist
- Department of Commerce
 - Michell Morton, Broadband Program Specialist
- Department of Education
 - Adam Honeysett, Managing Director, State and Local Engagement
- Department of Homeland Security
- Department of Energy
 - Christian Bato, Regional Intergovernmental and External Affairs Specialist
- Department of Housing and Urban Development
- Department of the Interior
- Department of Justice
 - Shannon Long, COPS Office
- Department of Labor
- Department of Transportation
 - Landon Bailey, Special Assistant for Government Affairs

- Will Rasky, Advisor for Governmental Affairs
- Army Corps of Engineers
- Bureau of Reclamation
 - Jack Simes, Area Manager, Southern California Area Office
- Federal Aviation Administration
 - Faviola Garcia, Deputy Regional Administrator
 - Nathan Morrissey, FAASTeam Ops
- Economic Development Administration
- Environmental Protection Agency
 - Jamie Piziali, Municipal Ombudsman
- Fish and Wildlife Service
- National Marine Fisheries Service
- National Park Service
 - Joy Beasley, Associate Director, Cultural Resources, Partnerships, and Science
 - Meagan Brown, Certified Local Government Coordinator

Key Congressional Legislative Committees:

- Senate Appropriations Committee
- Senate Commerce, Science, and Transportation Committee
- Senate Environment and Public Works Committee
- House Appropriations Committee
- House Transportation and Infrastructure Committee

A DETAILED LIST OF OUR STATE, FEDERAL, AND LOCAL RELATIONSHIPS CAN BE PROVIDED UPON REQUEST



CLIENT SERVICE TEAM

PROFESSIONALS

With a team of 16 registered state and federal legislative and funding advocates, TPA has the breadth and depth of experience AND the ability to deploy as many advocates as needed to maximize success for the City while minimizing the burden on City staff. TPA proposes a dedicated team of six people to perform state and federal advocacy and grant writing services for the City.



Christopher Townsend

President

Role: Managing Principal/Senior Strategic Advisor



Cori Takkinen

Vice President

Role: Legislative and Funding Advocate



Sean McReynolds

Senior Associate

Role: Legislative and Funding Advocate



Joseph Melo

Senior Associate

Role: Federal Legislative and Funding Advocate



Anastasia Heaton

Associate

Role: Funding Advocate/Grant Writer

Resumes for each member of the client service team can be found on the following pages.





Christopher Townsend, President: Christopher founded TPA in 1998 and has 40 years of experience in public affairs, legislative advocacy, and grant writing. Christopher and TPA have represented over 315 clients, including 250 local public agencies, such as cities, counties, transportation agencies, water and sanitation districts, elementary and secondary school districts, community college districts, park and recreation districts, and other special districts as well as nonprofit organizations.

Townsend Public Affairs, Inc.

President

1998–Present

Christopher provides leadership to a team of 16 advocates and grant writers while managing the development and implementation of strategies for the agendas of each client. His achievements include:

- Under Christopher’s leadership, TPA has become one of the most successful advocacy firms in California (and is continually recognized as a “top ten” firm registered with the California Secretary of State) while still providing the personalized attention and focus of a small boutique firm.
- Under Christopher’s leadership, TPA has shepherded **over 100** legislative and regulatory proposals into law over a wide range of policy areas, including local governance, water and sanitation, transportation, housing and economic development, parks and natural resources, historical and cultural resources, elementary and secondary education, higher education, and public safety. The bipartisan capabilities of the firm are evidenced by legislative and funding successes over the tenure of several federal and state administrations, including Presidents Bill Clinton, George W. Bush, Barack Obama, and Donald Trump and Governors Pete Wilson, Gray Davis, Arnold Schwarzenegger, Jerry Brown, and Gavin Newsom.
- Christopher and his team have secured over **\$2.9 billion** in local, regional, state, and federal government grants as well as private and nonprofit grants for a multitude of legacy projects in the policy sectors of water and sanitation, transportation, education, housing and economic development, parks and natural resources, historical and cultural resources, and public safety.
- Christopher maintains close bipartisan relationships with several members of the California Congressional delegation, including Senator Padilla and Representatives Torres, Porter, Levin, Correa, Lee, Swalwell, Napolitano, Garamendi, Carbajal, DeSaulnier, Sanchez, Lieu, Harder, Calvert, Garcia, Steel, and Kim.
- Christopher maintains close bi-partisan relationships with a number of California State Legislators, including Senators Laird, Gonzalez, Bradford, Newman, Min, Skinner, and Umberg, and Assembly Members Addis, Lowenthal, Gipson, Ting, Ta, and Petrie-Norris.
- Christopher and TPA have participated in the development and implementation of several California bond propositions for the statewide ballot to provide capital funding for major infrastructure projects, including water and sanitation, transportation, education, housing and economic development, parks and natural resources, and historical and cultural

resources, including Propositions 1, 1B, 1C, 1D, 1E, 12, 13, 14, 40, 47, 50, 55, 68, and 84. Most recently, Christopher worked closely with the State Legislature and the Governor's office on the drafting of SB 5 (De Leon), which authorized a **\$4 billion** park bond that was approved on the November 2018 statewide ballot as Proposition 68.

- In 1999, Christopher was appointed by Assembly Speaker Antonio Villaraigosa to serve on the Speaker's Commission on State and Local Government Finance.
- In 1997, Christopher was appointed by Assembly Speaker Cruz Bustamante to serve on the California Film Commission.

PepsiCo/Taco Bell Corp., Irvine, CA

Senior Director, Government & Community Affairs

1992–1998

Christopher managed and directed government and media relations, crisis management, internal communications, and marketing publicity. Christopher also managed the political action committee for state and federal political races. Additionally, Christopher managed community relations initiatives, corporate philanthropy, and the Taco Bell Foundation.

Stein-Brief Group, Inc., Dana Point, CA

Vice President, Public Affairs

1982–1992

Christopher directed government, community, and media relations at the local, state, and federal levels, including the management of all political, civic, charitable, and cultural activities. Christopher provided land-use planning and entitlement process analysis for domestic and international projects. Christopher also managed activities with numerous state and federal agencies to ensure compliance with all applicable laws and regulations governing land use. Finally, Christopher created and directed a political action committee that supported various local, state, and federal candidates and ballot initiatives.

JFK School of Government, Harvard University, Cambridge, MA

Master of Public Administration

1991

Claremont McKenna College, Claremont, CA

Bachelor of Arts, Political Science, Magna cum Laude, Political Science Honors Prize

1982

Coro Fellow

Southern California

1981

Harry S. Truman Scholar

California

1980





Cori Takkinen, Vice President: Cori brings 15 years of legislative advocacy and public policy experience to TPA. Cori has extensive experience writing grants for various local, regional, state, and federal opportunities. Cori has expertise in the policy sectors of local governance, transportation, water resources, infrastructure, sanitation, parks and recreation, and economic development.

Townsend Public Affairs, Inc.
Vice President

2011–Present

Throughout her tenure at TPA, Cori has been responsible for securing millions in competitive grant funds for local public agency clients. In addition to her expertise on municipal issues, Cori has strong experience building coalitions, identifying synergies, and leveraging all available opportunities to achieve success. Cori has a strong network of relationships with State Legislators, key staff, and various state agencies. Some of Cori’s accomplishments include:

Federal

- Leveraging relationships with the California Federal delegation, Cori had over **\$25 million** in Community Project Funding (or earmarks) included in the nine appropriations bills that passed the House in FY 2022. In addition, Cori leveraged her relationships with Senator Padilla and Senator Feinstein to ensure the inclusion of several projects in the Senate Appropriations bills. Cori maintains a close relationship with Senator Padilla from his previous tenure in the State Senate as well as through his tenure on the Board of Directors of the Discovery Science Foundation, the founding client of Townsend Public Affairs.
- Cori worked on behalf of several cities in North Orange County to secure **\$5 million** in funding for the North Orange County Public Safety Collaborative through the federal appropriations process in FY 2022. This was the largest community project award nationwide for the OBJ/Byrne JAG program at the federal level.
- Cori worked with the City of Laguna Beach to secure **\$59,628** through the FEMA Assistance for Firefighters Grant program. Cori worked closely with FEMA program staff to secure funding for mobile radios and programming equipment that brought the Laguna Beach Fire Department up to P-25 compliance. Bringing the Fire Department into compliance has allowed increased coordination and activity with the California Office of Emergency Services and the State’s Master Mutual Aid Plan.

State

- In the FY 2021–22 State Budget, Cori worked with several municipal and nonprofit clients to secure **\$54 million** in budget earmarks for priority projects, including funding for mental health, public safety, infrastructure improvements, and parks and trails improvements.
- In the FY 2019–20 State Budget, Cori worked with five municipal clients and one nonprofit client to secure **\$20.2 million** in budget earmarks for priority projects, including funding for a stormwater treatment facility, historical renovations, park and trail improvements, fire prevention, and children’s science education.



- Leveraging relationships with the State Legislature, Cori secured an earmark in the FY 2017–18 State Budget in the amount of **\$20 million** to form the North Orange County Public Safety Collaborative. Since that time, Cori has identified additional funding opportunities at the state and federal level and the Collaborative has received a total of \$40.8 million since 2017. These annual funds have been allocated to be used for programs to address youth violence prevention and intervention in K–12 schools, programs to promote and enhance the successful reentry of offenders into the community, and programs to address homeless outreach and intervention efforts.
- Cori worked on behalf of the City of La Habra to secure a direct funding allocation in the FY 2021–22 State Budget in the amount of **\$8.5 million** to repair an underground culvert in La Habra that collapsed due to a period of heavy rainfall. The culvert is a critical regional channel that provides drainage to the City of La Habra and a portion of North Orange County. This is a critical infrastructure project to protect public health and to protect one of North Orange County’s busiest traffic corridors.
- Cori worked with the City of Santa Ana to secure a direct funding allocation in the FY 2018–19 State Budget in the amount of **\$4 million** to upgrade water infrastructure within the City. TPA worked with the City’s legislative delegation, staff from the Assembly and Senate Budget Committees, and the Department of Finance to ensure funding was included in the State Budget for this critical project to allow the City’s water customers to have real-time access to their water usage, which will help facilitate water conservation and reduce customers’ utility bills.
- Cori worked with the Orange County Water District and the Orange County Sanitation District to sponsor AB 2022 (Gordon). The bill allowed for limited bottling of the highly treated and recycled GWRS water for educational purposes. The bill was the first legislation in the nation that allowed for the direct bottling of advanced treated recycled water. TPA secured bipartisan support for the legislation and it was signed into law.
- Cori worked closely with the State Legislature and Administration on the development and implementation of **Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018**. Cori worked in support of a variety of clients to create specific funding opportunities to achieve desired results. In addition to securing funding opportunities for municipalities, Cori’s efforts with Proposition 68 resulted in **\$4.8 million** to fund a conservation program at West Coyote Hills in Fullerton as well as **\$3.5 million** to fund science education at the Discovery Cube Orange County.
- Cori has been actively engaged in State fire prevention legislation to reduce the risk of fires caused by above ground utilities as well as to provide opportunities for local jurisdictions located in high fire hazard severity zones to receive priority for fire mitigation measures.
- Cori worked with the City of Brea to secure over **\$10 million** from local, state, and federal sources for the Tracks at Brea project. The project is a four-mile multi-use rail to trail project that will traverse the City. Funding sources include the US Environmental Protection Agency, California Natural Resources Agency, Strategic Growth Council, California Transportation Commission, and the Southern California Association of Governments.



County of Orange, Board of Supervisors*Policy Advisor for Supervisor John Moorlach*

2010

Cori served as a policy advisor for then-County of Orange Supervisor (and who is now a Senator in the State Legislature). Cori was responsible for research, analysis, and subsequent recommendations of all policy issues relating to Orange County Public Works as well as state and federal legislation. Cori served as a liaison between the Supervisor and County staff, constituents, and community groups.

Tom Campbell for US Senate Campaign

2010

Chapman University, Orange, CA*Master of Public Administration*

2014

Claremont McKenna College, Claremont, CA*Bachelor of Arts Economics and Government with Leadership Sequence*

2011



Sean McReynolds, Senior Associate: Sean brings 12 years of government affairs experience to TPA. Sean has both state and federal legislative experience in areas such as healthcare, water, natural resources, wildfire, veteran issues, budget, housing, and education. Sean has a strong network of relationships with staff and members of the California State and Federal Legislative Delegation.

Townsend Public Affairs, Inc.
Senior Associate

2019–Present

Since joining TPA, Sean has helped secure over **\$50 million** in funding achievements for TPA clients. Sean has also worked with clients to develop their legislative advocacy agenda at both the state and federal levels. Some of his recent accomplishments include:

- On behalf of the City of Costa Mesa, Sean worked with the city's Assemblymember, State Senator, and budget committee staff to secure **\$11.2 million** in state budget funding. This funding will allow the City to complete several critical park projects, including Jack Hammett Sports Complex, TeWinkle Athletic Complex, Ketchum-Libolt Park, Fairview Park Mesa, and Shalimar Park.
- Sean worked with the City of Tustin to resolve a regulatory and state legislative issue related to the City's housing element. Sean utilized his relationships with the executive staff at the Department of Housing and Community Development (HCD) to help shape legislation that incorporated the City's housing preferences and priorities. Sean also advocated for the quick approval of the City's housing element and secured extended deadlines that met the City's needs.
- Sean worked with legislative staff and lawmakers to help secure **\$2 million** in state budget funding for the non-profit Pacific Symphony. This funding will allow the Symphony to expand its music education programs for at-risk communities and provide resources for schools and students to develop their classical music capabilities.
- On behalf of the City of Newport Beach, Sean helped to successfully secure a state audit request of the State Department of Health Care Services (DHCS) and their management of sober living homes. Sean worked with city and state legislative staff to help craft the state audit request of DHCS and advocated to members of the Joint Legislative Audit Committee (JLAC). The request was approved unanimously by the JLAC and has directed the State Auditor to conduct its investigation to provide a resolution for the city, as well as other cities across the State.
- Leveraging his agency relationships, Sean helped secure over **\$11 million** in CalHOME grant funding for Affordable Community Living Corporation. This funding will help support the non-profit's efforts to provide affordable manufactured housing for low-income individuals, as well as down-payment and mortgage assistance services to assist those most in need.
- In the FY 2022–23 federal budget cycle, Sean worked with federal lawmakers and staff to help secure **\$750,000** for the City of Del Mar for the Coastal Resiliency and Access

Improvement Project. This project will implement a city-wide flood mitigation plan, connect existing trails to expand pedestrian access, and create a scenic loop trail network throughout Del Mar.

- Sean worked with the City of Costa Mesa on a multi-year effort to transition a state-operated facility into a collaborative project that includes the City's priorities. Sean set up meetings with key decision-makers, including the Director of the Department of General Services (DGS), to advocate for the City's position regarding Fairview Developmental Center. Using his policy and legislative expertise, Sean helped the City craft trailer bill language that was ultimately adopted as part of the FY 2022-23 State Budget while simultaneously securing **\$3.5 million** for the City.

Orange County Health Authority
Senior Policy Analyst

2016–2018

Sean was responsible for helping develop and implement CalOptima's legislative agenda, strengthening relations with elected officials at every level of government, and improving the agency's positive image in the community. Sean also worked with trade associations, lawmakers, and government agencies to further the agency's goals and objectives.

U.S. House of Representatives, Office of Congressman Ed Royce
Legislative Assistant/House Foreign Affairs Committee Liaison

2011–2015

Sean worked for Rep. Ed Royce in Washington, DC and was responsible for managing a legislative portfolio, advising the Congressman on policy recommendations, and coordinating communications between the DC and California offices on House Committee actions.

California State University, Fullerton
Bachelor of Arts, Political Science

2012



Joseph Melo, Senior Associate: Joseph brings 10 years of federal legislative, funding, and public policy experience. Joseph has extensive experience managing legislative and funding activity, including bill analysis, research, and drafting, particularly for federal funding opportunities. Joseph has expertise in several policy areas including energy and commerce, technology, education, housing, foreign affairs, and local government governance.

Townsend Public Affairs, Inc.

Senior Associate

2023–Present

As a Senior Associate, Joseph is skilled in leveraging his extensive policy knowledge and relationships at both the state and federal levels to advocate for TPA clients and ensure legislative and funding success. Some of Joseph's experience includes:

- Joseph successfully advocated for the inclusion of three community college projects in the FY 2024 community project funding process. These projects, which would support the priorities of Long Beach and Yosemite Community College Districts, were selected by multiple members of the House and Senate and approved by the full appropriations committees in each chamber.
- Joseph has worked closely with several TPA clients to plan federal advocacy trips and accompany personnel throughout their visit. These trips resulted in valuable meetings with the clients' respective congressional delegations and federal agencies, leading to the identification of several funding and partnership opportunities.
- Joseph's experience working for two California Congressional Representatives has led to an extensive network of relationships both on Capitol Hill and within federal agencies. These relationships have led to many successes navigating program complexities, rules, and regulations at agencies such as the Departments of Education, Energy, Commerce, the Treasury, and EPA. His understanding of the regional and political dynamics of the California Congressional delegation and their interactions with other members of the Senate and House are key to successfully advocating for California-based clients.
- Joseph has extensive knowledge and understanding of the current federal appropriations process and has experience in successfully securing millions of dollars' worth of earmarks for California projects. While serving as Policy Advisor to Congressman McNerney, Joseph assisted in securing \$27 million in community project funding for 15 community projects in Contra Costa and San Joaquin counties, greatly benefiting local California communities.

U.S. House of Representatives, Office of Congressman Jerry McNerney (CA-09)

Policy Advisor, Legislative Assistant, Legislative Correspondent, Intern

2019–2023

As Policy Advisor, Joseph led the Congressman's legislative portfolio on issues under the jurisdiction of the Energy & Commerce Committee (Subcommittees on Energy, Communications & Technology, and Consumer Protection & Commerce) and the Science, Space & Technology Committee (Subcommittee on Energy). He assisted in staffing, advising, and preparing the Congressman's questions and talking points for committee hearings and markups. Joseph co-led the Congressman's appropriations process and initially helped to secure more than \$27 million for

fifteen community projects located in California's Contra Costa County and San Joaquin County as well as managed the Congressman's caucus work as co-chair of the Artificial Intelligence Caucus and Wi-Fi Caucus. Prior to serving as the Congressman's Policy Advisor, Joseph served as Legislative Assistant, Legislative Correspondent/Staff Assistant, and Intern, demonstrating expertise in a wide range of policy areas, including energy and commerce, technology, education, housing, foreign affairs, and local governance.

Save the Children Action Network

Public Policy and Advocacy Intern

2018

Joseph supported bipartisan federal, state, and local government relations efforts through research on elected officials, congressional candidates, and legislation. He also wrote memorandum on education programs and policies, and he drafted policy documents advocating for specific legislation and institutions relating to early childhood education.

Oracle Corporation

Enterprise Account Manager

2015–2017

While at Oracle, Joseph progressed from Business Development Consultant to Account Manager in under two years. As Enterprise Account Manager, Joseph supported Fortune 100 companies and associated subsidiaries in initiating, developing, and closing sales cycles with Oracle's cloud portfolio as well as led meetings and managed relationships with executive leadership.

U.S. House of Representatives, Office of Congresswoman Nancy Pelosi (CA-12)

District Intern

2014

Joseph assisted in casework and advocated for constituents by calling, emailing, and helping draft letters to federal agencies. Additionally, he worked alongside congressional aides to research and complete policy-focused projects.

University of California, Berkeley

Bachelor of Arts, Political Science

2015

The Wilson Center

Foreign Policy Fellowship Program Certificate

2022



Anastasia Heaton, Associate: Anastasia brings a variety of experience and knowledge to TPA, including five years of experience in public cultural and historical resources. Anastasia has grant writing experience in areas such as water, parks and recreation, cultural resources, and natural resources.

Townsend Public Affairs, Inc.
Associate

2021–Present

Since joining TPA, Anastasia has worked with clients to develop their funding proposals and secure competitive grant funding on projects. Anastasia has developed robust and strong relationships with the Department of Water Resources, California Natural Resources Agency, Governor's Office of Planning and Research, California State Library, Go-BIZ, the Department of Parks and Recreation, and the National Endowment of the Arts. She has also worked to identify strategic funding resources that ensure her clients' visions are transformed into reality. Some of her work includes:

- Through the 2022 State Budget process, Anastasia worked to advocate for the inclusion of **\$6 million** for the City of Agoura Hills' Linear Park construction. This park will provide critical recreation, social, and educational spaces for residents of the City of Agoura Hills.
- Anastasia alongside the California Water Service, secured **\$4.2 million** in competitive Urban Community Drought Relief funding through the Department of Water Resources. This funding will be used to consolidate several at risk and dangerous water systems to provide clean, accessible potable water to a disadvantaged area.
- Anastasia worked with State Department of Water Resources staff to secure **\$2.3 million** in Small Community Drought Relief Grants. This grant funding supported three projects in Kern County and Marin County, ranging in award amounts from \$19,500 to \$1.4 million. These critical drought mitigation projects include a new intake facility and increased storage capacity for water districts hit the hardest by severe drought conditions.
- Anastasia worked closely with the City of Palmdale to secure **\$1 million** in competitive LA County Regional Park and Open Space District Measure A funding for Regional Recreation, Multi-Use Trails, and Accessibility projects. This grant funding will go towards the expansion of a beloved and critical swimming pool in the City's Marie Kerr Park.
- Through the Building Forward Library Infrastructure Program, Anastasia secured a total of **\$2.7 million** in state funding for various projects benefiting libraries throughout the state – from children's wing expansion to HVAC and elevator repairs.
- Anastasia worked alongside the City of Agoura Hills and the State Assembly to secure **\$6 million** in funding for the Agoura Hills Linear Park through the State Budget process. This funding will be critical in constructing an innovative park space for the City.
- With the City of Murrieta, Anastasia secured **\$2.4 million** in Economic Development Agency competitive grant funding for the Murrieta Innovation Center, a life-science startup

incubator and community resource that will prove integral for job growth and economic development in the City.

- Alongside Merced Union High School District, Anastasia secured **\$750,000** in Outdoor Equity Grant Funding through the California Department of Parks and Recreation for the District's "Our Outdoors Program," which will provide outdoor education excursions and career development for underserved students.
- Working alongside Golden State Natural Resources, Anastasia secured **\$500,000** in US Department of Agriculture funding through the Wood Products Innovation Grant. This will fund planning-level funding of wood product innovation through alternative fuel development.
- On behalf of the City of La Habra, Anastasia secured **\$320,000** in US Department of Transportation Safe Streets and Roads 4 All (SS4A) grant funding to fund the full implementation of a Safe Routes to Schools Plan, helping students in the region safely travel to and from school using active transportation methods.
- Through LA Metro's 5310 Grant Program, Anastasia, with the City of South El Monte, secured **\$230,000** in competitive funding for the acquisition of an electric shuttle vehicle to allow for increased, sustainable transit options for seniors and disabled residents of the City.
- Anastasia submitted an application to the 2022 Bureau of Reclamation's WaterSMART Water and Energy Efficiency Program, securing **\$235,170** in grant funding to implement the California Water Service's multi-region turf replacement program, replacing turfgrass with drought tolerant, California-friendly habitat.
- Anastasia secured **\$81,045** in last-mile broadband access funding for the City of Palm Springs through the California Public Utilities Commission Broadband Adoption Account. This funding will provide needed computer and broadband access infrastructure for the City of Palm Springs' library.
- Anastasia secured **\$10,000** in State Parks and Recreation funding for the City of Murrieta and the Murrieta Public Library through the Parks Pass Program. She then secured an additional **\$30,000** in Sustainable Libraries Grant funding on behalf of the Murrieta Public Library to augment the ongoing existing natural resources education initiatives and expand library reach. These grant funds will go towards the creation of outdoor activity kits and an Earth Day festival for Murrieta library patrons.
- Anastasia secured **\$8,600** in LA County Arts Council Community in Action Arts Grants for the City of Palmdale's Gabriel's House Music and Kids Program, which offer musical education to underserved youth and public performance opportunities.

U.S. State Department and Indian Health Services Agency*Research and Writing VSFS Intern*

2020–2021

Anastasia worked as a researcher and writing intern for the U.S. State Department and Indian Health Services Agency, devising creative ways to translate and narrate information and data on cultural resources and public health.

Santa Barbara Mission Archive-Library*Archival Intern*

2020

Anastasia worked to research and identify significant historical narratives and bring them to the public through community outreach and public education efforts. She provided key support on managing grant documentation and securing funding for the Mission Archive-Library.

Westmont College, Santa Barbara*Bachelor of Arts, History*

2021

LEGISLATIVE ADVOCACY SCOPE OF SERVICES

TPA will continue to utilize the following strategic and comprehensive approach to provide state and federal legislative advocacy services to the City:

- **Conduct Detailed Re-onboarding:** TPA utilizes a comprehensive process that includes extensive meetings with various relevant members of City leadership and key City departments to help develop a strategic plan that is carefully tailored to satisfy the needs of the City and is designed for maximum success in the current political climate and funding environment.
- **Refine Legislative Strategy:** TPA will continue implementing the City's legislative strategy that represents the City's priorities in Sacramento and Washington, DC. These efforts will be shared with key stakeholders in the State Legislature and Governor's Administration as well as Congress and the Biden Administration.
- **Continue Implementing the Legislative Strategy:** TPA will continue advocating for the City's legislative agenda utilizing the following methods:
 - **Build and Strengthen Relevant Relationships:** TPA has cultivated a network of valuable relationships that will be leveraged to promote the City's legislative agenda.
 - **Leverage Relationships for Strategic Advocacy Plan:** TPA will engage various techniques to leverage our network of key relationships on behalf of the City:
 - Schedule meetings for the City to discuss relevant legislation
 - Prepare all briefing materials and talking points for the City
 - Brief legislative offices and stakeholders on the City's legislative agenda
 - Follow-up on meetings to ensure commitments and deliverables are being met
 - **Coordinate Advocacy Trips:** TPA will work with the City to coordinate advocacy trips to Sacramento and Washington, DC to meet with the City's legislative delegation, as well as legislators that serve on committees relevant to the City's agenda. Furthermore, whenever possible, TPA will also schedule site visits by legislators to the City.
 - **Track Legislation:** TPA will identify, analyze, and monitor all bill introductions and amendments relevant to the City's legislative platform and assess their potential impact on the City.
 - **Craft Testimony and Position Letters:** TPA will prepare and submit written and verbal testimony regarding legislation relevant to the City. TPA will also draft and deliver position letters to legislators and key officials on specific bill language.
 - **Draft Bill Language:** TPA will draft language and amendments for relevant legislation, as required to protect and promote the City's agenda.
 - **State Budget Funding Opportunities:** In an effort to maximize state funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the State Budget. TPA will coordinate with the City to



develop supporting materials for the budget request. TPA will also work with members of the City's state legislative delegation, along with the Assembly and Senate Budget Committees, to gain support for the inclusion of the City's project in the final State Budget approved by the Legislature.

- **Federal Earmark Opportunities:** In an effort to maximize federal funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the Federal Earmark process. TPA will coordinate with the City to develop supporting materials for the earmark request. TPA will also work with members of the City's federal legislative delegation to gain support for the inclusion of the City's project.
 - *TPA has worked closely with the City over the last 9 months and has gained extensive knowledge of the City's priority projects. TPA will continue to pursue state and federal earmark opportunities for projects such as EV charging stations, advanced metering infrastructure projects, and fire station upgrade funding.*
- **Provide Progress Reports:** TPA will confer regularly with the City on our activities. TPA will provide timely electronic reports on the status of all legislative activity, such as bill language, amendments, and committee analyses. In addition to written reports, TPA will be available to the City for conference calls, in-person briefings, and meetings.
- **Prepare and File Lobbying Disclosure Reports:** TPA will prepare and file, on behalf of the City, all applicable state and federal lobbying disclosure reports.

GRANT WRITING SCOPE OF SERVICES

TPA will continue utilizing a strategic and comprehensive approach to provide grant writing services to the City:

- **Craft Strategic Funding Plan:** TPA will continue coordinating with the City to develop a proactive and comprehensive strategic funding plan that serves the needs of the City's priorities. The plan will outline and prioritize multiple funding options for each project and develop a specific plan of work tailored for each project. It will also identify key "strings attached" to help assess the cost/benefit ratio for each grant opportunity.
 - *Utilizing its knowledge of the City's priority projects, TPA will continue its grant writing work to pursue competitive funding for projects such as household hazardous waste reduction, hillside stabilization, the emergency operation center, and Bearcat Medevac funding.*
- **Identify, Research, and Monitor Grant Funding Opportunities:** TPA will utilize list-serve subscription programs, funding workshops, agency canvassing, and other networking tactics to ensure every potential opportunity is identified and reviewed for relevance with the City's projects. TPA will then share these opportunities with the City for further assessment and determination if a grant application is warranted. The City will also receive a grant matrix of funding programs that is updated regularly as new opportunities arise.
- **Community Outreach:** TPA will assist the City with community outreach required for grant applications by ensuring the City is aware of specific requirements, helping develop materials that capture all elements required by the grant, and compiling the outreach data for inclusion in the application.
- **Grant Application Development and Submittal:** TPA will develop, draft, submit, and follow up on each City grant application through the following process:
 - **Establishment of Clear Accountabilities:** TPA will coordinate with the City to ensure the assignment of responsibilities and tasks are made clear so that confusion and inefficiency are avoided, and the City is burdened as little as possible while TPA pursues a grant opportunity.
 - **Provide Overview of Full Application Requirements:** For each grant application, TPA will provide the City with a detailed overview of the requirements for the grant program and corresponding application to ensure that the program is a strong fit for the City's project. This will include:
 - Application timeline
 - Eligible project types
 - Funding availability and award maximums and minimums
 - List of application components, including proposal questions and any required attachments
 - **Assemble Project Background and Details:** TPA will conduct a detailed informational interview with City staff most involved with each project in order to gain



a full understanding of the project background and scope details necessary for developing the grant proposal and addressing all application questions.

- **Coordinate Technical Project Details:** For technical application components such as site plans, detailed cost estimates, project timelines, engineering plans, and cost-benefit analyses, TPA will coordinate with City staff to compile all necessary attachments and ensure consistency across all elements of the application.
- **Draft Written Proposal:** TPA will fully draft all narrative components of the application and, when applicable, will indicate where additional input or project detail from the City could be provided during the proposal review process.
- **Incorporate Feedback to Finalize Proposal:** Well ahead of the application deadline, TPA will provide the City with a full draft for review and feedback. TPA will incorporate any additional details or revisions provided during this process to finalize the grant application and will obtain City approval for the final version of the application prior to submission.
- **Submit Completed Application:** TPA will ensure that applications are submitted prior to the deadline, whether the submission is electronic or through hard copies, in accordance with submission instructions for each individual program. For hard copy submissions, TPA will print and package applications according to submission instructions and will ship applications through a reliable carrier service such as FedEx in order to provide the City with tracking and delivery confirmation for the application. TPA will also obtain a receipt for proof of submission and provide the City with a final copy of all submitted application documents.
- **Funding Advocacy:** Throughout the grant application process TPA will leverage relationships with relevant officials and program officers in various state and federal funding agencies to ensure that City grant applications are aligned with the goals of the specific grant program and that the applications are well-crafted and well-positioned for funding.
- **State Budget Funding Opportunities:** In an effort to maximize state funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the State Budget. TPA will coordinate with the City to develop supporting materials for the budget request. TPA will also work with members of the City's state legislative delegation, along with the Assembly and Senate Budget Committees, to gain support for the inclusion of the City's project in the final State Budget approved by the Legislature.
- **Federal Earmark Opportunities:** In an effort to maximize federal funding, TPA will work with the City to identify projects and other funding priorities that may be suitable for funding through the Federal Earmark process. TPA will coordinate with the City to develop supporting materials for the earmark request. TPA will also work with members of the City's federal legislative delegation to gain support for the inclusion of the City's project.
- **Post-Grant Submittal Advocacy:** TPA will frequently contact legislators and agency officials to follow up on the status of a grant application and promote its need and urgency. This will

include drafting letters of support after grant submissions and distributing them to legislators for their consideration. In addition, TPA will work with legislators to reach out to individual granting agencies to provide background on City's projects and convey their support for those projects.

- **Post-Award Grant Administration and Compliance:** TPA will also assist, as needed, with post-award administration and compliance for all grant applications submitted by TPA on behalf of the City. This assistance will include interacting with granting agencies on behalf of the City, providing support for the drafting and submission of required reports and evaluations, and other tasks related to the successful monitoring of and compliance with the program requirements.
- **Post-Award Services—Above and Beyond Advocacy:** TPA has a track record of success with post-award grant administration and retention. TPA has worked on behalf of clients who, due to unforeseen circumstances, have needed to request an extension of the grant performance period to accomplish project deliverables. TPA is prepared to engage in the legislative process and work with legislators to get bills passed that would allow for the City to retain its grant funding after the performance period would have otherwise ended. Additionally, TPA is prepared to work directly with the City and agencies to secure scope of work changes to already awarded projects to ensure the City will not have to return any hard-won grant funding.
- **Comprehensive Follow-Up on Unsuccessful Applications:** Despite all best efforts, some grant applications are not selected for funding. In those instances where grant applications are unsuccessful, TPA will work with the relevant state and federal funding agencies to set up in-person or telephone debriefing sessions to discuss the grant applications and how to best revise the grant applications for the next funding round to ensure success.
- **Provide Monthly Progress Reports:** TPA will confer regularly with the City on our activities. TPA will provide timely electronic monthly reports on the status of all funding activity, such as current funding opportunities, current applications, submitted applications, and post-grant submittal advocacy. In addition to written reports, TPA will be available to the City for conference calls, in-person briefings, and meetings.

FEE SCHEDULE

ALL-INCLUSIVE RETAINER:

DESCRIPTION OF SERVICES	MONTHLY FEE
Legislative Advocacy and Grant Writing Services: <u>1-Year Contract</u>	\$7,500*
State and Federal Legislative Advocacy	
• Conduct Detailed Orientation	Included
• Develop Legislative Strategy	Included
• Implement the Legislative Strategy	Included
• Build and Strengthen Relevant Relationships	Included
• Leverage Relationships for Strategic Advocacy Plan	Included
• Coordinate Advocacy Trips	Included
• Track Legislation	Included
• Craft Testimony and Position Letters	Included
• Draft Bill Language	Included
• State Budget Funding Opportunities	Included
• Federal Earmark Opportunities	Included
• Provide Progress Reports	Included
• Prepare and File Lobbying Disclosure Reports	Included
Grant Writing	
• Craft Strategic Funding Plan	Included
• Identify, Research, and Monitor Grant Funding Opportunities	Included
• Grant Application Development and Submittal	Included
• Establishment of Clear Accountabilities	Included
• Provide Overview of Full Applications Requirements	Included
• Assemble Project Background and Details	Included
• Coordinate Technical Project Details	Included
• Draft Written Proposal	Included
• Incorporate Feedback to Finalize Proposal	Included
• Submit Completed Application	Included
• Funding Advocacy	Included
• Post-Grant Submittal Advocacy	Included
• Post-Award Grant Administration and Compliance	Included
• Post-Award Services—Above and Beyond Advocacy	Included
• Comprehensive Follow-Up on Unsuccessful Applications	Included
<i>*The monthly fee includes all reasonable business and travel expenses.</i>	

TPA does NOT institute a limit on the number of funding opportunities that we will pursue on behalf of a client. For this reason, TPA recommends our monthly fee option as a more cost-effective option for the City than a per-project or hourly fee.



DESCRIPTION OF SERVICES	MONTHLY FEE
Legislative Advocacy and Grant Writing Services: <u>3-Year Contract</u>	\$7,500*
State and Federal Legislative Advocacy	
• Conduct Detailed Orientation	Included
• Develop Legislative Strategy	Included
• Implement the Legislative Strategy	Included
• Build and Strengthen Relevant Relationships	Included
• Leverage Relationships for Strategic Advocacy Plan	Included
• Coordinate Advocacy Trips	Included
• Track Legislation	Included
• Craft Testimony and Position Letters	Included
• Draft Bill Language	Included
• State Budget Funding Opportunities	Included
• Federal Earmark Opportunities	Included
• Provide Progress Reports	Included
• Prepare and File Lobbying Disclosure Reports	Included
Grant Writing	
• Craft Strategic Funding Plan	Included
• Identify, Research, and Monitor Grant Funding Opportunities	Included
• Grant Application Development and Submittal	Included
• Establishment of Clear Accountabilities	Included
• Provide Overview of Full Applications Requirements	Included
• Assemble Project Background and Details	Included
• Coordinate Technical Project Details	Included
• Draft Written Proposal	Included
• Incorporate Feedback to Finalize Proposal	Included
• Submit Completed Application	Included
• Funding Advocacy	Included
• Post-Grant Submittal Advocacy	Included
• Post-Award Grant Administration and Compliance	Included
• Post-Award Services—Above and Beyond Advocacy	Included
• Comprehensive Follow-Up on Unsuccessful Applications	Included
<i>*The monthly fee includes all reasonable business and travel expenses.</i>	





City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Public Hearing - 4A

TO: The Honorable Mayor and City Council
FROM: Jessica Serrano, Director of Community Development
SUBJECT: A public hearing to consider introduction and first reading of Zone Change No. ZC-23-02 ("ZC-23-02"), an Ordinance amending the zoning map for certain properties for consistency with the General Plan, Land Use and Urban Design Element.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening a public hearing and taking testimonial and documentary evidence;
2. After closing the public hearing and considering the evidence submitted during that public hearing, introducing and waiving first reading of Ordinance No. _____ amending the zoning map for certain properties for consistency with the General Plan, Land Use and Urban Design Element; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City recently began efforts in the *Our City, Our Plan* campaign to implement the General Plan Land Use and Urban Design Element ("GPLU") and the Housing Element ("HE"), which sets the vision for development within the City. The General Plan is implemented through the zoning regulations located in Title 21 of the Monterey Park Municipal Code ("MPMC"). Those regulations assign a zoning district to each property in the City, as governed by the Zoning Map. This proposed zone change will harmonize the zoning designations with the GPLU for certain properties on Monterey Pass Road, Corporate Center Drive and East Mabel Avenue.

The Zone Changes will only impact the future development of these properties; existing structures and businesses are allowed to remain.

BOARD/COMMISSION REVIEW:

On November 14, 2023, by a 3-0 vote (two commissioners were not present), the Planning Commission adopted a resolution recommending City Council adopt the attached Ordinance.

The Planning Commission public hearing notice, report and resolution recommending approval erroneously identified five parcels that should not have been included and are not a part of this zone change (Assessor's Parcel Numbers ("APNs"): 5259-014-053;

5259-014-054; 5259-014-055; 5259-014-056; and 5259-014-057). The erroneously identified parcels are condominiums located at 221 South New Avenue and are consistent with the GPLU. Accordingly, these parcels have been removed from the proposed Ordinance.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY):

Legislative: The proposed Ordinance is legislative policy action intending to harmonize zoning designations with the GPLU. In considering such actions, the City Council acts in its legislative capacity. For the proposed zone change, the City Council must find, pursuant to MPMC § 21.38.050, that the proposed zone change:

- Is consistent with the goals, policies, and objectives of the General Plan;
- Will not adversely affect surrounding properties; and
- Promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC's zoning regulations.

These findings, including supporting facts, are further described in the attached Ordinance.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of the proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA Guideline § 15168 provides that a Program EIR may be prepared to consider the environmental impacts of a series of actions that can be characterized as one large project that are related as logical parts in a chain of contemplated actions. The proposed Ordinance is within the scope of the City's Focused General Plan Update to the Land Use and Urban Design Element which was evaluated under a Final Environmental Impact Report ("FEIR") (SCH No. 2001-01-1074). The FEIR adequately describes and considers the proposed Ordinance for CEQA purposes. Accordingly, the Ordinance is not subject to further environmental review.

BACKGROUND:

The GPLU was voter approved by Measure JJ in November of 2020. The HE was approved by the City Council in November 2022, and certified by the California State Department of Housing and Community Development ("HCD") in March 2023. As part of the work to implement the GPLU and HE, staff is proposing a series of measures that will bring consistency between the GPLU, HE, Zoning Map, and the MPMC, collectively known as *Our City, Our Plan*.

ANAYLSIS:

If adopted, the Ordinance will make the Zoning Map consistent with the General Plan land use designation as established in Figure LU-3, Land Use Policy Map in compliance with

State law (Government Code § 65860). ZC-23-02 will affect certain properties on Monterey Pass Road, Corporate Center Drive and East Mabel Avenue.

The two areas on Monterey Pass Road and Corporate Center Drive that are included in ZC-23-02 have GPLU designations of Innovation/Technology and are currently zoned Shopping Center (S-C) and Commercial Services (C-S) as shown in Figure 1. The Innovation/Technology land use designation corresponds with the Office Professional (O-P) Zone; the proposed zone of the properties is shown in Figure 1.

The general areas where the zone change will occur identified in Table 1 include: 1) the properties on the south side of Monterey Pass Road, east of its intersection with South Fremont Avenue; and 2) properties generally bounded on the west of Corporate Center Drive, Davidson Drive to the north, Kern Avenue and Monterey Pass Road to the east, and Floral Drive to the south, including the north and south sides of Corporate Place, as detailed in Table 1. As developed, the properties feature a mix of commercial uses, with larger professional office type buildings along Corporate Center Drive and Corporate Place, and smaller commercial uses along Monterey Pass Road, which are consistent with the proposed O-P zone.

Figure 1: Existing Zoning Map – Corporate Center Drive, Monterey Pass Road

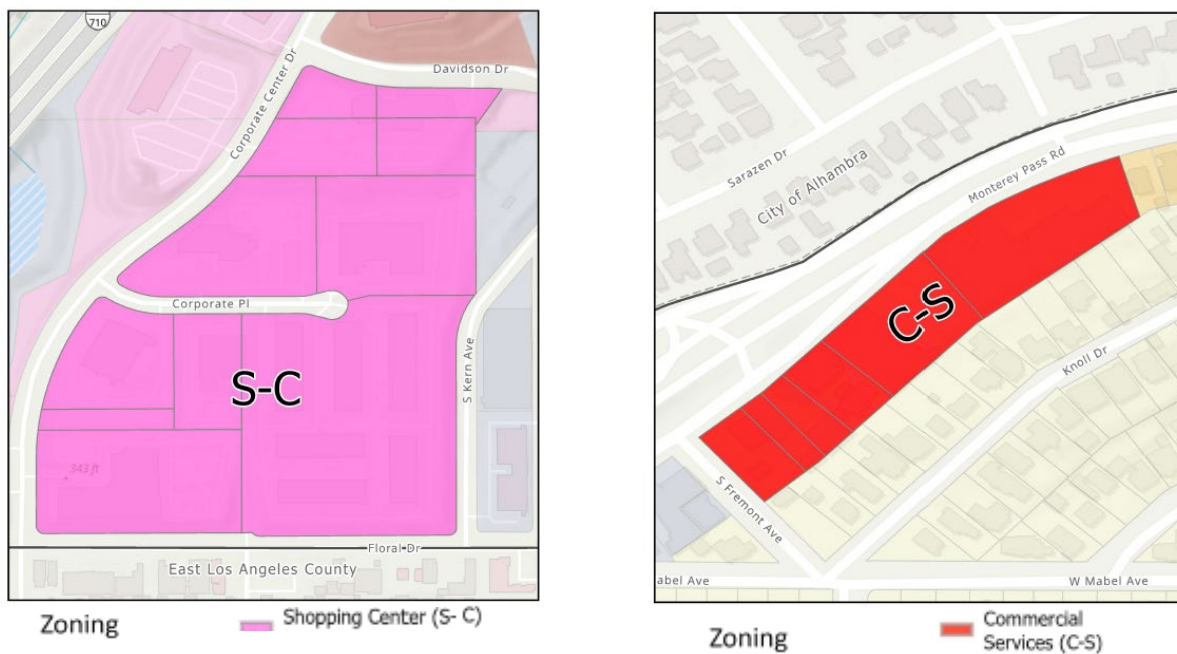


Figure 2: Proposed Zoning Map – Corporate Center Drive, Monterey Pass Road

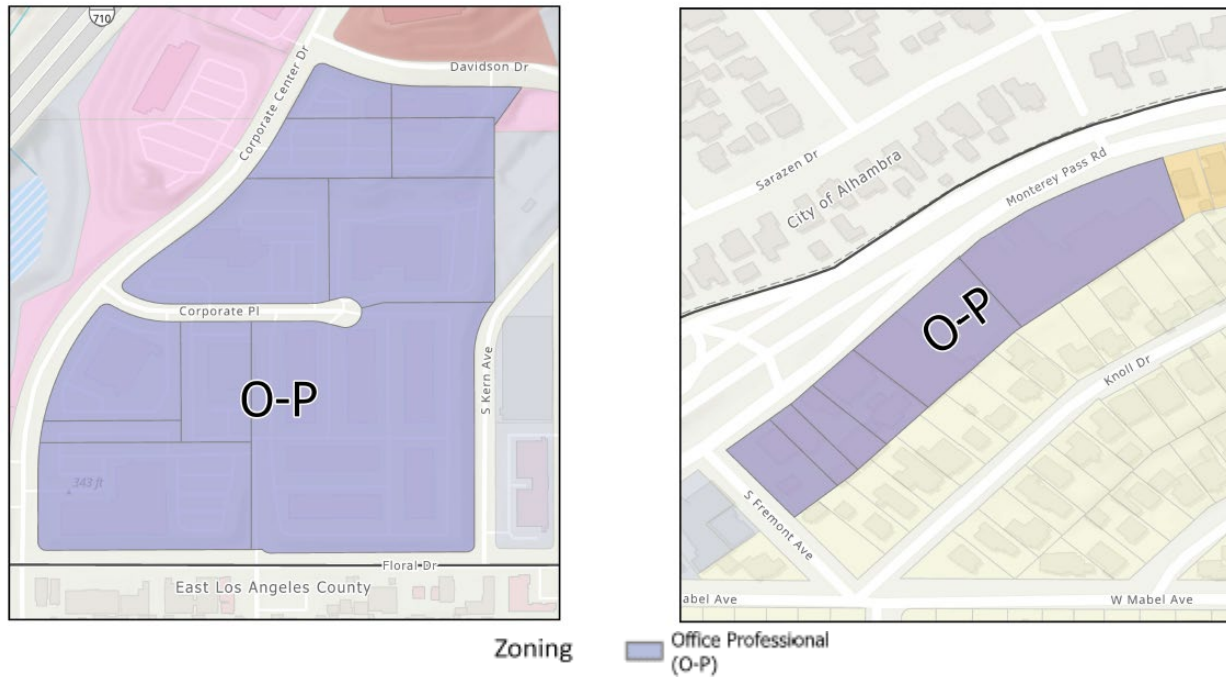


Table 1: Proposed Office-Professional Zone by APN/Address

Assessor's Parcel Number(s)	Address(es)	Existing Zoning Designation	Proposed Zoning Designation	Existing General Plan Land Use Designation
5261-003-054	1166 West Garvey Avenue	Commercial Services (C-S)	Office Professional (O-P)	Innovation/Technology
5261-003-016; 5261-003-017; 5261-003-018; 5261-003-019; 5261-003-020	212 - 270 Monterey Pass Road	Commercial Services (C-S)	Office Professional (O-P)	Innovation/Technology
5237-024-025; 5237-024-026; 5237-024-029; 5237-024-056	2525 - 2630 Corporate Place	Shopping Center (S-C)	Office Professional (O-P)	Innovation/Technology
5237-024-065; 5237-024-066; 5237-024-067; 5237-024-068; 5237-024-055; 5237-024-071; 5237-024-072	1200 – 1600 Corporate Center Drive	Shopping Center (S-C)	Office Professional (O-P)	Innovation/Technology

ZC-23-02 will also affect properties on East Mabel Avenue, which have a GPLU designation of High Density Residential and are currently zoned Commercial Services (C-S) with a Planned Development Overlay, as shown in Figure 3. The High-Density Residential land use designation corresponds with the High Density (R-3) Zone, which is shown as the proposed zone of the properties in Figure 4.

The general area of the zone change includes properties on the south side of East Mabel Avenue, east of Orange Avenue to the terminus of East Mabel Avenue as detailed in Table 2. As developed, the properties all feature residential uses, including single and multi-family developments which will be consistent uses within the proposed R-3 zone.

Figure 3 – Existing Zoning Map – East Mabel Drive

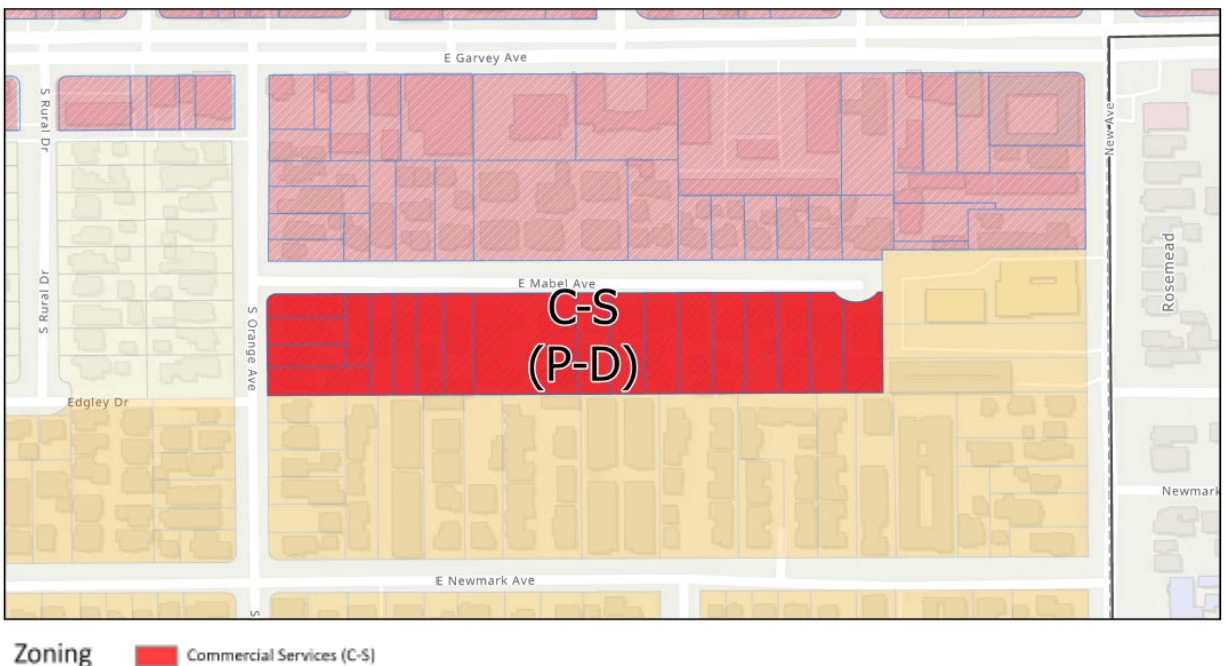


Figure 4 – Proposed Zoning Map – East Mabel Drive

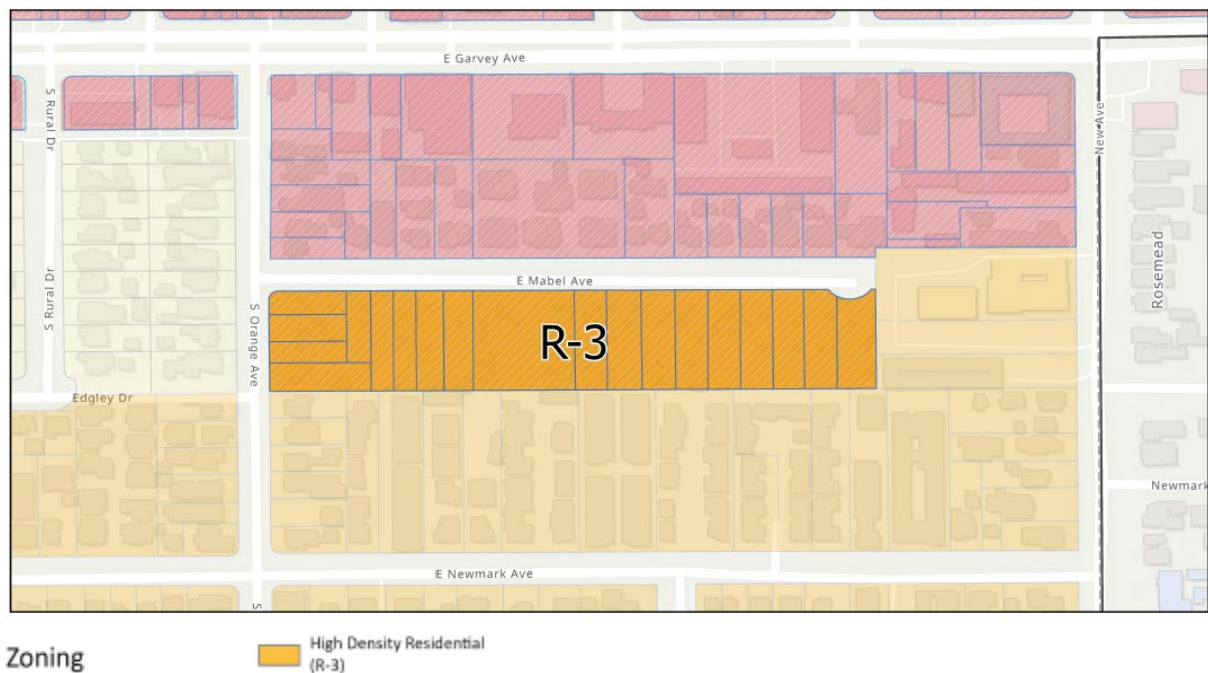


Table 2: Proposed High Density Residential (R-3) by APN/Address

Assessor's Parcel Number(s)	Address(es)	Existing Zoning Designation	Proposed Zoning Designation	Existing General Plan Land Use Designation
5259-013-043; 5259-013-044; 5259-013-045; 5259-013-046;	200-204 South Orange Avenue	Commercial Services (C-S) with Planned Development (PD) Overlay	High Density Residential (R-3)	High Density Residential
5259-013-047; 5259-013-048; 5259-013-049; 5259-013-050; 5259-013-051; 5259-013-054; 5259-013-055; 5259-013-056; 5259-013-089; 5259-013-090; 5259-013-091; 5259-013-092; 5259-013-093; 5259-013-094; 5259-014-025; 5259-014-026; 5259-014-027;	710-928 East Mabel Avenue	Commercial Services (C-S) with Planned Development (PD) Overlay	High Density Residential (R-3)	High Density Residential

Assessor's Parcel Number(s)	Address(es)	Existing Zoning Designation	Proposed Zoning Designation	Existing General Plan Land Use Designation
5259-014-028; 5259-014-029; 5259-014-050; 5259-014-051;				

The changes proposed as part of the ZC-23-02 are the first set of zone changes that will be part of the *Our City, Our Plan* campaign in order to bring consistency between the General Plan and the zoning regulations. The Zone Changes will impact only the future development of these properties; existing structures and businesses are allowed to remain.

2023-2024 STRATEGIC PLAN GOAL:

The proposed Ordinance will advance the City Council's **Economic Development** and **Housing** goals identified in the 2023-2024 strategic plan by creating consistency between the General Plan and the zoning regulations which will provide clearly defined development standards that encourage redevelopment and attract new businesses in the affected areas.

LEGAL NOTIFICATION:

The legal notice of this hearing was published in the Monterey Park Progress and posted at City Hall, Monterey Park Bruggemeyer Library, and Langley Center on December 7, 2023, with affidavits of posting on file. The legal notice of this hearing was mailed to 382 property owners within a 300-foot radius of the affected properties on December 7, 2023.

FISCAL IMPACT:

There are no identifiable fiscal impacts associated with adopting the Ordinance itself (other than costs associated with codifying the Ordinance).

Respectfully submitted and prepared by:



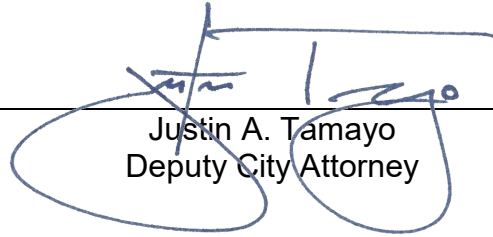
Jessica Serrano
Director of Community
Development

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS:

1. Ordinance No. ____ amending the zoning map for certain properties for consistency with the General Plan, Land Use and Urban Design Element, with attached Exhibit "A" Proposed Zoning Maps (enlarged) and Exhibit "B" FEIR (SCH No. 2001-01-1074
2. Existing Zoning Maps (enlarged)
3. Notice of Determination

ATTACHMENT 1

Ordinance, with Exhibits A and B

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP (ZC-23-02) TO CHANGE THE ZONING FOR CERTAIN PROPERTIES FOR CONSISTENCY WITH THE GENERAL PLAN, LAND USE AND URBAN DESIGN ELEMENT

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

SECTION 1: The City Council finds and declares that:

- A. On November 3, 2020, the voters initiated changes to the zoning designations for properties generally located on Monterey Pass Road, Corporate Center Drive, and East Mabel Avenue for consistency between the General Plan and Zoning Map when it adopted the Land Use and Urban Design Element of the General Plan;
- B. This Ordinance changes the zoning designation for several properties, identified in Section 2, to conform to the adopted Land Use and Urban Design Element of the General Plan.
- C. This Ordinance was reviewed by the City Planner for, in part, consistency with the General Plan, and conformity with the Monterey Park Municipal Code ("MPMC");
- D. In addition, the City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, ("CEQA") and the regulations promulgated thereunder (14 California Code Regulations §§ 15000, *et seq.*, the "CEQA Guidelines");
- E. On November 14, 2023, the Planning Commission conducted a duly noticed public hearing to assess this Ordinance, considered all oral and written evidence, and adopted Resolution 07-23 recommending that the City Council adopt this Ordinance.
- F. The City Planner completed its review and scheduled a public hearing regarding this Ordinance before the City Council for December 20, 2023;
- G. Notice of the Public Hearing before the City Council was duly given and published in the time, form, and manner as required by law;
- H. On December 20, 2023, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed re-zoning including, without limitation, information provided to the City Council by the City Planner and public testimony;
- I. The findings in this Ordinance are made based on the entire administrative record including testimony and evidence presented to the Planning Commission on November 14, 2023; the City Council at its December 20, 2023, public hearing

including, without limitation, the staff reports submitted by the City Planner.

SECTION 2: *Factual Findings and Conclusions.* The City Council finds as follows:

A. The proposed zone change will:

1. Change the zoning designation for the following properties to Office Professional (O-P) zone:

The properties on the south side of Monterey Pass Road, east of its intersection with South Fremont Avenue, currently zoned Commercial Services (C-S):

Assessor's Parcel Number(s)	Address
5261-003-054	1166 W. Garvey Avenue
5261-003-016; 5261-003-017; 5261-003-018; 5261-003-019; 5261-003-020	212 - 270 Monterey Pass Road

The properties on the north and south sides of Corporate Place, bounded by Davidson Drive to the north, Kern Avenue and Monterey Pass Road to the east, Floral Drive to the south, and Corporate Center Drive to the west, currently zoned Shopping Center (S-C):

Assessor's Parcel Number(s)	Address
5237-024-025; 5237-024-026; 5237-024-029; 5237-024-056	2525 - 2630 Corporate Place
5237-024-065; 5237-024-066; 5237-024-067; 5237-024-068; 5237-024-055; 5237-024-071; 5237-024-072	1200 – 1600 Corporate Center Drive

2. Change the zoning designation for the following properties to High Density Residential (R-3) zone:

The properties on the south side of East Mabel Avenue, east of Orange Avenue to the terminus of East Mabel Avenue, currently zoned C-S with a Planned Development (PD) Overlay:

Assessor's Parcel Number(s)	Address
5259-013-043; 5259-013-044; 5259-013-045; 5259-013-046;	200-204 South Orange Avenue
5259-013-047; 5259-013-048; 5259-013-049; 5259-013-050; 5259-013-051; 5259-013-054; 5259-013-055; 5259-013-056; 5259-013-089; 5259-013-090; 5259-013-091; 5259-013-092; 5259-013-093; 5259-013-094; 5259-014-025; 5259-014-026; 5259-014-027; 5259-014-028; 5259-014-029; 5259-014-050; 5259-014-051;	710-928 East Mabel Avenue

- B. Resolution No.12213 certified the results of the voter approved proposition to revise the Monterey Park 2040 Land Use Element Proposition (Measure JJ).
- C. Ordinance No. 2198 approved Measure JJ, which was approved by a vote of the people on November 3, 2020 to revise the Monterey Park 2040 Land Use and Urban Design Element.
- D. Figure LU-3: Land Use Policy Map was adopted as part of the Monterey Park 2040 Land Use Element by the City Council and a vote of the people.

SECTION 3: *Environmental Assessment.* The City Council reviewed the environmental impacts of this proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines"). CEQA

ORDINANCE NO.

PAGE 4 OF 7

Guidelines § 15168 provides that a Program EIR may be prepared to consider the environmental impacts of a series of actions that can be characterized as one large project that are related as logical parts in a chain of contemplated actions. The City Council finds as follows:

- A. On December 5, 2019, the City Council adopted Resolution No. 12126 approving a Focused General Plan update to the City's Land Use and Urban Design Element ("GPLU") and Final Environmental Impact Report ("FEIR") (SCH No. 2001-01-1074).
- B. The FEIR is a Program EIR that evaluated the environmental impacts resulting from the GPLU implementation which is attached as Exhibit B and incorporated by reference.
- C. Changing the zoning designation for those properties within the Innovation/Technology GPLU designation is an activity contemplated by the GPLU and analyzed under the FEIR.
- D. Changing the zoning designation for those properties within the High Density GPLU designation is an activity contemplated by the GPLU and analyzed under the FEIR.
- E. This zone change does not contemplate any changes which will require major revisions to the FEIR nor are there any substantial changes with respect to the circumstances under which the FEIR was undertaken.
- F. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the FEIR was certified showing: (1) the zone change will have one or more significant effects not discussed in the FEIR; (2) significant effects previously examined will be substantially more severe than shown in the FEIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or (4) mitigation measures or alternatives which are considerably different from those analyzed in the FEIR would substantially reduce one or more significant effects on the environment.

SECTION 4: *Zone Change Findings.* Pursuant to MPMC §§ 21.38.050 and 21.42.010, the City Council finds as follows:

- A. The zone change is consistent with the goals, policies and objectives of the General Plan and will create consistency between the General Plan Land Use designations and zone designations on the Zoning Map. The zone change affects areas that have a voter approved Land Use designation that implements the Monterey Park Land Use and Urban Design Element (Measure JJ). The correlations between the proposed zone changes and General Plan Land Use designations exist as follows:

- (1) The Monterey Park Land Use and Urban Design Element identifies Innovation/Technology designation as an area for primary uses related to research and development, light manufacturing, service commercials, professional offices, entertainment, and breweries/wineries/distilleries. The Monterey Park Land Use and Urban Design Element also identifies retail and service commercial uses as support services within the Innovation/Technology designation.
 - (2) Monterey Park Land Use and Urban Design Element Policy 24.1 seeks to ensure that zoning regulations applicable to the Monterey Pass Road corridor permit the range of uses necessary to achieve land use goals and prohibit uses that conflict with those goals.
 - (3) The S-C – Shopping Center zone provides for the development of shopping and business centers that serve as major retail attraction for the broader community.
 - (4) The O-P – Office Professional zone provides for the development of integrated professional, office and limited retail areas that exhibit a diversity of business activity.
 - (5) The Monterey Park Land Use and Urban Design Element identifies High Density designation as an area for primary uses that include attached or detached residential units, with private common open space, at densities ranging from 16.1 to 30 units per acre.
 - (6) The C-S – Commercial Services zone provides for the development of commercial areas that promote retail and provide transition areas between the City and neighboring communities.
 - (7) The R-3 – High Density Residential zone provides high density residential housing either attached or detached multiple-family units at a density of 25 units per acre.
- B. The zone change will not adversely affect surrounding properties, as the types of uses currently developed at the properties will conform with the proposed zoning designations of their respective areas.
- C. The proposed zone change promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC's zoning regulations since it will harmonize the zoning designations with the General Plan for certain properties on Monterey Pass Road, Corporate Center Drive and East Mabel Avenue. Additionally, no development or construction is proposed as part of this zone change.

SECTION 5: *Notice of Determination.* The Director of Community Development, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15094, and any other applicable law.

SECTION 6: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 7: *Amendment.* The City Council, based upon the evidence and staff report received at the public hearing adopts this Ordinance to amend the Zoning Map set forth in attached Exhibit "A," which are incorporated by reference.

SECTION 8: *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: *Enforceability.* 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 10: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the matter. The determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts were made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 12: *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.

ORDINANCE NO.

PAGE 7 OF 7

SECTION 13: *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 14: *Publications.* The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Monterey Park's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within 15 days after the passage and adoption of this Ordinance, and cause it to be published or posted in accordance with California law.

SECTION 15: *Effective Date.* This Ordinance becomes effective on the 30th day after second reading and adoption.

PASSED AND ADOPTED this ____ day of _____, 2023.

Jose Sanchez, Mayor

ATTEST:

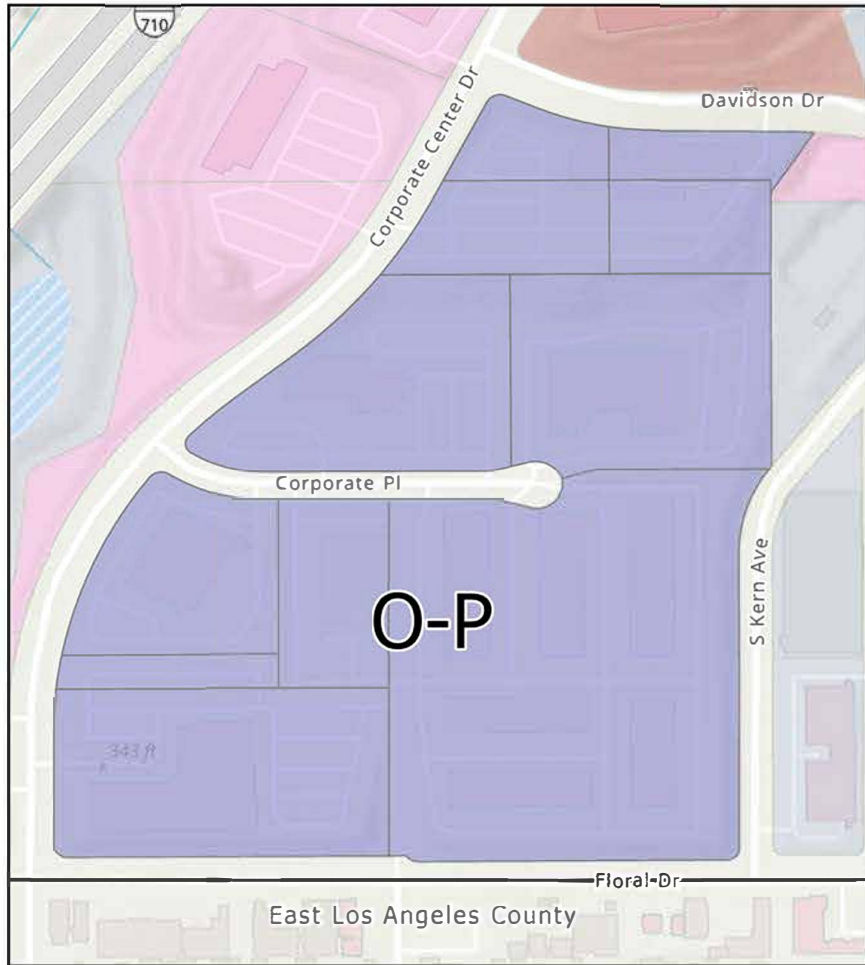
Maychelle Yee, City Clerk

APPROVED AS TO FORM:
Karl H. Berger, City Attorney

Justin A. Tamayo,
Deputy City Attorney

Exhibit "A:" Proposed Zoning Maps
Exhibit "B:" [FEIR \(SCH No. 2001-01-1074\)](#)

Exhibit "A"



Zone Change 23-02 Proposed Zoning Map

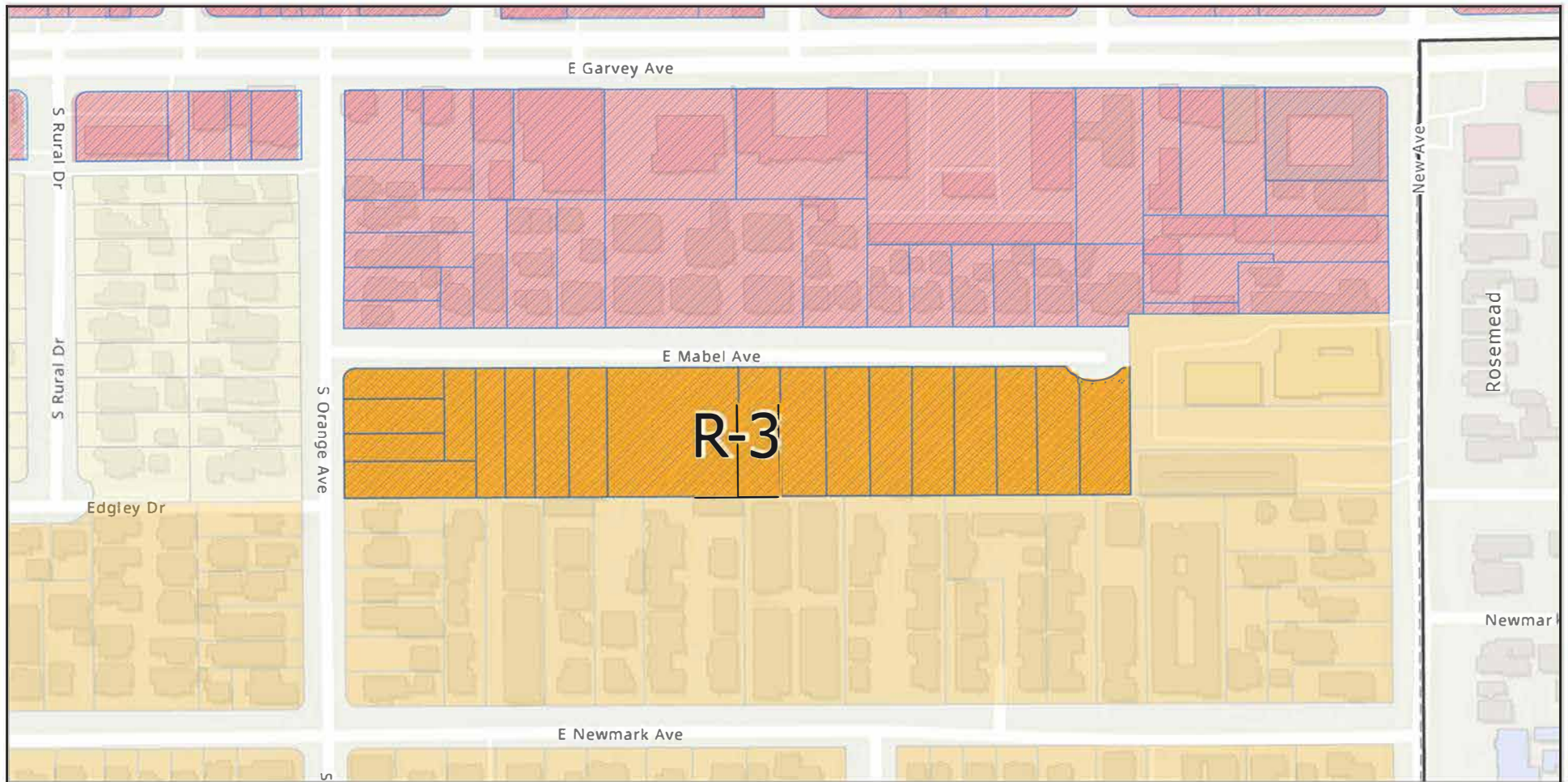


0 0.01 0.03 0.06 Miles

Zoning Legend

Office Professional (O-P)	Neighborhood Shopping (N-S)	Commercial/Professional (C-P)	Garfield Village - Neighborhood Shopping (GVC-N)
Zoning	Shopping Center (S-C)	Open Space (O-S)	City Boundaries
Single-Family Residential (R-1)	Central Business Commercial (C-B)	Office Professional (O-P)	Monterey Park
Medium-Multiple Residential (R-2)	Regional Specialty Center (R-S)	Garfield Village - Commercial Services (GVC-S)	Sphere of Influence
High-Density Residential (R-3)	Commercial Services (C-S)		

Exhibit "A"



Zone Change 23-02 Proposed Zoning Map



0 0.02 0.03 0.06 Miles

Zoning Legend			
High Density Residential (R-3)	High-Density Residential (R-3)	Commercial Services (C-S)	Garfield Village - Neighborhood Shopping (GVC-N)
Zoning	Neighborhood Shopping (N-S)	Commercial/Professional (C-P)	Overlay
Single-Family Residential (R-1)	Shopping Center (S-C)	Open Space (O-S)	McCaslin Business Park (O-P Voter Enacted)
Medium-Multiple Residential (R-2)	Central Business Commercial (C-B)	Office Professional (O-P)	Planned Development (P-D)
	Regional Specialty Center (R-S)	Garfield Village - Commercial Services (GVC-S)	Senior Citizen Housing (S-C-H)
			City Boundaries
			Monterey Park
			Sphere of Influence

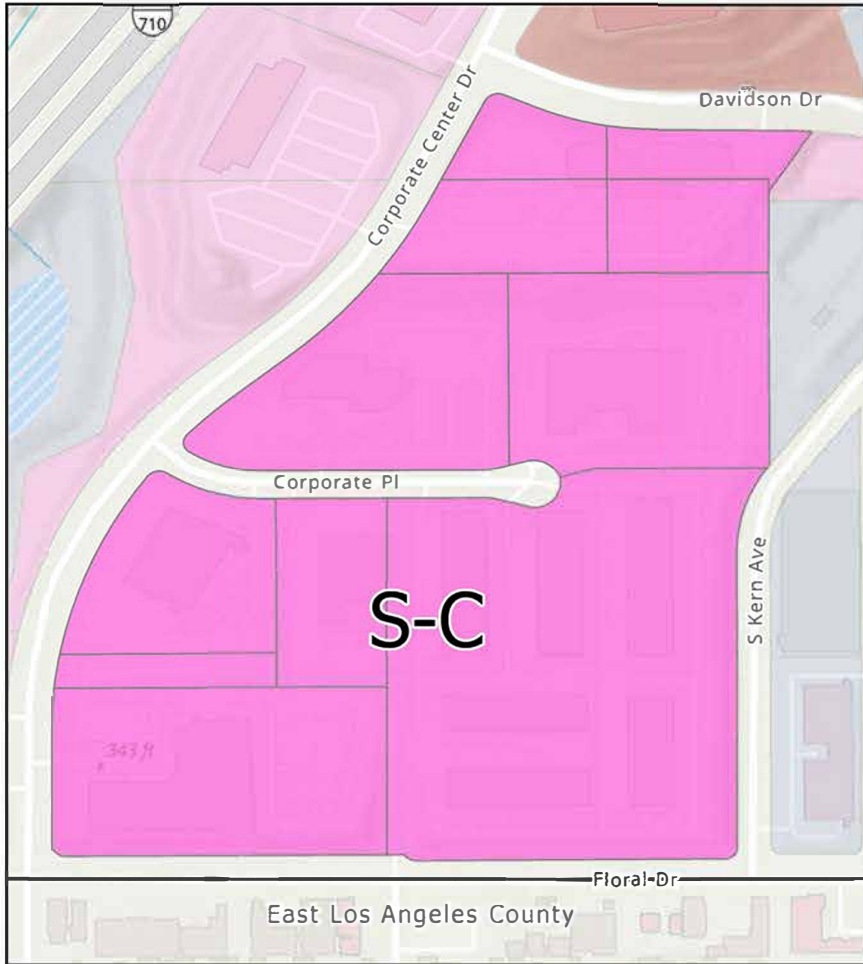
Exhibit "B"

[FEIR \(SCH No. 2001-01-1074\)](#) is available at the City Clerk's Office and online at the following website:

<https://www.montereypark.ca.gov/DocumentCenter/View/9942/Monterey-Park-Focused-GPU-FEIR>

ATTACHMENT 2

Existing Zoning Maps



Zone Change 23-02

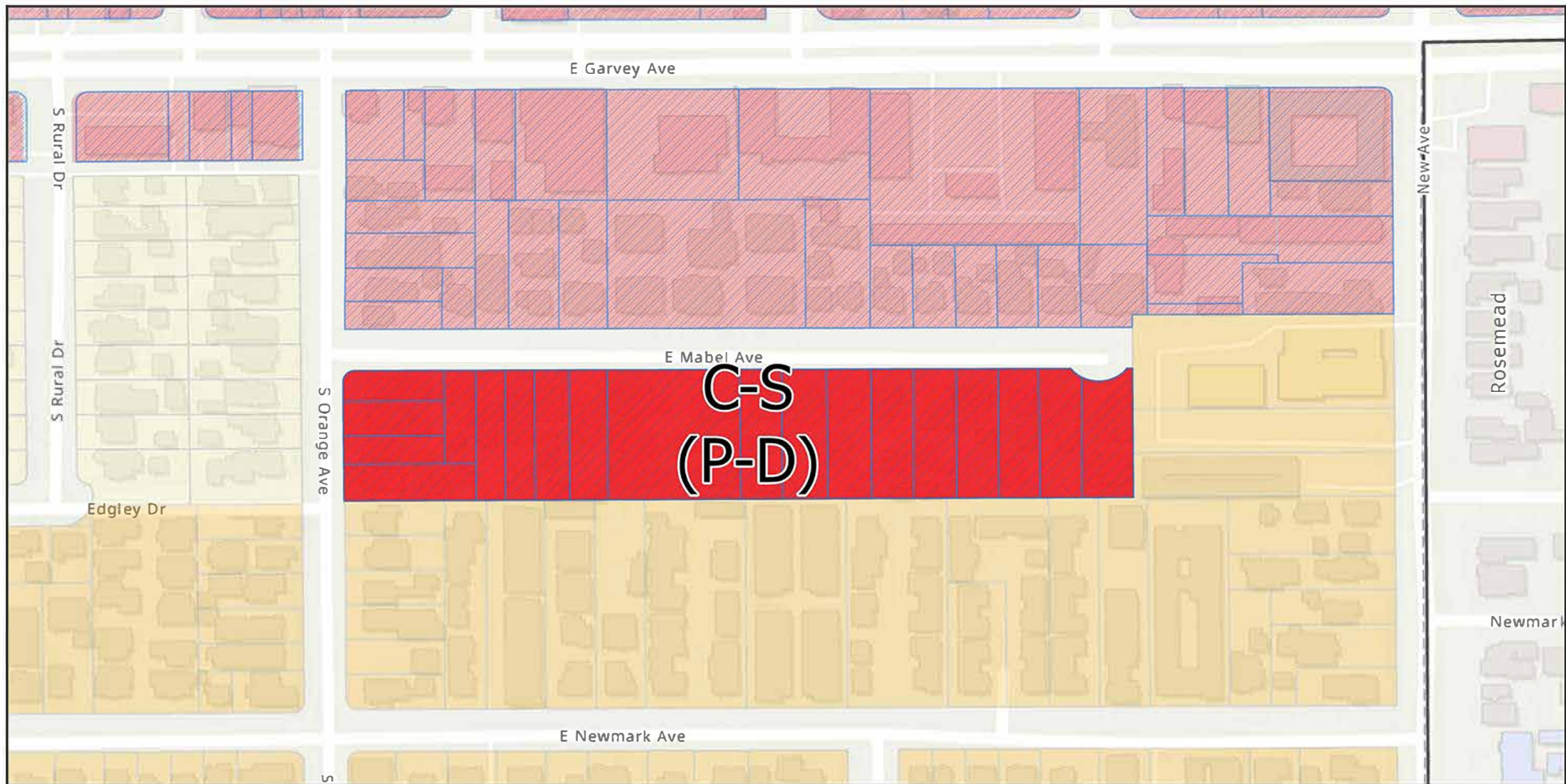
Exisiting Zoning Map



0 0.01 0.03 0.06 Miles

Zoning Legend

 Commercial Services (C-S)	 High-Density Residential (R-3)	 Commercial Services (C-S)	 Garfield Village - Commercial Services (GVC-S)
 Shopping Center (S-C)	 Neighborhood Shopping (N-S)	 Commercial/Professional (C-P)	 Garfield Village - Neighborhood Shopping (GVC-N)
Zoning	 Shopping Center (S-C)	 Open Space (O-S)	
 Single-Family Residential (R-1)	 Central Business Commercial (C-B)	 Office Professional (O-P)	
 Medium-Multiple Residential (R-2)	 Regional Specialty Center (R-S)		
		City Boundaries	
		 Monterey Park	
		 Sphere of Influence	



Zone Change 23-02

Existing Zoning Map



0 0.02 0.03 0.06 Miles



ATTACHMENT 3

Notice of Determination

Notice of Determination

To:

☐ Office of Planning and Research
U.S. Mail: _____ Street Address: _____
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814



County Clerk
County of: Los Angeles
Address: 12400 Imperial Highway
Norwalk, CA 90650

From:

Public Agency: City of Monterey Park
Address: 320 West Newmark Avenue
Monterey Park, CA 91754
Contact: Beth Chow, Interim Planning Manager
Phone: 626-307-1318

Lead Agency (if different from above): _____

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2001011074

Project Title: ZONE CHANGE NO. 23-02 (ZC-23-02)

Project Applicant: City of Monterey Park

Project Location (include county): City of Monterey Park, Los Angeles

- 1166 W. Garvey Avenue, Assessor's Parcel Number (APN) 5261-003-054;
- 212 - 270 Monterey Pass Road, APNs 5261-003-016, 017, 018, 019, 020;
- 2525 - 2630 Corporate Place, APNs 5237-024-025, 026, 029, 056;
- 1200 - 1600 Corporate Center Drive, APNs 5237-024-065, 066, 067, 068, 055, 071, 072;
- 200-204 S. Orange Avenue, APNs 5259-013-043, 044, 045, 046; and
- 710-928 E. Mabel Avenue, APNs 5259-013-047, 048, 049, 050, 051, 054, 055, 056, 089, 090, 091, 092, 093, 094 and APNs 5259-014-025, 026, 027, 028, 029, 050, 051

Project Description:

The Project consists of Zone Changes to selected properties on Monterey Pass Road, Corporate Center Drive, and East Mabel Avenue and proposed the Zone Change Ordinance is within the scope of the City's Focused General Plan Update to the Land Use and Urban Design Element which was evaluated under a Final Environmental Impact Report ("FEIR") (SCH No. 2001-01-1074). The FEIR adequately describes and considers the proposed Ordinance for CEQA purposes.

This is to advise that the City of Monterey Park has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on _____ and has made the following determinations regarding the above
described project. (date)

1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of Monterey Park 320 West Newmark Avenue Monterey Park, CA 91754

Signature (Public Agency): _____ Title: Interim Planning Manager

Date: _____ Date Received for filing at OPR: _____



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Public Hearing - 4B

TO: The Honorable Mayor and City Council
FROM: Jessica Serrano, Director of Community Development
SUBJECT: A public hearing to consider possible action regarding Zoning Code Amendment No. 23-05 (ZCA-23-05) to comply with California law regarding medical cannabis delivery retailers

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening a public hearing and taking testimonial and documentary evidence;
2. After receiving verbal and written testimony, close the public hearing;
3. After discussing the evidence, adopt Urgency Ordinance No. _____ amending Monterey Park Municipal Code ("MPMC") Chapter 6.35 (Commercial Cannabis Activities) and adding Chapters 6.36 (Medical Cannabis Delivery) and 21.27 (Cannabis-Related Uses); and
4. Introduce and waive first reading of an Ordinance amending MPMC Chapter 6.35 (Commercial Cannabis Activities) and adding Chapters 6.36 (Medical Cannabis Delivery) and 21.27 (Cannabis-Related Uses). Second reading and adoption would occur on January 17, 2024; and
5. Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The City reviewed the environmental impacts of this proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the "CEQA Guidelines"). No additional environmental review is required for this Ordinance pursuant to CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3). The proposed Ordinance is exempt from CEQA because it is a zoning text amendment which permits delivery of medical cannabis in the City's commercial zone, which will not have a direct or reasonably foreseeable indirect physical change in the environment and does not qualify as a "project" under CEQA because it will not make physical changes to the environment. The proposed Ordinance is also exempt pursuant

to CEQA Guidelines § 15301 and 15303 for activities that involve negligible or no expansion of use for existing facilities and for the conversion of existing small structure for another use. Finally, the proposed Ordinance is exempt from CEQA under the common sense exemption that it will not affect the environment.

The notice of exemption prepared for this project is contained in Attachment 4.

BOARD/COMMISSION REVIEW:

The Planning Commission, at its November 30, 2023 meeting reviewed the proposed ordinances. With a 3-0 vote, the Commission recommended to Council to adopt the draft Ordinance amending the City's regulations governing regarding medical cannabis delivery retailers.

EXECUTIVE SUMMARY:

The California Legislature adopted Senate Bill 1886 ("SB 1186") in 2022 which precludes cities from imposing regulations that have the effect of prohibiting medical cannabis delivery within the City and becomes effective on January 1, 2024. SB 1186 declares that any City regulation that does not allow a physical premises from which retail sale by delivery of medical cannabis may be conducted within the City has the effect of prohibiting medical cannabis delivery. Accordingly, the proposed ordinance will conditionally allow non-store front locations for the sale by delivery of medical cannabis in the Commercial Services Zone and impose reasonable regulations.

BACKGROUND:

SB 1186 (2022) is intended to increase access to medical cannabis. The California Legislature stated that access to medical cannabis has been adversely impacted by the Medicinal and Adult Use Cannabis Regulation and Safety Act, which gave cities the ability to ban all cannabis activity, including medical cannabis.

The MPMC currently prohibits all commercial cannabis facilities, including medical cannabis. MPMC § 6.35.030 prohibits all "commercial cannabis activity" within the City. "Commercial cannabis activity" is defined as the "cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of cannabis or a cannabis product." MPMP § 6.35.040 defines a cannabis "facility" to include "medical marijuana collective[s]." Medical marijuana dispensaries are also prohibited in residential zones by MPMPC § 21.08.030.

ANALYSIS

Pursuant to SB 1186, a City may not impose regulation of any of the following type that has the effect of prohibiting the retail sale by delivery of medical cannabis:

1. The number of medical cannabis businesses authorized to deliver medical cannabis in the local jurisdiction.
2. The operating hours of medical cannabis businesses.
3. The number or frequency of sales by delivery of medical cannabis.
4. The types or quantities of medical cannabis authorized to be sold by delivery.
5. The establishment of physical premises from which retail sale by delivery of medical cannabis within the jurisdiction is conducted by a licensed non-storefront retailer.

However, SB 1186 allows the City to impose reasonable regulations on the retail sale by delivery of medical cannabis through the City's police powers. Therefore, the City can adopt or enforce reasonable regulations on the non-storefront retail delivery of medical cannabis related to:

1. Zoning requirements.
2. Security or public health and safety requirements.
3. Licensing requirements.
4. Imposing or collecting applicable state or local taxes on retail sales of medical cannabis occurring within the City.
5. Regulations consistent with requirements or restrictions imposed on cannabis businesses by California law or regulations promulgated by the Department of Cannabis Control.

The proposed Ordinances will ensure that the MPMC is compliant with California law concerning medical cannabis effective on January 1, 2024, by:

1. Repealing MPMC § 9.102 (Medical Marijuana) which referenced a non-existent section of the MPMC;
2. Amending MPMC § 6.35.030 (Prohibition) to add a clause stating that all commercial cannabis activity is prohibited "without the permits required by this code";
3. Adding a new Chapter 6.36 to the MPMC (Medical Cannabis Delivery) which imposes operational standards on physical premises from which retail sale by delivery of medical cannabis is conducted;

4. Adding MPMC § 21.02.015 (Consistency with State and Federal Law) to clarify that “no new use is permitted unless permitted by both State and Federal law”;

5. Repealing MPMC § 21.04.557 (Marijuana) which defined marijuana;

6. Repealing MPMC § 21.04.571 (Medical Marijuana Dispensary) which defined “medical marijuana dispensaries”; and

7. Adding Chapter 21.27 (Cannabis-Related Uses) to the MPMC to establish land use restrictions for where delivery-only medical cannabis retailers are permitted in the Commercial Services Zone with a conditional use permit.

Overall, the proposed Ordinances, if adopted, help to achieve goals and objectives set by City Council and the Housing Element, and is consistent with California law.

In order for the City to ensure compliance with SB 1186 – which takes effect January 1, 2024 – one of the recommendations is for the City Council to adopt an urgency ordinance (upon 4/5 vote) that would take effect immediately. Additionally, the City Council would introduce a regular ordinance; adoption would be scheduled for the regular January 17, 2024 City Council meeting.

FISCAL IMPACT:

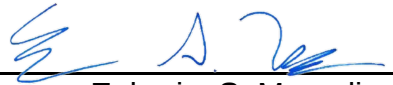
There are no identifiable fiscal impacts associated with adopting the Ordinances (other than administrative costs associated with codifying the Ordinance).

Respectfully submitted by:

Prepared by:



Jessica Serrano
Director of Community
Development



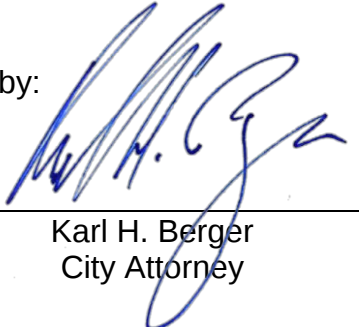
Ephraim S. Margolin
Deputy City Attorney

Approved by:

Reviewed by:



Inez Alvarez
City Manager



Karl H. Berger
City Attorney

ATTACHMENTS:

1. SB 1186 Legislative Text
2. Planning Commission Resolution No. 08-23

3. Urgency Ordinance No. _____ amending Section 6.35 (Commercial Cannabis Activities) of the Monterey Park Municipal Code and adding Chapters 6.36 (Medical Cannabis Delivery) and 21.27 (Cannabis-Related Uses)
4. Ordinance No. _____ amending Section 6.35 (Commercial Cannabis Activities) of the Monterey Park Municipal Code and adding Chapters 6.36 (Medical Cannabis Delivery) and 21.27 (Cannabis-Related Uses)
5. Notice of Exemption

ATTACHMENT 1

SB 1186 Legislative Text


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[California Law](#)
[Publications](#)
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SB-1186 Medicinal Cannabis Patients' Right of Access Act. (2021-2022)

SHARE THIS:



Date Published: 09/20/2022 02:00 PM

Senate Bill No. 1186

CHAPTER 395

An act to amend Section 26200 of, and to add Chapter 26 (commencing with Section 26320) to Division 10 of, the Business and Professions Code, relating to cannabis.

[Approved by Governor September 18, 2022. Filed with Secretary of State September 18, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, Wiener. Medicinal Cannabis Patients' Right of Access Act.

Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by Proposition 215 at the November 6, 1996, statewide general election, declares that its purpose is, among other things, to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes, as specified, and exempts from state criminal liability certain patients and their primary caregivers who possess or cultivate marijuana for the personal medical purposes of the patient. Existing law, known as the Medical Marijuana Program, establishes a voluntary registration program for qualified medicinal cannabis patients and their primary caregivers through a statewide identification card system maintained by the State Department of Public Health and sets forth guidelines for the possession of medicinal cannabis.

The Control, Regulate and Tax Adult-Use of Marijuana Act of 2016 (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, established a comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana. AUMA reserved to a local jurisdiction specified powers regarding commercial adult-use cannabis activity, including adopting and enforcing local ordinances regulating commercial adult-use cannabis activity. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities, including the retail sale of medicinal cannabis.

This bill would enact the Medicinal Cannabis Patients' Right of Access Act, which, on and after January 1, 2024, would prohibit a local jurisdiction from adopting or enforcing any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses, as defined, or that has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers in a timely and readily accessible manner and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, as specified. The bill, on and after January 1, 2024, would provide that the act may be enforced by an action for writ of mandate brought by a medicinal cannabis patient or their primary caregiver, a medicinal cannabis business, the Attorney General, or any other party otherwise authorized by law.

This bill would incorporate additional changes to Section 26200 of the Business and Professions Code proposed by AB 2210 to be operative only if this bill and AB 2210 are enacted and this bill is enacted last.

To the extent this bill would impose additional duties on local jurisdictions, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 26200 of the Business and Professions Code is amended to read:

26200. (a) (1) Except as set forth in the Medicinal Cannabis Patients' Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.

(2) Except as set forth in the Medicinal Cannabis Patients' Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local license, permit, or other authorization requirements.

(b) This division shall not be interpreted to require the department to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing, permitting, or other authorization requirements.

(c) A local jurisdiction shall notify the department upon revocation of any local license, permit, or authorization for a licensee to engage in commercial cannabis activity within the local jurisdiction. Within 60 days of being so informed, the department shall begin the process to determine whether a license issued to the licensee should be suspended or revoked pursuant to Chapter 3 (commencing with Section 26030).

(d) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this division and the regulations promulgated by the department, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall assume complete responsibility for any regulatory function pursuant to this division within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(e) (1) This division does not prohibit the issuance of a state temporary event license to a licensee authorizing onsite cannabis sales to, and consumption by, persons 21 years of age or older at a county fair event, district agricultural association event, or at another venue expressly approved by a local jurisdiction for the purpose of holding temporary events of this nature, provided that the activities, at a minimum, comply with all the following:

(A) The requirements of paragraphs (1) to (3), inclusive, of subdivision (g).

(B) All participants who are engaged in the onsite retail sale of cannabis or cannabis products at the event are licensed under this division to engage in that activity.

(C) The activities are otherwise consistent with regulations promulgated and adopted by the department governing state temporary event licenses.

(D) A state temporary event license shall only be issued in local jurisdictions that authorize such events.

(E) A licensee who submits an application for a state temporary event license shall, 60 days before the event, provide to the department a list of all licensees that will be providing onsite sales of cannabis or cannabis products at the event. If any changes occur in that list, the licensee shall provide the department with a final updated list to reflect those changes. A person shall not engage in the onsite retail sale of cannabis or cannabis products, or in any way participate in the event, who is not included in the list, including any updates, provided to the department.

(2) The department may impose a civil penalty on any person who violates this subdivision, or any regulations adopted by the department governing state temporary event licenses, in an amount up to three times the amount of the license fee for each violation, consistent with Sections 26018 and 26038.

(3) The department may require the event and all participants to cease operations without delay if in the opinion of the department or local law enforcement it is necessary to protect the immediate public health and safety of the people of the state. The department may also require the event organizer to immediately expel from the event any participant selling cannabis or cannabis products without a license from the department that authorizes the participant to sell cannabis or cannabis products. If the unlicensed participant does not leave the event, the department may require the event and all participants to cease operations immediately.

(4) The order by the department for the event to cease operations pursuant to paragraph (3) does not entitle the event organizer or any participant in the event to a hearing or an appeal of the decision. Chapter 3 (commencing with Section 490) of Division 1.5 and Chapter 4 (commencing with Section 26040) of this division shall not apply to the order by the department for the event to cease operations pursuant to paragraph (3).

(5) The smoking of cannabis or cannabis products at temporary events authorized pursuant to this subdivision is prohibited in locations where smoking is prohibited. For purposes of this section, "smoking" has the same meaning as defined in subdivision (c) of Section 22950.5.

(f) This division, or any regulations promulgated thereunder, shall not be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

(g) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

(1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.

(2) Cannabis consumption is not visible from any public place or nonage-restricted area.

(3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

(h) This division shall not be interpreted to supersede Section 6404.5 of the Labor Code.

SEC. 1.5. Section 26200 of the Business and Professions Code is amended to read:

26200. (a) (1) Except as set forth in the Medicinal Cannabis Patients' Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.

(2) Except as set forth in the Medicinal Cannabis Patients' Right of Access Act (Chapter 26 (commencing with Section 26320)), this division shall not be interpreted to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local license, permit, or other authorization requirements.

(b) This division shall not be interpreted to require the department to undertake local law enforcement responsibilities, enforce local zoning requirements, or enforce local licensing, permitting, or other authorization requirements.

(c) A local jurisdiction shall notify the department upon revocation of any local license, permit, or authorization for a licensee to engage in commercial cannabis activity within the local jurisdiction. Within 60 days of being so

informed, the department shall begin the process to determine whether a license issued to the licensee should be suspended or revoked pursuant to Chapter 3 (commencing with Section 26030).

(d) For facilities issued a state license that are located within the incorporated area of a city, the city shall have full power and authority to enforce this division and the regulations promulgated by the department, if delegated by the state. Notwithstanding Sections 101375, 101400, and 101405 of the Health and Safety Code or any contract entered into pursuant thereto, or any other law, the city shall assume complete responsibility for any regulatory function pursuant to this division within the city limits that would otherwise be performed by the county or any county officer or employee, including a county health officer, without liability, cost, or expense to the county.

(e) (1) This division does not prohibit the issuance of a state temporary event license to a licensee authorizing onsite cannabis sales to, and consumption by, persons 21 years of age or older at a county fair event, district agricultural association event, or at another venue expressly approved by a local jurisdiction for the purpose of holding temporary events of this nature, provided that the activities, at a minimum, comply with all the following:

(A) The requirements of paragraphs (1) to (3), inclusive, of subdivision (g).

(B) All participants who are engaged in the onsite retail sale of cannabis or cannabis products at the event are licensed under this division to engage in that activity.

(C) The activities are otherwise consistent with regulations promulgated and adopted by the department governing state temporary event licenses, except as otherwise provided in paragraphs (6), (7), and (8).

(D) A state temporary event license shall only be issued in local jurisdictions that authorize such events.

(E) A licensee who submits an application for a state temporary event license shall, 60 days before the event, provide to the department a list of all licensees that will be providing onsite sales of cannabis or cannabis products at the event. If any changes occur in that list, the licensee shall provide the department with a final updated list to reflect those changes. A person shall not engage in the onsite retail sale of cannabis or cannabis products, or in any way participate in the event, who is not included in the list, including any updates, provided to the department.

(2) The department may impose a civil penalty on any person who violates this subdivision, or any regulations adopted by the department governing state temporary event licenses, in an amount up to three times the amount of the license fee for each violation, consistent with Sections 26018 and 26038.

(3) The department may require the event and all participants to cease operations without delay if in the opinion of the department or local law enforcement it is necessary to protect the immediate public health and safety of the people of the state. The department may also require the event organizer to immediately expel from the event any participant selling cannabis or cannabis products without a license from the department that authorizes the participant to sell cannabis or cannabis products. If the unlicensed participant does not leave the event, the department may require the event and all participants to cease operations immediately.

(4) The order by the department for the event to cease operations pursuant to paragraph (3) does not entitle the event organizer or any participant in the event to a hearing or an appeal of the decision. Chapter 3 (commencing with Section 490) of Division 1.5 and Chapter 4 (commencing with Section 26040) of this division shall not apply to the order by the department for the event to cease operations pursuant to paragraph (3).

(5) The smoking of cannabis or cannabis products at temporary events authorized pursuant to this subdivision is prohibited in locations where smoking is prohibited. For purposes of this section, "smoking" has the same meaning as defined in subdivision (c) of Section 22950.5.

(6) (A) All licensees who are issued a state temporary event license allowed pursuant to this subdivision may, upon completion or cessation of the temporary event, reconcile unsold inventory of cannabis or cannabis products and return it to the licensee's retail premises.

(B) All unsold inventory of cannabis or cannabis products from the temporary event shall be noted in track and trace prior to transport.

(C) All unsold inventory of cannabis or cannabis products from the temporary event shall be in its original packaging in which it was placed pursuant to Chapter 12 (commencing with Section 26120).

(7) The inventory of cannabis or cannabis products authorized to be sold by a state temporary event license pursuant to this subdivision shall only be transported to and from the temporary event by a licensed distributor or licensed microbusiness.

(8) The department shall not deny an application for a state temporary event license pursuant to this subdivision solely on the basis that there is a license issued pursuant to the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000)) for the proposed premises of the event. Furthermore, the Department of Alcoholic Beverage Control shall not take any disciplinary action against a person licensed pursuant to the Alcoholic Beverage Control Act on the basis of a state temporary event license issued by the department to a licensee pursuant to this subdivision that utilizes the same premises as the person licensed pursuant to the Alcoholic Beverage Control Act.

(A) All on- and off-sale privileges of alcoholic beverages at the venue shall be suspended for the day of the event and shall not resume until 6 a.m. on the day after the event has ended.

(B) Alcohol consumption on the venue premises shall be strictly prohibited for the day of the event and shall not resume until 6 a.m. on the day after the event has ended.

(f) This division, or any regulations promulgated thereunder, shall not be deemed to limit the authority or remedies of a city, county, or city and county under any provision of law, including, but not limited to, Section 7 of Article XI of the California Constitution.

(g) Notwithstanding paragraph (1) of subdivision (a) of Section 11362.3 of the Health and Safety Code, a local jurisdiction may allow for the smoking, vaporizing, and ingesting of cannabis or cannabis products on the premises of a retailer or microbusiness licensed under this division if all of the following are met:

(1) Access to the area where cannabis consumption is allowed is restricted to persons 21 years of age or older.

(2) Cannabis consumption is not visible from any public place or nonage-restricted area.

(3) Sale or consumption of alcohol or tobacco is not allowed on the premises.

(h) This division shall not be interpreted to supersede Section 6404.5 of the Labor Code.

(i) This section does not alter or affect the prohibition on the sale of alcoholic beverages by a licensee, as provided in Section 26054, on or at a venue premises licensed under this division.

SEC. 2. Chapter 26 (commencing with Section 26320) is added to Division 10 of the Business and Professions Code, to read:

CHAPTER 26. Medicinal Cannabis Patients' Right of Access Act

26320. The Legislature finds and declares as follows:

(a) Access to medicinal cannabis is an integral aspect of access to health care, and eliminating barriers to medicinal cannabis access is essential to promoting and preserving the health of Californians for whom physicians have recommended the use of cannabis or cannabis products.

(b) It is the policy of the state and the intent of the Legislature to ensure that Californians throughout the state have timely and convenient access to safe, effective, and affordable medicinal cannabis.

26321. (a) This act shall be known, and may be cited, as the Medicinal Cannabis Patients' Right of Access Act.

(b) For purposes of this chapter:

(1) "Medicinal cannabis" means medicinal cannabis or medicinal cannabis products, as those terms are defined in paragraph (1) of subdivision (ai) of Section 26001.

(2) "Medicinal cannabis business" means a retailer authorized to engage in the retail sale by delivery of medicinal cannabis to medicinal cannabis patients pursuant to an M-license.

(3) "Medicinal cannabis patient" means a qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who possesses a physician's recommendation that complies with Article 25 (commencing with Section 2525) of Chapter 5 of Division 2, or a qualified patient or primary caregiver for a qualified patient issued a valid identification card pursuant to Section 11362.71 of the Health and Safety Code.

(4) "Regulation" means a local ordinance, regulation, policy, or practice.

26322. (a) A local jurisdiction shall not adopt or enforce any regulation that prohibits the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers, or that otherwise has the effect of prohibiting the retail sale by delivery within the local jurisdiction of medicinal cannabis to medicinal cannabis patients or their primary caregivers by licensed medicinal cannabis businesses in a timely and readily accessible manner, and in types and quantities that are sufficient to meet demand from medicinal cannabis patients within the local jurisdiction, including, but not limited to, regulation of any of the following that has the effect of prohibiting the retail sale by delivery of medicinal cannabis:

(1) The number of medicinal cannabis businesses authorized to deliver medicinal cannabis in the local jurisdiction.

(2) The operating hours of medicinal cannabis businesses.

(3) The number or frequency of sales by delivery of medicinal cannabis.

(4) The types or quantities of medicinal cannabis authorized to be sold by delivery.

(5) The establishment of physical premises from which retail sale by delivery of medicinal cannabis within the jurisdiction is conducted by a licensed nonstorefront retailer, except that this paragraph shall not be construed to require the establishment of additional physical premises in a local jurisdiction that allowed medicinal cannabis retail as of January 1, 2022, and in which at least one physical premises engaged in the retail sale of medicinal cannabis, whether storefront or delivery, is already established.

(b) Nothing in this chapter shall be construed to prohibit the adoption or enforcement of reasonable regulations on retail sale by delivery of medicinal cannabis, including, but not limited to, reasonable regulations related to:

(1) Zoning requirements that are not inconsistent with subdivision (a). If compliance with subdivision (a) would otherwise require a local jurisdiction to authorize a physical premises from which retail sale by delivery of medicinal cannabis within the jurisdiction is conducted, this paragraph shall not be construed to alter that requirement.

(2) Security or public health and safety requirements.

(3) Licensing requirements.

(4) The imposition, collection, and remittance of any applicable state or local taxes upon retail sales occurring within the local jurisdiction.

(5) Regulations consistent with requirements or restrictions imposed on cannabis businesses by this division or regulations issued under this division.

(c) Nothing in this chapter shall be construed to limit or otherwise affect the ability of a local jurisdiction to adopt or enforce any regulations on commercial cannabis operations other than retail sale by delivery of medicinal cannabis in the local jurisdiction.

(d) This section shall become operative on January 1, 2024.

26323. (a) This chapter may be enforced by an action brought pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure by any of the following parties, who shall be beneficially interested within the meaning of Section 1086 of the Code of Civil Procedure:

(1) A medicinal cannabis patient or their primary caregiver who seeks to purchase medicinal cannabis or medicinal cannabis products within the local jurisdiction.

(2) A medicinal cannabis business that seeks to offer medicinal cannabis for sale within the local jurisdiction.

(3) The Attorney General.

(4) Any other party otherwise authorized by law.

(b) This section shall not be construed to limit the availability of any other remedy otherwise available to enforce this chapter. The existence of any other remedy shall not restrict the availability of relief to enforce this chapter under Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure.

(c) This section shall become operative on January 1, 2024.

26324. Nothing in this chapter shall be construed to limit or otherwise affect the ability or right of a local jurisdiction to regulate adult-use cannabis pursuant to Section 26200.

26325. This chapter addresses a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 3. Section 1.5 of this bill incorporates amendments to Section 26200 of the Business and Professions Code proposed by both this bill and Assembly Bill 2210. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 26200 of the Business and Professions Code, and (3) this bill is enacted after Assembly Bill 2210, in which case Section 1 of this bill shall not become operative.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

ATTACHMENT 2

Planning Commission Resolution

RESOLUTION NO. 08-23

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE TO IMPLEMENT STATE LAW RELATED TO MEDICINAL CANNABIS

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

SECTION 1. The Planning Commission finds and declares that:

- A. The purpose of the draft Ordinance is to implement California law and impose reasonable regulations governing delivery of medicinal cannabis within the City's jurisdiction.
- B. The Planning Commission may review and make recommendations to the City Council regarding land use regulations.
- C. The City Planner reviewed the draft Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations."
- D. The City Planner completed her review and scheduled the public hearing regarding the application before the Planning Commission for November 28, 2023.
- G. On November 30, 2023, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony.
- H. This Resolution and its findings are made based upon the evidence presented to the Commission at its November 30, 2023, hearing including, without limitation, the staff report submitted by the City Planner .

SECTION 2. *Factual Findings and Conclusions.* The Planning Commission finds as follows:

- A. Senate Bill 1186 ("SB 1186") (2022) amends the Business and Professions Code related to, among other things, allowing medicinal cannabis deliveries within city limits and becomes effective on January 1, 2024.
- B. SB 1186 allows cities to impose reasonable regulations on medicinal cannabis deliveries.

- C. Monterey Park Municipal Code (“MPMC”) section 6.36.030 prohibits all commercial cannabis activity in the City and was amended in 2019.

SECTION 3. *Environmental Assessment.* The City reviewed the environmental impacts of this proposed Ordinance pursuant to CEQA. No additional environmental review is required for this Ordinance pursuant to CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3). The proposed Ordinance is exempt from CEQA because it is a zoning text amendment which permits delivery of medicinal cannabis in the City’s commercial zone, which will not have a direct or reasonably foreseeable indirect physical change in the environment and does not qualify as a “project” under CEQA because it will not make physical changes to the environment. The proposed Ordinance is also exempt pursuant to CEQA Guidelines § 15301 and 15303 for activities that involve negligible or no expansion of use for existing facilities and for the conversion of existing small structure for another use. Finally, the proposed Ordinance is exempt from CEQA under the commonsense exemption that it will not affect the environment.

SECTION 4: *Zone Text Amendment Findings.* Pursuant to Government Code § 65860 and MPMC § 21.38.030, the Planning Commission finds as follows:

- A. The MPMC amendments in the Ordinance are consistent with the goals, policies and objectives of the General Plan.
1. The Ordinance is consistent with Policy 14.1 (Second-Hand Smoke Exposure — Outdoor Public Areas) of the Healthy Community Element of the General Plan as it does not affect MPMC § 6.20 (Smoking Prohibited) which prohibits publicly smoking cannabis in many areas of the City.
 2. The Ordinance is consistent with Goal 1 (Commercial districts that allow a variety of retail, service, and entertainment uses and that accommodate flexibility over time) of the Land Use and Urban Design Element of the General Plan as it permits delivery-only medicinal cannabis retailers to operate in the C-S Zone with a conditional use permit, fulfilling Policy 1.1’s (Flexibility) goal of providing flexibility regarding allowed uses in the City and Policy 1.3 (Economic Development) by encouraging businesses to locate in the City.
 3. The Ordinance is consistent with Goal 2 (Dynamic mix of businesses, uses, and employment that sustain a strong local economy and contributes to a fiscally sustainable tax base) of the Land Use and Urban Design Element of the General Plan and Policy 2.1 (Flexibility) and Policy 2.2 (Business Growth) by providing clear development and operational standards for delivery-only medicinal cannabis retailers to operate in and thrive economically.

4. The Ordinance is consistent with Goal 1 (Fiscal Balance) of the Economic Development Element of the General Plan, which has its goals of preserving, retaining, and building the City's tax base. This Ordinance is consistent with Goal 1 and will meet Policy 1.2 as it will encourage the growth and relocation of industries that generate local tax and employment benefits to the City.
 5. The Ordinance is consistent with Goal 2 (Business Attraction and Retention) of the Economic Development Element of the General Plan as this Ordinance will help attract new businesses to the City without the need for incentives.
- B. This Ordinance will not adversely affect surrounding properties. This Ordinance adopts reasonable regulations that will ensure that non-storefront medicinal cannabis facilities in the C-S (Commercial Services) zone do not adversely affect surrounding properties.
- C. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC's zoning regulations. This Ordinance implements State law governing medicinal cannabis delivery facilities in the City to bring the MPMC into compliance with State law. Reasonable regulations are proposed to promote public health, safety, and general welfare in the City.

SECTION 5. *Actions.* The Planning Commission recommends the City Council take the following actions:

- A. Adopt the Ordinance attached as Attachment A, and incorporated into this Resolution by reference;
- B. Adopt the environmental determinations in Section 3 of this Resolution.

SECTION 6. *Notice of Exemption.* The Director of Community Development, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062, and any other applicable law.

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

SECTION 8. *Reliance On Record.* Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning

**PLANNING COMMISSION
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Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9. *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 10. *Preservation.* This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 11. *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the city's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 12. *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 13. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 14. The Secretary must certify to the adoption of this Resolution and forward a copy to the City Council.

SECTION 15. *Signature.* The Planning Commission Chairman, or presiding officer, is authorized to affix its signature to this Resolution signifying its adoption by the Planning Commission of the City of Monterey Park, and the Planning Commission Secretary is directed to attest.

**PASSED, APPROVED, AND ADOPTED BY THE PLANNING
COMMISSION OF THE CITY OF MONTEREY PARK THIS 30th DAY OF
NOVEMBER 2023.**



Jack Chiang, Chairperson

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 30th day of November 2023, by the following vote of the Planning Commission:

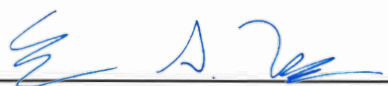
AYES: Fung, Sam, Chiang
NOES: None
ABSTAIN: None
ABSENT: Pesantes, Wilson

ATTEST:



Jessica Serrano, Secretary

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

By: 

Ephraim Margolin, Deputy City Attorney

ATTACHMENT 3

Urgency Ordinance

ORDINANCE NO. XXXX

AN URGENCY ORDINANCE ADOPTED PURSUANT TO GOVERNMENT CODE § 36937 AND BUSINESS AND PROFESSIONS CODE § 26320 AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTERS 6.35 AND 9.102, AND ADDING NEW CHAPTERS 6.36 AND 21.27 TO IMPLEMENT CALIFORNIA LAW GOVERNING MEDICAL CANNABIS

The City Council ordains as follows:

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

- A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations.
- B. The Federal Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, classifies cannabis as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, cannabis.
- C. The penalties for violating federal law include fines between \$10,000 and \$50,000 (21 U.S.C. § 841) for first time offenders. California law has similar provisions (see, e.g., Health and Safety Code §§ 11352 and 11379.6).
- D. As of the effective date of this Ordinance, the City Council has not authorized any cannabis activity within its jurisdiction. To the contrary, Monterey Park Municipal Code (“MPMC”) § 6.35.030 explicitly prohibits all commercial cannabis activity in the City including, without limitation, medical cannabis dispensaries and medical cannabis delivery services.
- E. A statewide initiative entitled the “Control, Regulate and Tax Adult Use of Marijuana Act” (“AUMA”) was approved by voters on the November 2016 ballot. AUMA does not, and cannot, affect federal regulations as to cannabis or its derivatives.
- F. AUMA expressly preserves local control over the regulation of cannabis-related businesses and cannabis-related land uses (Business & Professions Code § 26200, *et seq.*).
- G. In *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, the California Supreme Court held that nothing

in state cannabis law “expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land[.]” Additionally, in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana[.]” The Court in *Maral* affirmed the ability of a local governmental entity to prohibit the cultivation of cannabis under its land use authority.

- H. It is in the public interest for the City to take appropriate actions to protect citizens and their property from conditions that threaten public health, safety, and welfare including, without limitation, matters that devalue real property.
- I. On September 18, 2022, Governor Newsom signed Senate Bill (“SB”) 1186, known as the “Medicinal Cannabis Patients’ Right of Access Act” into law.
- J. SB 1186 imposes restrictions on how cities may regulate the retail sale by delivery of medical cannabis within their jurisdiction.
- K. The City Council is required by California law to enact this Ordinance to regulate how qualified delivery-only medical cannabis retailers may operate within the City in accordance with SB 1186.
- L. On November 30, 2023, the Planning Commission recommended that the City Council adopt this Ordinance.
- M. In accordance with Government Code §§ 36934 and 36937(b), the City Council finds that this Ordinance should be adopted on an urgency basis to preserve the public health, safety and welfare. This Ordinance’s immediate adoption is necessary to preserve the character of sensitive uses in the city, including, without limitation, residences, schools, and medical facilities. This will ensure compatibility between existing sensitive uses and commercial operations.

SECTION 2. MPMC Chapter 9.102 is repealed.

SECTION 3. MPMC § 6.35.030 is amended to read as follows with additions denoted by underline and deletions with ~~striketrough~~:

“6.35.030 *Prohibition.*

Unless otherwise provided by California law, commercial cannabis activity is prohibited within the City of Monterey Park. No use permit, variance, building permit, or any other entitlement, license, or permit, whether ministerial or discretionary, may be issued or approved for any commercial

cannabis activity in the City except as set forth in this code, and it is unlawful for any person to establish or conduct such activities in the City without the permits required by this code."

SECTION 4. A new Chapter 6.36, entitled "Medical Cannabis Delivery," is added to the MPMC read as follows:

"Chapter 6.36

Medical Cannabis Delivery

6.36.010 Intent and Purpose.

This chapter is adopted pursuant to the legal mandate imposed by the state of California via Business and Professions Code § 26320. Nothing in this chapter is intended to authorize any activity that is contrary to California law.

6.36.020 Sunset Clause; Automatic Repeal.

The regulations in this chapter will be automatically repealed without additional action by the City Council should Business and Professions Code § 26322 be repealed by the California Legislature or be invalidated by a court of competent jurisdiction.

6.36.030 Responsibility for Compliance.

The owners and operators of a delivery-only medical cannabis retailer, together with any person listed as the permittee or applicant on the delivery-only medical cannabis retailer application, are responsible for ensuring that the delivery-only medical cannabis retailer is, at all times, operating in a manner compliant with all applicable law.

6.36.040 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases undefined in this chapter have the same meaning as set forth in the Compassionate Use Act; the Medical Cannabis Program Act; the Control, Regulate and Tax Adult Use of Cannabis Act; or the Medicinal and Adult-use Cannabis Regulation and Safety Act.

"Cannabis" is defined in Health and Safety Code § 11018.

"Delivery" means the commercial transfer of nonmedical cannabis or nonmedical cannabis products from a dispensary or delivery-only medical cannabis retailer to a customer over 21 years of age, or the commercial transfer of medical cannabis or medical cannabis products to a primary

caregiver or qualified patient as defined in Health and Safety Code § 11362.7.

“Delivery” also includes the use by a dispensary or delivery-only medical cannabis retailer of any technology platform owned and controlled by the dispensary, delivery-only medical cannabis retailer, or independently licensed under California law, which enables customers or qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary or delivery-only medical cannabis retailer of cannabis or cannabis products.

“Delivery-only medical cannabis retailer” means a non-storefront delivery retailer authorized to engage in the retail sale by delivery of medical cannabis to qualified patients pursuant to an M-license.

“Delivery-only medical cannabis retailer permit” means a regulatory permit issued pursuant to this chapter.

“Identification card” means a document issued by the state of California that identifies a person authorized to engage in the medical use of cannabis and the person’s designated primary caregiver, if any.

“Medical cannabis” or “medical cannabis product” means a product containing cannabis, including, without limitation, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to Health and Safety Code § 11362.5. “Medical cannabis” does not include “industrial hemp” as defined by Food and Agricultural Code § 81000 or Health and Safety Code § 11018.5.

“Medical cannabis dispensary” or “medical marijuana dispensary” is a dispensary that offers or delivers medical cannabis and medical cannabis products for retail sale to qualified patients and primary caregivers.

“Operations Plan” means an operating plan that implements the standard requirements of this chapter along with such additional, reasonable, criteria needed to protect public health and safety as determined by the Police Chief based upon the size and location of the proposed cannabis-related business.

“Person with an identification card” means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Health & Safety Code § 11362.7, *et seq.*

“Police Chief” means the Police Chief or any other individual appointed by the City Manager or approved pursuant to written agreement for law enforcement services executed pursuant to Government Code § 54981.

“Primary caregiver” means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following:

- A. In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Health and Safety Code § 1200, *et seq.*, a health care facility licensed pursuant to Health and Safety Code § 1250, *et seq.*, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Health and Safety Code § 1568.01, *et seq.*, a residential care facility for the elderly licensed pursuant to Health and Safety Code § 1569, *et seq.*, a hospice, or a home health agency licensed pursuant to Health and Safety Code § 1725, *et seq.*, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.
- B. An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.
- C. An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card.
- D. A primary caregiver must be at least 18 years old, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Family Code §§ 6922, 7002, 7050, or 7120.

“Qualified patient” means a person who is entitled to the protections of Health and Safety Code § 11362.5.

6.36.050 Delivery-Only Medical Cannabis Retailer Permit Required to Engage in or Operate a Delivery-Only Medical Cannabis Retailer.

It is unlawful for any person to engage in or operate a delivery-only medical cannabis retailer in the City unless the person possesses a valid delivery-only medical cannabis retailer permit from the City; and complies with all

applicable law governing the delivery-only medical cannabis retailer, including the duty to obtain and maintain any required state license(s).

6.36.060 Applications.

- A. Delivery-only medical cannabis retailer permit applications must be made on a form approved by the City Manager, or designee, and accompanied by all information requested on the application.
- B. Each application must be accompanied by an application fee, the amount of which will be set by City Council resolution. Any application fee is in addition to any permit fee separately established by City Council resolution.
- C. The application must identify the address of the location where the delivery-only medical cannabis retailer is proposed to operate.
- D. No person may apply for a delivery-only medical cannabis retailer permit until and unless a conditional use permit issued pursuant to Title 21 authorizes a delivery-only medical cannabis retailer use at the subject location. A conditional use permit is required in addition to, and separately from, a delivery-only medical cannabis retailer permit required by this chapter. Before an application for a delivery-only medical cannabis retailer permit will be accepted by the City for processing, the applicant must provide, on a form approved by the City Manager, or designee, proof that the owner of the underlying property, or his/her/its authorized agent, authorized filing the application for a delivery-only medical cannabis retailer permit at the subject location. A copy of the conditional use permit authorizing a cannabis-related use on the subject property must accompany the application for a delivery-only medical cannabis retailer permit. Only one application per parcel will be accepted and processed by the City at a given time. If an application for a delivery-only medical cannabis retailer permit is denied, a subsequent application for a delivery-only medical cannabis retailer permit on the same parcel may be accepted by the City only after one year following the denial is final and all available administrative and judicial remedies are exhausted.
- E. Completed applications must be submitted to the City Manager, or designee. Only complete applications will be considered. An application is complete if it is submitted with all of the information requested therein, together with full payment of the application fee. Applications will be considered in the order they are received. The City Manager, or designee, may require supplemental information from any applicant before deeming an application complete. Such information must be provided to the City Manager, or designee, within seven business days. Failure to provide the information results in the application losing its priority in the queue and will

not be considered “received” until the date that all requested supplemental information is provided to the City Manager, or designee.

- F. The City Council may, by resolution, establish minimum threshold qualifications for all delivery-only medical cannabis retailer permit applicants including, without limitation, qualifications relating to previous relevant business experience, criminal history, minimum liquid assets, and/or net worth. Every application for a delivery-only medical cannabis retailer permit must be accompanied by credible evidence demonstrating that the applicant meets or exceeds each of the threshold requirements established by the City Council.

6.36.070 Expiration.

Each delivery-only medical cannabis retailer permit issued pursuant to this chapter must be activated within 30 days after the City approves the delivery-only medical cannabis retailer permit. Activation occurs when the permittee pays all fees required by this chapter; accepts all conditions; provides evidence that it was issued a valid Conditional Use Permit; and provides evidence that it applied with the state of California for all required permits.

Each delivery-only medical cannabis retailer permit issued pursuant to this chapter expires twelve months after the date it is issued. Delivery-only medical cannabis retailer permits may be renewed as provided in this chapter.

6.36.080 Renewals.

- A. An application for renewal of a delivery-only medical cannabis retailer permit must be filed at least 60 calendar days before the expiration of the current permit.
- B. The renewal application must contain all the information required for a new application.
- C. The renewal application must be accompanied by a renewal fee established by City Council resolution.
- D. The renewal application must be denied if any of the following circumstances exists:
 - 1. The renewal application is filed less than 60 calendar days before expiration of the permit.
 - 2. The delivery-only medical cannabis retailer permit is suspended at the time of the renewal application.

3. The delivery-only medical cannabis retailer has not been in regular and continuous operation in the four months before the renewal application.
 4. The delivery-only medical cannabis retailer failed to conform to the requirements of this chapter, any regulations adopted pursuant to this chapter, or applicable state law.
 5. The permittee does not possess a valid license from the State of California, if required by law.
- E. The City Manager, or designee, is authorized to make all decisions concerning applications for renewal. The City Manager, or designee, may impose additional conditions on a renewal permit if he or she determines it is necessary to ensure compliance with state or local laws and regulations or to preserve and protect the public health, safety, or welfare.
- F. If a renewal application is denied for any reason, the permittee will be barred from renewing the delivery-only medical cannabis retailer permit. If the permittee wishes to obtain another delivery-only medical cannabis retailer permit, they must file a new application as set forth in this chapter.
- G. The City Manager's decision with respect to a renewal application is the City's final decision.

6.36.090 Prohibition on Transfer of Delivery-Only Medical Cannabis Retailer Permits.

- A. It is unlawful for any person to operate a delivery-only medical cannabis retailer at any location other than the location specifically authorized and identified on a City-issued delivery-only medical cannabis retailer permit.
- B. No person may transfer an ownership interest, ownership, or control of a delivery-only medical cannabis retailer or transfer any delivery-only medical cannabis retailer permit issued under this chapter. It is unlawful for a delivery-only medical cannabis retailer permittee to sell or transfer a delivery-only medical cannabis retailer permit to another party. Any attempt to transfer an ownership interest or ownership of a delivery-only medical cannabis retailer, or of a delivery-only medical cannabis retailer permit, will automatically render the delivery-only medical cannabis retailer permit void.

6.36.100 Cannabis Permit Fee.

In consideration of the privilege for obtaining a delivery-only medical cannabis retailer permit pursuant to this chapter, and in addition to any other requirements of this chapter, a permittee must pay to the City the following:

A. Permit Fee.

1. During the term of any permit, the permittee will pay the City an annual fee (the "permit fee") as established by City Council resolution.
2. The permit fee is due and payable annually on the anniversary date of the permit without demand and upon filing of the report required by this section. Any fees or expenses charged to permittees by City pursuant to this section, or any other provision of the permit, unless disputed in good faith, must be paid when due or are deemed delinquent. Any undisputed delinquent amounts will accrue an interest rate of ten percent per annum. Any neglect, omission or refusal by permittee to pay any undisputed delinquent fee with any late charges, within 30 days of written demand for payment is grounds for the City to declare the permit forfeited pursuant to the procedures established by this chapter.
3. Payments must be made as determined by the City Manager, or designee. The permit fee must be paid annually during the term of the permit, including the year of granting the permit.

B. Annual Increase.

1. The amount of each annual payment of the permit fee is subject to an increase after the first year of the permit and each subsequent year.
2. The increase is based on the annual change in the Consumer Price Index (CPI), All Urban Consumers, for the Los Angeles- Riverside- Orange County area (1982-84 = 100), as published by the United States Bureau of Labor Statistics, Department of Labor, for the month of September immediately preceding the month in which payment is due and payable CPI for the year. If the Index is discontinued or revised during the term of this permit, such other governmental price index or computation with which it is replaced chosen by the City will be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

- C. Reports Required. A permittee must file with the City Clerk and Finance Director, on or before January 31st after the expiration of the calendar year, or fractional calendar year, following the date of the granting of this permit and on or before January 31st after the expiration of each calendar year thereafter, two copies of a report duly verified by the oath of the permittee or by the oath of a duly authorized representative of the permittee, showing for the immediately preceding permit period:
 - 1. The total gross receipts received by the permittee from the sale of cannabis and the use, operation or possession of this permit during the preceding calendar year, or fractional calendar year.
- D. Any neglect, omission or refusal by permittee to file the verified statement required by the permit, or to pay any required payments at the time and in the manner specified is grounds for the declaration of a forfeiture of this permit and of all rights and privileges of permittee hereunder, provided that permittee has not cured said neglect, omission, or refusal to file or pay within fifteen days following written notice from the City of failure to file or pay the required amount, or, if such neglect, omission or refusal is not reasonably subject to cure within such fifteen day period, permittee has not commenced to cure such neglect, omission or refusal within such fifteen day period and has not continued to prosecute such cure to completion.
- E. The fee required by this section is in addition to any taxes imposed upon a cannabis business.

6.36.110 Operations Plan Required.

A conditional use permit issued pursuant to this code for a delivery-only medical cannabis retailer permit must include, as a condition of approval, the operational standards set forth in this chapter. In addition, the conditional use permit must incorporate by reference an Operations Plan approved by the Police Chief, or designee.

6.36.120 Operational Standards.

- A. To operate, a delivery-only medical cannabis retailer must obtain and maintain both the proper license from the state of California and a delivery-only medical cannabis retailer permit as set forth in this chapter.
- B. Subject to the conditions imposed by this chapter, mobile delivery privileges may be suspended or terminated by the City Manager, or designee, as set forth in this chapter.

- C. It is unlawful for alcohol or tobacco to be sold by a delivery-only medical cannabis retailer. Further, it is unlawful for smoking, vaporization, ingestion or consumption of alcohol, tobacco or cannabis in any form, to occur on the premises of a delivery-only medical cannabis retailer.
- D. It is unlawful for cannabis or cannabis products to be publicly visible from the exterior of the property of a delivery-only medical cannabis retailer.
- E. All cannabis and cannabis products sold or otherwise made available at a delivery-only medical cannabis retailer must be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with applicable law.
- F. Each delivery-only medical cannabis retailer must provide the City Manager, or designee, with the name and telephone number of an on-site employee or owner to whom emergency notice can be provided. The telephone number provided must be capable of accepting recorded voice messages in the event the contact person does not answer.
- G. It is unlawful for any person under 21 years of age to be allowed on the premises of a delivery-only medical cannabis retailer unless such person possesses a valid identification card issued by the state of California.
- H. It is unlawful for any person to employ another person under the age of 21 at a delivery-only medical cannabis retailer.
- I. Uniformed security personnel must be employed to monitor all entrances and exits of the delivery-only medical cannabis retailer and to serve as a visual deterrent to unlawful activities during all hours of operation. Every security guard employed by or provided by the delivery-only medical cannabis retailer must be currently licensed by the state of California and in possession of a valid "guard card." The number of such security personnel must be set forth in the Operations Plan.
- J. Odor control devices and techniques must be incorporated in a delivery-only medical cannabis retailer to ensure that odors from cannabis are not detectable outside of the delivery-only medical cannabis retailer or in any tenant space or area adjacent to the delivery-only medical cannabis retailer.
- K. All law enforcement personnel seeking admission to the delivery-only medical cannabis retailer for the purpose of ascertaining compliance with the standards and regulations of this Code must always be given unrestricted access to all areas of the premises during hours of operation. Consent to such unrestricted access must be acknowledged by the permittee and included within the Operations Plan.

- L. All interior spaces of the retailer (except restrooms), and all entrances and exits to and from the premises, must be monitored by 24-hour video security surveillance of at least HD quality with night vision capability. The video security system must be compatible with software and hardware utilized by the City as determined by the Police Chief and set forth in the Operations Plan. Surveillance video must be recorded to a device that is securely located on the premises and all footage must be maintained for a minimum of 45 days. The video surveillance system specifications must be set forth in the Operations Plan before the City issues a certificate of occupancy for the delivery-only medical cannabis retailer.
- M. A delivery-only medical cannabis retailer must have a professionally installed, maintained, and monitored alarm system as approved through the Operations Plan.
- N. A delivery-only medical cannabis retailer must maintain a valid business license as required by this code.
- O. All food products, food storage facilities, food-related utensils, equipment and materials must be approved, used, managed and handled in accordance with Health & Safety Code § 113700, *et seq.* All food products must be protected from contamination at all times, and all food handlers must be clean, in good health, and free from communicable diseases. The Los Angeles County Department of Public Health may inspect the delivery-only medical cannabis retailer at any time during business hours to ensure compliance with applicable law.
- P. It is unlawful for a physician to be permitted in a delivery-only medical cannabis retailer at any time for the purpose of evaluating patients to issue a medical cannabis prescription or identification card.
- Q. As part of the Operations Plan, permittees must execute an agreement in a form approved by the City Attorney that defends and indemnifies the City of Monterey Park, along with its officials, officers, and employees, from any claim or liability arising from the City approving a delivery-only medical cannabis retailer permit. Such agreement must be secured with sufficient insurance, as determined by the City Attorney, and a surety, as approved by the City Attorney, to adequately protect the City from any and all liability.
- R. A delivery-only medical cannabis retailer permit is subject to all of the regulations and operational standards set forth in this section in addition to the conditions stated in the permit itself.

- S. Before dispensing medical cannabis or medical cannabis products to any person under the age of 21, the delivery-only medical cannabis retailer must verify that the person possesses a valid identification card.
- T. It is unlawful for any member of the public to be allowed on the premises of delivery-only medical cannabis retailer.
- U. A delivery-only medical cannabis retailer may sell by delivery medical cannabis, medical cannabis products, and medical cannabis accessories to a person 18 years of age or older who possesses a valid identification card under Health and Safety Code § 11362.71 and a valid government-issued identification card.

6.36.130 Minimum Age for Delivery Drivers.

It is unlawful for any person under the age of 21 to be allowed to serve as a delivery driver and no person or permittee can employ a person under the age of 21 for the purpose of making mobile deliveries of any cannabis product.

6.36.140 Driver May Not Carry More Than \$200.

No delivery driver may carry more than \$200 in cash while engaged in the service of delivering medical cannabis or medical cannabis products.

6.36.150 Enforcement, Generally.

A violation of this chapter constitutes a misdemeanor. The City Attorney may, at his or her discretion, reduce a violation to an infraction. Any violation of this chapter may also be abated as a public nuisance. The remedies provided by this chapter are cumulative and in addition to any other criminal or civil remedies.

6.36.160 Revocation and Suspension.

- A. In addition to any other penalty authorized by law, the City Manager, or designee, may suspend or revoke a delivery-only medical cannabis retailer permit for the following reasons:
 - 1. Upon learning or discovering facts that require permit denial under this chapter that were not previously disclosed or reasonably discoverable;
 - 2. If the permittee violates any condition imposed by this chapter or by the terms of the permit; or

3. Violation of any law of moral turpitude including, without limitation, a criminal conviction or civil liability arising from a complaint filed in a court of competent jurisdiction.
-
- B. Notice of Suspension or Revocation. If after having determined that adequate grounds exist the City Manager, or designee, elects to suspend or revoke a delivery-only medical cannabis retailer permit, the City Manager, or designee, must serve a notice of suspension or revocation on the permittee. The notice must state the reason(s) for the action and provide information regarding the right to a hearing before the City Manager. Except as otherwise provided, the suspension or revocation of the permit does not become effective until the time for filing a request for hearing has passed or, if a request for hearing is timely filed, until the decision of the City Manager, or designee, is final.
 - C. The notice of suspension or revocation will be sent to the business address indicated on the permit. Service is deemed complete one business day after deposit in the United States Mail.
 - D. A permittee that has been served with a notice of suspension or revocation may, within five business days, request a hearing before the City Manager, or designee. The request must be made on a form approved by the City Manager or designee.
 - E. If a timely request for a hearing is made by the permittee, the City Manager, or designee, will schedule a hearing within 30 days. The hearing may be held in the office of the City Manager, or designee, or at an alternative location designated by the City Manager, or designee. The permittee will be notified of the time and place of the hearing at least ten days before the scheduled date.
 - F. If the City Manager, or designee, determines, in his or her sole discretion, that the continued operation of the delivery-only medical cannabis retailer presents an imminent threat to the public health, safety or welfare, the suspension or revocation becomes effective immediately upon notice thereof. In such a case, if the permittee requests a hearing before the City Manager, or designee, the hearing will be scheduled within seven business days. The permittee will be notified of the time and place of the hearing at least 48 hours before the scheduled date. Notice may be given by any means reasonably calculated to provide actual notice to the permittee including, without limitation, mailed notice or telephonic notice.
 - G. The permittee may present written and/or oral testimony and evidence at the hearing and will be provided 30 minutes for a presentation. Formal rules of evidence and procedure applicable in a court of law do not apply. The City Manager, or designee, may, in his or her sole discretion, provide

the permittee additional time to present evidence, testimony and argument.

- H. The City Manager, or designee, will issue a written decision within 10 business days of the hearing. If the suspension or revocation was made immediately effective, the City Manager's written decision will be issued within five business days of the hearing. The City Manager's, or designee's, decision is the City's final decision.
- I. Effect of Revocation. If a delivery-only medical cannabis retailer permit is revoked, the former permittee is presumptively disqualified to apply for a new permit for a period of two years from the effective date of the revocation. This presumption may be overcome upon a showing of good cause as to why a permit should be issued following a revocation. Any such showing must be made to the City Manager's, or designee's, satisfaction.

SECTION 5. MPMC § 21.02.015 is added to the Monterey Park Municipal Code to read as follows:

"21.02.015 Consistency with State and Federal Law.

Unless otherwise specifically permitted by Title 21 of this Code, and notwithstanding any other provision to the contrary, no new use is permitted unless it is permitted by both State and Federal law."

SECTION 6. MPMC § 21.04.557 is repealed.

SECTION 7. MPMC § 21.04.571 repealed.

SECTION 8. Chapter 21.27 is added to the Monterey Park Municipal Code to read as follows:

"Chapter 21.27

CANNABIS-RELATED USES

21.27.010 Purpose.

The purpose of this chapter is to establish land use restrictions for delivery-only medical cannabis retailers. Nothing in this chapter is intended to authorize any activity that is contrary to California law.

21.27.020 Definitions.

Unless otherwise provided herein, the terms used in this chapter have the same meaning as set forth in Chapter 6.36.

21.27.030 Conditional Use Permit Required.

Except as otherwise provided by applicable law, it is unlawful for any person to maintain a cannabis-related use on any property in the City unless a valid conditional use permit authorizes the cannabis-related use on the subject property.

21.27.040 Location Restrictions.

- A. Delivery-only medical cannabis retailers are conditionally permitted in the C-S (Commercial Services) zone and are prohibited in all other zones.
- B. No conditional use permit may be issued for a cannabis-related business located on a parcel that is within 600 feet of any other parcel containing a “sensitive use,” including, without limitation, schools, religious facilities, parks, licensed child daycare facilities, youth centers or licensed drug or alcohol rehabilitation facilities. For purposes of this section, “school” includes a pre-school, transitional kindergarten, K-12 school, whether public or private.
- C. Within 1,000 feet of any other parcel upon which a delivery-only medical cannabis retailer is operating.
- D. A delivery-only medical cannabis retailer permit may be renewed for a cannabis-related business located on a parcel that is within the distance limitations in this section if:
 - 1. The sensitive use located to the area after the subject delivery-only medical cannabis retailer permit was first issued;
 - 2. The subject delivery-only medical cannabis retailer permit has not lapsed for any period of time; and
 - 3. The cannabis-related business was in continuous operation.
- E. For purposes of this section, a temporary interruption of business activity due to fire, natural disaster or other force majeure is excused provided reasonable steps are taken by the permittee to resume business operations expeditiously. The prior, temporary suspension of the delivery-only medical cannabis retailer permit does not render a permit ineligible for renewal under this section provided the applicant otherwise qualifies for renewal pursuant to Chapter 6.36.
- F. The delivery-only medical cannabis retailer will utilize fewer than the minimum off-street parking spaces established by this Code.

21.27.050 Distance Measurements.

The distance between parcels will be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the parcel on which the cannabis-related business is to be located, without regard to any intervening structures.

21.27.060 Operations Plan Required.

In addition to any other conditions of approval deemed necessary and appropriate by the approving authority, an operations plan, including a detailed cash management plan is required as a condition of approval for any delivery-only medical cannabis retailer. If the operations and/or cash management plan include confidential and/or proprietary information the City will respect the confidentiality of the information submitted by the applicant. The required content of the operations plan is set forth in Chapter 6.36.”

SECTION 9. Table 21.10(A) of MPMC § 21.10.030 is amended to add delivery-only medical cannabis retailers as a conditionally permitted use in the C-S zone as follows (no other changes to Table 21.10(A) are intended):

“Table 21.10(A)

* * *

Delivery-only medicinal cannabis retailer	X	X	X	X	C	X
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* * **

SECTION 10. Environmental Review. The City reviewed the environmental impacts of this proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the “CEQA Guidelines”). No additional environmental review is required for this Ordinance pursuant to CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3). The proposed Ordinance is exempt from CEQA because it is a zoning text amendment which permits delivery of medicinal cannabis in the City’s commercial zone, which will not have a direct or reasonably foreseeable indirect physical change in the environment and does not qualify as a “project” under CEQA because it will not make physical changes to the environment. The proposed Ordinance is also exempt pursuant to CEQA Guidelines § 15301 and 15303 for activities that involve negligible or no expansion of use for existing facilities and for the conversion of existing small structure

for another use. Finally, the proposed Ordinance is exempt from CEQA under the common sense exemption that it will not affect the environment.

SECTION 11. *Zoning Amendment.* Pursuant to MPMC § 21.38.050, the City Council finds as follows:

- A. The MPMC amendments in this Ordinance are consistent with the goals, policies and objectives of the General Plan.
 - 1. The Ordinance is consistent with Policy 14.1 (Second-Hand Smoke Exposure — Outdoor Public Areas) of the Healthy Community Element of the General Plan as it does not affect MPMC Chapter 6.20 (Smoking Prohibited) which prohibits publicly smoking cannabis in many areas of the City.
 - 2. The Ordinance is consistent with Goal 1 (Commercial districts that allow a variety of retail, service, and entertainment uses and that accommodate flexibility over time) of the Land Use and Urban Design Element of the General Plan as it permits delivery-only medicinal cannabis retailers to operate in the C-S Zone with a conditional use permit, fulfilling Policy 1.1's (Flexibility) goal of providing flexibility regarding allowed uses in the City and Policy 1.3 (Economic Development) by encouraging businesses to locate in the City.
 - 3. The Ordinance is consistent with Goal 2 (Dynamic mix of businesses, uses, and employment that sustain a strong local economy and contributes to a fiscally sustainable tax base) of the Land Use and Urban Design Element of the General Plan and Policy 2.1 (Flexibility) and Policy 2.2 (Business Growth) by providing clear development and operational standards for delivery-only medicinal cannabis retailers to operate in and thrive economically.
 - 4. The Ordinance is consistent with Goal 1 (Fiscal Balance) of the Economic Development Element of the General Plan, which has its goals of preserving, retaining, and building the City's tax base. This Ordinance is consistent with Goal 1 and will meet Policy 1.2 as it will encourage the growth and relocation of industries that generate local tax and employment benefits to the City.
 - 5. The Ordinance is consistent with Goal 2 (Business Attraction and Retention) of the Economic Development Element of the General Plan as this Ordinance will help attract new businesses to the City without the need for incentives.

- B. This Ordinance will not adversely affect surrounding properties. This Ordinance adopts reasonable regulations that will ensure that non-storefront medicinal cannabis facilities in the C-S (Commercial Services) zone do not adversely affect surrounding properties.
- C. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC's zoning regulations. This Ordinance implements State law governing medicinal cannabis delivery facilities in the City to bring the MPMC into compliance with State law. Reasonable regulations are proposed to promote public health, safety, and general welfare in the City.

SECTION 12. *Validity of Previous Code Sections.* If the 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 13. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 14. *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 15. *Preservation.* Repeal or amendment of any previous Code Sections 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 16. *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 provision or application and, to this end, the provisions of this Ordinance are severable.

SECTION 17. *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 18. *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 19. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Monterey Park's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 20. *Effective Date.* Based on the findings in Section 1, this urgency ordinance is adopted by a four-fifths vote for the immediate preservation of the public peace, health, safety and welfare and will become effective immediately upon adoption pursuant to Government Code § 36937(b).

ORDINANCE NO. ____ WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF DECEMBER 20, 2023.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

By: _____
Ephraim Margolin, Deputy City Attorney

ATTACHMENT 4

Ordinance

ORDINANCE NO. XXXX

AN ORDINANCE ADOPTED PURSUANT TO GOVERNMENT CODE § 36937 AND BUSINESS AND PROFESSIONS CODE § 26320 AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTERS 6.35 AND 9.102, AND ADDING NEW CHAPTERS 6.36 AND 21.27 TO IMPLEMENT CALIFORNIA LAW GOVERNING MEDICAL CANNABIS

The City Council ordains as follows:

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

- A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations.
- B. The Federal Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, classifies cannabis as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, cannabis.
- C. The penalties for violating federal law include fines between \$10,000 and \$50,000 (21 U.S.C. § 841) for first time offenders. California law has similar provisions (see, e.g., Health and Safety Code §§ 11352 and 11379.6).
- D. As of the effective date of this Ordinance, the City Council has not authorized any cannabis activity within its jurisdiction. To the contrary, Monterey Park Municipal Code ("MPMC") § 6.35.030 explicitly prohibits all commercial cannabis activity in the City including, without limitation, medical cannabis dispensaries and medical cannabis delivery services.
- E. A statewide initiative entitled the "Control, Regulate and Tax Adult Use of Marijuana Act" ("AUMA") was approved by voters on the November 2016 ballot. AUMA does not, and cannot, affect federal regulations as to cannabis or its derivatives.
- F. AUMA expressly preserves local control over the regulation of cannabis-related businesses and cannabis-related land uses (Business & Professions Code § 26200, *et seq.*).
- G. In *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, the California Supreme Court held that nothing

in state cannabis law “expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land[.]” Additionally, in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana[.]” The Court in *Maral* affirmed the ability of a local governmental entity to prohibit the cultivation of cannabis under its land use authority.

- H. It is in the public interest for the City to take appropriate actions to protect citizens and their property from conditions that threaten public health, safety, and welfare including, without limitation, matters that devalue real property.
- I. On September 18, 2022, Governor Newsom signed Senate Bill (“SB”) 1186, known as the “Medicinal Cannabis Patients’ Right of Access Act” into law.
- J. SB 1186 imposes restrictions on how cities may regulate the retail sale by delivery of medical cannabis within their jurisdiction.
- K. The City Council is required by California law to enact this Ordinance to regulate how qualified delivery-only medical cannabis retailers may operate within the City in accordance with SB 1186.
- L. On November 30, 2023, the Planning Commission recommended that the City Council adopt this Ordinance.

SECTION 2. MPMC Chapter 9.102 is repealed.

SECTION 3. MPMC § 6.35.030 is amended to read as follows with additions denoted by underline and deletions with ~~striketrough~~:

“6.35.030 *Prohibition.*

Unless otherwise provided by California law, commercial cannabis activity is prohibited within the City of Monterey Park. No use permit, variance, building permit, or any other entitlement, license, or permit, whether ministerial or discretionary, may be issued or approved for any commercial cannabis activity in the City except as set forth in this code, and it is unlawful for any person to establish or conduct such activities in the City without the permits required by this code.”

SECTION 4. A new Chapter 6.36, entitled “Medical Cannabis Delivery,” is added to the MPMC read as follows:

“Chapter 6.36

Medical Cannabis Delivery

6.36.010 Intent and Purpose.

This chapter is adopted pursuant to the legal mandate imposed by the state of California via Business and Professions Code § 26320. Nothing in this chapter is intended to authorize any activity that is contrary to California law.

6.36.020 Sunset Clause; Automatic Repeal.

The regulations in this chapter will be automatically repealed without additional action by the City Council should Business and Professions Code § 26322 be repealed by the California Legislature or be invalidated by a court of competent jurisdiction.

6.36.030 Responsibility for Compliance.

The owners and operators of a delivery-only medical cannabis retailer, together with any person listed as the permittee or applicant on the delivery-only medical cannabis retailer application, are responsible for ensuring that the delivery-only medical cannabis retailer is, at all times, operating in a manner compliant with all applicable law.

6.36.040 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases undefined in this chapter have the same meaning as set forth in the Compassionate Use Act; the Medical Cannabis Program Act; the Control, Regulate and Tax Adult Use of Cannabis Act; or the Medicinal and Adult-use Cannabis Regulation and Safety Act.

“Cannabis” is defined in Health and Safety Code § 11018.

“Delivery” means the commercial transfer of nonmedical cannabis or nonmedical cannabis products from a dispensary or delivery-only medical cannabis retailer to a customer over 21 years of age, or the commercial transfer of medical cannabis or medical cannabis products to a primary caregiver or qualified patient as defined in Health and Safety Code § 11362.7.

“Delivery” also includes the use by a dispensary or delivery-only medical cannabis retailer of any technology platform owned and controlled by the dispensary, delivery-only medical cannabis retailer, or independently licensed under California law, which enables customers or qualified patients

or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary or delivery-only medical cannabis retailer of cannabis or cannabis products.

“Delivery-only medical cannabis retailer” means a non-storefront delivery retailer authorized to engage in the retail sale by delivery of medical cannabis to qualified patients pursuant to an M-license.

“Delivery-only medical cannabis retailer permit” means a regulatory permit issued pursuant to this chapter.

“Identification card” means a document issued by the state of California that identifies a person authorized to engage in the medical use of cannabis and the person’s designated primary caregiver, if any.

“Medical cannabis” or “medical cannabis product” means a product containing cannabis, including, without limitation, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to Health and Safety Code § 11362.5. “Medical cannabis” does not include “industrial hemp” as defined by Food and Agricultural Code § 81000 or Health and Safety Code § 11018.5.

“Medical cannabis dispensary” or “medical marijuana dispensary” is a dispensary that offers or delivers medical cannabis and medical cannabis products for retail sale to qualified patients and primary caregivers.

“Operations Plan” means an operating plan that implements the standard requirements of this chapter along with such additional, reasonable, criteria needed to protect public health and safety as determined by the Police Chief based upon the size and location of the proposed cannabis-related business.

“Person with an identification card” means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Health & Safety Code § 11362.7, *et seq.*

“Police Chief” means the Police Chief or any other individual appointed by the City Manager or approved pursuant to written agreement for law enforcement services executed pursuant to Government Code § 54981.

“Primary caregiver” means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person, and may include any of the following:

- A. In any case in which a qualified patient or person with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Health and Safety Code § 1200, *et seq.*, a health care facility licensed pursuant to Health and Safety Code § 1250, *et seq.*, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Health and Safety Code § 1568.01, *et seq.*, a residential care facility for the elderly licensed pursuant to Health and Safety Code § 1569, *et seq.*, a hospice, or a home health agency licensed pursuant to Health and Safety Code § 1725, *et seq.*, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or person with an identification card.
- B. An individual who has been designated as a primary caregiver by more than one qualified patient or person with an identification card, if every qualified patient or person with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.
- C. An individual who has been designated as a primary caregiver by a qualified patient or person with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or person with an identification card.
- D. A primary caregiver must be at least 18 years old, unless the primary caregiver is the parent of a minor child who is a qualified patient or a person with an identification card or the primary caregiver is a person otherwise entitled to make medical decisions under state law pursuant to Family Code §§ 6922, 7002, 7050, or 7120.

“Qualified patient” means a person who is entitled to the protections of Health and Safety Code § 11362.5.

6.36.050 Delivery-Only Medical Cannabis Retailer Permit Required to Engage in or Operate a Delivery-Only Medical Cannabis Retailer.

It is unlawful for any person to engage in or operate a delivery-only medical cannabis retailer in the City unless the person possesses a valid delivery-only medical cannabis retailer permit from the City; and complies with all applicable law governing the delivery-only medical cannabis retailer, including the duty to obtain and maintain any required state license(s).

6.36.060 Applications.

- A. Delivery-only medical cannabis retailer permit applications must be made on a form approved by the City Manager, or designee, and accompanied by all information requested on the application.
- B. Each application must be accompanied by an application fee, the amount of which will be set by City Council resolution. Any application fee is in addition to any permit fee separately established by City Council resolution.
- C. The application must identify the address of the location where the delivery-only medical cannabis retailer is proposed to operate.
- D. No person may apply for a delivery-only medical cannabis retailer permit until and unless a conditional use permit issued pursuant to Title 21 authorizes a delivery-only medical cannabis retailer use at the subject location. A conditional use permit is required in addition to, and separately from, a delivery-only medical cannabis retailer permit required by this chapter. Before an application for a delivery-only medical cannabis retailer permit will be accepted by the City for processing, the applicant must provide, on a form approved by the City Manager, or designee, proof that the owner of the underlying property, or his/her/its authorized agent, authorized filing the application for a delivery-only medical cannabis retailer permit at the subject location. A copy of the conditional use permit authorizing a cannabis-related use on the subject property must accompany the application for a delivery-only medical cannabis retailer permit. Only one application per parcel will be accepted and processed by the City at a given time. If an application for a delivery-only medical cannabis retailer permit is denied, a subsequent application for a delivery-only medical cannabis retailer permit on the same parcel may be accepted by the City only after one year following the denial is final and all available administrative and judicial remedies are exhausted.
- E. Completed applications must be submitted to the City Manager, or designee. Only complete applications will be considered. An application is complete if it is submitted with all of the information requested therein, together with full payment of the application fee. Applications will be considered in the order they are received. The City Manager, or designee, may require supplemental information from any applicant before deeming an application complete. Such information must be provided to the City Manager, or designee, within seven business days. Failure to provide the information results in the application losing its priority in the queue and will not be considered "received" until the date that all requested supplemental information is provided to the City Manager, or designee.

- F. The City Council may, by resolution, establish minimum threshold qualifications for all delivery-only medical cannabis retailer permit applicants including, without limitation, qualifications relating to previous relevant business experience, criminal history, minimum liquid assets, and/or net worth. Every application for a delivery-only medical cannabis retailer permit must be accompanied by credible evidence demonstrating that the applicant meets or exceeds each of the threshold requirements established by the City Council.

6.36.070 Expiration.

Each delivery-only medical cannabis retailer permit issued pursuant to this chapter must be activated within 30 days after the City approves the delivery-only medical cannabis retailer permit. Activation occurs when the permittee pays all fees required by this chapter; accepts all conditions; provides evidence that it was issued a valid Conditional Use Permit; and provides evidence that it applied with the state of California for all required permits.

Each delivery-only medical cannabis retailer permit issued pursuant to this chapter expires twelve months after the date it is issued. Delivery-only medical cannabis retailer permits may be renewed as provided in this chapter.

6.36.080 Renewals.

- A. An application for renewal of a delivery-only medical cannabis retailer permit must be filed at least 60 calendar days before the expiration of the current permit.
- B. The renewal application must contain all the information required for a new application.
- C. The renewal application must be accompanied by a renewal fee established by City Council resolution.
- D. The renewal application must be denied if any of the following circumstances exists:
1. The renewal application is filed less than 60 calendar days before expiration of the permit.
 2. The delivery-only medical cannabis retailer permit is suspended at the time of the renewal application.

3. The delivery-only medical cannabis retailer has not been in regular and continuous operation in the four months before the renewal application.
 4. The delivery-only medical cannabis retailer failed to conform to the requirements of this chapter, any regulations adopted pursuant to this chapter, or applicable state law.
 5. The permittee does not possess a valid license from the State of California, if required by law.
- E. The City Manager, or designee, is authorized to make all decisions concerning applications for renewal. The City Manager, or designee, may impose additional conditions on a renewal permit if he or she determines it is necessary to ensure compliance with state or local laws and regulations or to preserve and protect the public health, safety, or welfare.
- F. If a renewal application is denied for any reason, the permittee will be barred from renewing the delivery-only medical cannabis retailer permit. If the permittee wishes to obtain another delivery-only medical cannabis retailer permit, they must file a new application as set forth in this chapter.
- G. The City Manager's decision with respect to a renewal application is the City's final decision.

6.36.090 Prohibition on Transfer of Delivery-Only Medical Cannabis Retailer Permits.

- A. It is unlawful for any person to operate a delivery-only medical cannabis retailer at any location other than the location specifically authorized and identified on a City-issued delivery-only medical cannabis retailer permit.
- B. No person may transfer an ownership interest, ownership, or control of a delivery-only medical cannabis retailer or transfer any delivery-only medical cannabis retailer permit issued under this chapter. It is unlawful for a delivery-only medical cannabis retailer permittee to sell or transfer a delivery-only medical cannabis retailer permit to another party. Any attempt to transfer an ownership interest or ownership of a delivery-only medical cannabis retailer, or of a delivery-only medical cannabis retailer permit, will automatically render the delivery-only medical cannabis retailer permit void.

6.36.100 Cannabis Permit Fee.

In consideration of the privilege for obtaining a delivery-only medical cannabis retailer permit pursuant to this chapter, and in addition to any other requirements of this chapter, a permittee must pay to the City the following:

A. Permit Fee.

1. During the term of any permit, the permittee will pay the City an annual fee (the "permit fee") as established by City Council resolution.
2. The permit fee is due and payable annually on the anniversary date of the permit without demand and upon filing of the report required by this section. Any fees or expenses charged to permittees by City pursuant to this section, or any other provision of the permit, unless disputed in good faith, must be paid when due or are deemed delinquent. Any undisputed delinquent amounts will accrue an interest rate of ten percent per annum. Any neglect, omission or refusal by permittee to pay any undisputed delinquent fee with any late charges, within 30 days of written demand for payment is grounds for the City to declare the permit forfeited pursuant to the procedures established by this chapter.
3. Payments must be made as determined by the City Manager, or designee. The permit fee must be paid annually during the term of the permit, including the year of granting the permit.

B. Annual Increase.

1. The amount of each annual payment of the permit fee is subject to an increase after the first year of the permit and each subsequent year.
2. The increase is based on the annual change in the Consumer Price Index (CPI), All Urban Consumers, for the Los Angeles- Riverside- Orange County area (1982-84 = 100), as published by the United States Bureau of Labor Statistics, Department of Labor, for the month of September immediately preceding the month in which payment is due and payable CPI for the year. If the Index is discontinued or revised during the term of this permit, such other governmental price index or computation with which it is replaced chosen by the City will be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

- C. Reports Required. A permittee must file with the City Clerk and Finance Director, on or before January 31st after the expiration of the calendar year, or fractional calendar year, following the date of the granting of this permit and on or before January 31st after the expiration of each calendar year thereafter, two copies of a report duly verified by the oath of the permittee or by the oath of a duly authorized representative of the permittee, showing for the immediately preceding permit period:
 - 1. The total gross receipts received by the permittee from the sale of cannabis and the use, operation or possession of this permit during the preceding calendar year, or fractional calendar year.
- D. Any neglect, omission or refusal by permittee to file the verified statement required by the permit, or to pay any required payments at the time and in the manner specified is grounds for the declaration of a forfeiture of this permit and of all rights and privileges of permittee hereunder, provided that permittee has not cured said neglect, omission, or refusal to file or pay within fifteen days following written notice from the City of failure to file or pay the required amount, or, if such neglect, omission or refusal is not reasonably subject to cure within such fifteen day period, permittee has not commenced to cure such neglect, omission or refusal within such fifteen day period and has not continued to prosecute such cure to completion.
- E. The fee required by this section is in addition to any taxes imposed upon a cannabis business.

6.36.110 Operations Plan Required.

A conditional use permit issued pursuant to this code for a delivery-only medical cannabis retailer permit must include, as a condition of approval, the operational standards set forth in this chapter. In addition, the conditional use permit must incorporate by reference an Operations Plan approved by the Police Chief, or designee.

6.36.120 Operational Standards.

- A. To operate, a delivery-only medical cannabis retailer must obtain and maintain both the proper license from the state of California and a delivery-only medical cannabis retailer permit as set forth in this chapter.
- B. Subject to the conditions imposed by this chapter, mobile delivery privileges may be suspended or terminated by the City Manager, or designee, as set forth in this chapter.

- C. It is unlawful for alcohol or tobacco to be sold by a delivery-only medical cannabis retailer. Further, it is unlawful for smoking, vaporization, ingestion or consumption of alcohol, tobacco or cannabis in any form, to occur on the premises of a delivery-only medical cannabis retailer.
- D. It is unlawful for cannabis or cannabis products to be publicly visible from the exterior of the property of a delivery-only medical cannabis retailer.
- E. All cannabis and cannabis products sold or otherwise made available at a delivery-only medical cannabis retailer must be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with applicable law.
- F. Each delivery-only medical cannabis retailer must provide the City Manager, or designee, with the name and telephone number of an on-site employee or owner to whom emergency notice can be provided. The telephone number provided must be capable of accepting recorded voice messages in the event the contact person does not answer.
- G. It is unlawful for any person under 21 years of age to be allowed on the premises of a delivery-only medical cannabis retailer unless such person possesses a valid identification card issued by the state of California.
- H. It is unlawful for any person to employ another person under the age of 21 at a delivery-only medical cannabis retailer.
- I. Uniformed security personnel must be employed to monitor all entrances and exits of the delivery-only medical cannabis retailer and to serve as a visual deterrent to unlawful activities during all hours of operation. Every security guard employed by or provided by the delivery-only medical cannabis retailer must be currently licensed by the state of California and in possession of a valid "guard card." The number of such security personnel must be set forth in the Operations Plan.
- J. Odor control devices and techniques must be incorporated in a delivery-only medical cannabis retailer to ensure that odors from cannabis are not detectable outside of the delivery-only medical cannabis retailer or in any tenant space or area adjacent to the delivery-only medical cannabis retailer.
- K. All law enforcement personnel seeking admission to the delivery-only medical cannabis retailer for the purpose of ascertaining compliance with the standards and regulations of this Code must always be given unrestricted access to all areas of the premises during hours of operation. Consent to such unrestricted access must be acknowledged by the permittee and included within the Operations Plan.

- L. All interior spaces of the retailer (except restrooms), and all entrances and exits to and from the premises, must be monitored by 24-hour video security surveillance of at least HD quality with night vision capability. The video security system must be compatible with software and hardware utilized by the City as determined by the Police Chief and set forth in the Operations Plan. Surveillance video must be recorded to a device that is securely located on the premises and all footage must be maintained for a minimum of 45 days. The video surveillance system specifications must be set forth in the Operations Plan before the City issues a certificate of occupancy for the delivery-only medical cannabis retailer.
- M. A delivery-only medical cannabis retailer must have a professionally installed, maintained, and monitored alarm system as approved through the Operations Plan.
- N. A delivery-only medical cannabis retailer must maintain a valid business license as required by this code.
- O. All food products, food storage facilities, food-related utensils, equipment and materials must be approved, used, managed and handled in accordance with Health & Safety Code § 113700, *et seq.* All food products must be protected from contamination at all times, and all food handlers must be clean, in good health, and free from communicable diseases. The Los Angeles County Department of Public Health may inspect the delivery-only medical cannabis retailer at any time during business hours to ensure compliance with applicable law.
- P. It is unlawful for a physician to be permitted in a delivery-only medical cannabis retailer at any time for the purpose of evaluating patients to issue a medical cannabis prescription or identification card.
- Q. As part of the Operations Plan, permittees must execute an agreement in a form approved by the City Attorney that defends and indemnifies the City of Monterey Park, along with its officials, officers, and employees, from any claim or liability arising from the City approving a delivery-only medical cannabis retailer permit. Such agreement must be secured with sufficient insurance, as determined by the City Attorney, and a surety, as approved by the City Attorney, to adequately protect the City from any and all liability.
- R. A delivery-only medical cannabis retailer permit is subject to all of the regulations and operational standards set forth in this section in addition to the conditions stated in the permit itself.

- S. Before dispensing medical cannabis or medical cannabis products to any person under the age of 21, the delivery-only medical cannabis retailer must verify that the person possesses a valid identification card.
- T. It is unlawful for any member of the public to be allowed on the premises of delivery-only medical cannabis retailer.
- U. A delivery-only medical cannabis retailer may sell by delivery medical cannabis, medical cannabis products, and medical cannabis accessories to a person 18 years of age or older who possesses a valid identification card under Health and Safety Code § 11362.71 and a valid government-issued identification card.

6.36.130 Minimum Age for Delivery Drivers.

It is unlawful for any person under the age of 21 to be allowed to serve as a delivery driver and no person or permittee can employ a person under the age of 21 for the purpose of making mobile deliveries of any cannabis product.

6.36.140 Driver May Not Carry More Than \$200.

No delivery driver may carry more than \$200 in cash while engaged in the service of delivering medical cannabis or medical cannabis products.

6.36.150 Enforcement, Generally.

A violation of this chapter constitutes a misdemeanor. The City Attorney may, at his or her discretion, reduce a violation to an infraction. Any violation of this chapter may also be abated as a public nuisance. The remedies provided by this chapter are cumulative and in addition to any other criminal or civil remedies.

6.36.160 Revocation and Suspension.

- A. In addition to any other penalty authorized by law, the City Manager, or designee, may suspend or revoke a delivery-only medical cannabis retailer permit for the following reasons:
 - 1. Upon learning or discovering facts that require permit denial under this chapter that were not previously disclosed or reasonably discoverable;
 - 2. If the permittee violates any condition imposed by this chapter or by the terms of the permit; or

3. Violation of any law of moral turpitude including, without limitation, a criminal conviction or civil liability arising from a complaint filed in a court of competent jurisdiction.
-
- B. Notice of Suspension or Revocation. If after having determined that adequate grounds exist the City Manager, or designee, elects to suspend or revoke a delivery-only medical cannabis retailer permit, the City Manager, or designee, must serve a notice of suspension or revocation on the permittee. The notice must state the reason(s) for the action and provide information regarding the right to a hearing before the City Manager. Except as otherwise provided, the suspension or revocation of the permit does not become effective until the time for filing a request for hearing has passed or, if a request for hearing is timely filed, until the decision of the City Manager, or designee, is final.
 - C. The notice of suspension or revocation will be sent to the business address indicated on the permit. Service is deemed complete one business day after deposit in the United States Mail.
 - D. A permittee that has been served with a notice of suspension or revocation may, within five business days, request a hearing before the City Manager, or designee. The request must be made on a form approved by the City Manager or designee.
 - E. If a timely request for a hearing is made by the permittee, the City Manager, or designee, will schedule a hearing within 30 days. The hearing may be held in the office of the City Manager, or designee, or at an alternative location designated by the City Manager, or designee. The permittee will be notified of the time and place of the hearing at least ten days before the scheduled date.
 - F. If the City Manager, or designee, determines, in his or her sole discretion, that the continued operation of the delivery-only medical cannabis retailer presents an imminent threat to the public health, safety or welfare, the suspension or revocation becomes effective immediately upon notice thereof. In such a case, if the permittee requests a hearing before the City Manager, or designee, the hearing will be scheduled within seven business days. The permittee will be notified of the time and place of the hearing at least 48 hours before the scheduled date. Notice may be given by any means reasonably calculated to provide actual notice to the permittee including, without limitation, mailed notice or telephonic notice.
 - G. The permittee may present written and/or oral testimony and evidence at the hearing and will be provided 30 minutes for a presentation. Formal rules of evidence and procedure applicable in a court of law do not apply. The City Manager, or designee, may, in his or her sole discretion, provide

the permittee additional time to present evidence, testimony and argument.

- H. The City Manager, or designee, will issue a written decision within 10 business days of the hearing. If the suspension or revocation was made immediately effective, the City Manager's written decision will be issued within five business days of the hearing. The City Manager's, or designee's, decision is the City's final decision.
- I. Effect of Revocation. If a delivery-only medical cannabis retailer permit is revoked, the former permittee is presumptively disqualified to apply for a new permit for a period of two years from the effective date of the revocation. This presumption may be overcome upon a showing of good cause as to why a permit should be issued following a revocation. Any such showing must be made to the City Manager's, or designee's, satisfaction.

SECTION 5. MPMC § 21.02.015 is added to the Monterey Park Municipal Code to read as follows:

"21.02.015 Consistency with State and Federal Law.

Unless otherwise specifically permitted by Title 21 of this Code, and notwithstanding any other provision to the contrary, no new use is permitted unless it is permitted by both State and Federal law."

SECTION 6. MPMC § 21.04.557 is repealed.

SECTION 7. MPMC § 21.04.571 repealed.

SECTION 8. Chapter 21.27 is added to the Monterey Park Municipal Code to read as follows:

"Chapter 21.27

CANNABIS-RELATED USES

21.27.010 Purpose.

The purpose of this chapter is to establish land use restrictions for delivery-only medical cannabis retailers. Nothing in this chapter is intended to authorize any activity that is contrary to California law.

21.27.020 Definitions.

Unless otherwise provided herein, the terms used in this chapter have the same meaning as set forth in Chapter 6.36.

21.27.030 Conditional Use Permit Required.

Except as otherwise provided by applicable law, it is unlawful for any person to maintain a cannabis-related use on any property in the City unless a valid conditional use permit authorizes the cannabis-related use on the subject property.

21.27.040 Location Restrictions.

- A. Delivery-only medical cannabis retailers are conditionally permitted in the C-S (Commercial Services) zone and are prohibited in all other zones.
- B. No conditional use permit may be issued for a cannabis-related business located on a parcel that is within 600 feet of any other parcel containing a “sensitive use,” including, without limitation, schools, religious facilities, parks, licensed child daycare facilities, youth centers or licensed drug or alcohol rehabilitation facilities. For purposes of this section, “school” includes a pre-school, transitional kindergarten, K-12 school, whether public or private.
- C. Within 1,000 feet of any other parcel upon which a delivery-only medical cannabis retailer is operating.
- D. A delivery-only medical cannabis retailer permit may be renewed for a cannabis-related business located on a parcel that is within the distance limitations in this section if:
 - 1. The sensitive use located to the area after the subject delivery-only medical cannabis retailer permit was first issued;
 - 2. The subject delivery-only medical cannabis retailer permit has not lapsed for any period of time; and
 - 3. The cannabis-related business was in continuous operation.
- E. For purposes of this section, a temporary interruption of business activity due to fire, natural disaster or other force majeure is excused provided reasonable steps are taken by the permittee to resume business operations expeditiously. The prior, temporary suspension of the delivery-only medical cannabis retailer permit does not render a permit ineligible for renewal under this section provided the applicant otherwise qualifies for renewal pursuant to Chapter 6.36.
- F. The delivery-only medical cannabis retailer will utilize fewer than the minimum off-street parking spaces established by this Code.

21.27.050 Distance Measurements.

The distance between parcels will be the horizontal distance measured in a straight line from any property line of the sensitive use to the closest property line of the parcel on which the cannabis-related business is to be located, without regard to any intervening structures.

21.27.060 Operations Plan Required.

In addition to any other conditions of approval deemed necessary and appropriate by the approving authority, an operations plan, including a detailed cash management plan is required as a condition of approval for any delivery-only medical cannabis retailer. If the operations and/or cash management plan include confidential and/or proprietary information the City will respect the confidentiality of the information submitted by the applicant. The required content of the operations plan is set forth in Chapter 6.36.”

SECTION 9. Table 21.10(A) of MPMC § 21.10.030 is amended to add delivery-only medical cannabis retailers as a conditionally permitted use in the C-S zone as follows (no other changes to Table 21.10(A) are intended):

“Table 21.10(A)

* * *

Delivery-only medicinal cannabis retailer	X	X	X	X	C	X
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* * **

SECTION 10. Environmental Review. The City reviewed the environmental impacts of this proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the “CEQA Guidelines”). No additional environmental review is required for this Ordinance pursuant to CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3). The proposed Ordinance is exempt from CEQA because it is a zoning text amendment which permits delivery of medicinal cannabis in the City’s commercial zone, which will not have a direct or reasonably foreseeable indirect physical change in the environment and does not qualify as a “project” under CEQA because it will not make physical changes to the environment. The proposed Ordinance is also exempt pursuant to CEQA Guidelines § 15301 and 15303 for activities that involve negligible or no expansion of use for existing facilities and for the conversion of existing small structure

for another use. Finally, the proposed Ordinance is exempt from CEQA under the common sense exemption that it will not affect the environment.

SECTION 11. *Zoning Amendment.* Pursuant to MPMC § 21.38.050, the City Council finds as follows:

- A. The MPMC amendments in this Ordinance are consistent with the goals, policies and objectives of the General Plan.
 - 1. The Ordinance is consistent with Policy 14.1 (Second-Hand Smoke Exposure — Outdoor Public Areas) of the Healthy Community Element of the General Plan as it does not affect MPMC Chapter 6.20 (Smoking Prohibited) which prohibits publicly smoking cannabis in many areas of the City.
 - 2. The Ordinance is consistent with Goal 1 (Commercial districts that allow a variety of retail, service, and entertainment uses and that accommodate flexibility over time) of the Land Use and Urban Design Element of the General Plan as it permits delivery-only medicinal cannabis retailers to operate in the C-S Zone with a conditional use permit, fulfilling Policy 1.1's (Flexibility) goal of providing flexibility regarding allowed uses in the City and Policy 1.3 (Economic Development) by encouraging businesses to locate in the City.
 - 3. The Ordinance is consistent with Goal 2 (Dynamic mix of businesses, uses, and employment that sustain a strong local economy and contributes to a fiscally sustainable tax base) of the Land Use and Urban Design Element of the General Plan and Policy 2.1 (Flexibility) and Policy 2.2 (Business Growth) by providing clear development and operational standards for delivery-only medicinal cannabis retailers to operate in and thrive economically.
 - 4. The Ordinance is consistent with Goal 1 (Fiscal Balance) of the Economic Development Element of the General Plan, which has its goals of preserving, retaining, and building the City's tax base. This Ordinance is consistent with Goal 1 and will meet Policy 1.2 as it will encourage the growth and relocation of industries that generate local tax and employment benefits to the City.
 - 5. The Ordinance is consistent with Goal 2 (Business Attraction and Retention) of the Economic Development Element of the General Plan as this Ordinance will help attract new businesses to the City without the need for incentives.

- B. This Ordinance will not adversely affect surrounding properties. This Ordinance adopts reasonable regulations that will ensure that non-storefront medicinal cannabis facilities in the C-S (Commercial Services) zone do not adversely affect surrounding properties.
- C. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC's zoning regulations. This Ordinance implements State law governing medicinal cannabis delivery facilities in the City to bring the MPMC into compliance with State law. Reasonable regulations are proposed to promote public health, safety, and general welfare in the City.

SECTION 12. *Validity of Previous Code Sections.* If the 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 13. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 14. *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 15. *Preservation.* Repeal or amendment of any previous Code Sections 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 16. *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 provision or application and, to this end, the provisions of this Ordinance are severable.

SECTION 17. *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 18. *Electronic Signatures.* This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 19. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Monterey Park's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 20. *Effective Date.* This Ordinance becomes effective on the 30th day following its passage and adoption.

ORDINANCE NO. ____ HAD ITS FIRST READING ON XX, ITS SECOND READING ON ____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT ITS REGULAR MEETING OF ____.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY

By: 
Ephraim Margolin, Deputy City Attorney

ATTACHMENT 5

Notice of Exemption

Notice of Exemption

From: City of Monterey Park Planning
320 W. Newmark Avenue
Monterey Park, CA 91754

To:

☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ Los Angeles, County Clerk
Environmental Filings
12400 Imperial Highway #1201
Norwalk, CA 90650
Attn: Business Filings and Registration

Project Title: Zone Code Amendment (ZCA-23-05)
Project Location - Specific: City wide; and Commercial Services zone
Project Location - City: Monterey Park
Project Location - County: Los Angeles

Description of Project:

An ordinance amending Monterey Park Municipal Code Chapters 6.35 and 9.102, and adding new chapters 6.36 and 21.27 to implement California law governing medical cannabis.

Name of Public Agency Approving Project: City of Monterey Park
Name of Person or Agency Carrying Out Project: City of Monterey Park

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: 15060(c)(2), 15378(b)(5), 15301, 15303, and 15061(b)(3)

☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The City reviewed the environmental impacts of this proposed Ordinance pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the “CEQA Guidelines”). No additional environmental review is required for this Ordinance pursuant to CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3). The proposed Ordinance is exempt from CEQA because it is a zoning text amendment which permits delivery of medical cannabis in the City’s commercial zone, which will not have a direct or reasonably foreseeable indirect physical change in the environment and does not qualify as a “project” under CEQA because it will not make physical changes to the environment. The proposed Ordinance is also exempt pursuant to CEQA Guidelines § 15301 and 15303 for activities that involve negligible or no expansion of use for existing facilities and for the conversion of existing small structure for another use. Finally, the proposed Ordinance is exempt from CEQA under the common sense exemption that it will not affect the environment.

Lead Agency Contact Person: Jessica Serrano Telephone (626) 307-1302

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: _____ Title: Director of Community & Economic Development

☐ Signed by Lead Agency Date received for filing at OPR:

☐ Signed by Applicant



City Council Staff Report

DATE: December 20, 2023

AGENDA ITEM NO: Public Hearing - 4C

TO: The Honorable Mayor and City Council
FROM: Karl H. Berger, City Attorney
SUBJECT: An Ordinance Incorporating by Reference Chapter 7.46 of Los Angeles County Code Title 7 – Business Licenses into a new Chapter 5.90 of the Monterey Park Municipal Code (“MPMC”)

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading, and continuing the scheduled public hearing from December 20, 2023 to January 17, 2024 (pursuant to Government Code § 50022.3) to adopt an Ordinance that would incorporate by reference Los Angeles County Code Title 7, Chapter 7.46 regarding the regulation of gun dealers within the City of Monterey Park (“City”); and
2. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY

Since January, the City Council undertook a series of action in response to the mass shooting that killed 11 individuals and wounded nine others. It was the worst shooting in Los Angeles County history. In August, the City Council adopted Resolution No. 2023-R67 which, among other things, gave direction to the City Manager and City Attorney to take actions needed to support reasonable gun regulation. The draft ordinance, if adopted, would add a new Chapter to the Monterey Park Municipal Code (“MPMC”) requiring gun dealers to acquire a police permit to operate.

CEQA DETERMINATION

This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) in that it is not a “project” for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378. Specifically, this Ordinance constitutes creation of government regulations which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, this Ordinance is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment.

BACKGROUND

The City Council took significant strides to enhance gun and ammunition regulations within the City. This includes adopting two ordinances be drafted: one requiring that trigger locks or storage devices be used for firearms; the other prohibiting firearms on City-owned property. On August 16, 2023, City Council, in accordance with Section 3(B)(8) of Resolution No. 2023-R15, adopted Ordinance § 9.58.050 entitled “Safe Storage” to the MPMC. City Council also adopted Resolution No. 2023-R67, declaring the City Council’s intent to support federal, state, and local gun regulation, including adopting various city-wide policies and authorizing the City Manager to implement the City Council’s policies. Resolution No. 2023-R67 declared City Council’s commitment to lend the City’s support to all reasonable legislation that is intended to protect public health and safety while maintaining an individual’s constitutional rights as to owning firearms. In addition, through Resolution No. 2023-R67, City Council approved a pledge for all elected officials, approved standard conditions of approval for certain conditional use permits (“CUP”), and authorized the city manager to implement this resolution. On November 7, 2023, the Los Angeles Board of Supervisors adopted an ordinance amending the Los Angeles County Code (“LACC”) governing licenses required by gun dealers within the County’s jurisdiction. LACC Title 7 is comprised of two Divisions: Division 1 contains the general administrative framework, including application requirements, processing information, enforcement provisions, and a schedule of fees; and Division 2 sets forth the specific business licensing requirements and prerequisites for the business activities the licensed by the County.

A review of the LACC, as amended on November 7th, suggests that the City Council may wish to incorporate the County regulations into the MPMC by reference. The Monterey Park Police Department (“MPPD”) would then administer the permitting process for gun dealers located within the City’s jurisdiction.

The draft Ordinance would add a new Chapter 5.90 to the MPMC that would accomplish the following:

- Requires Gun and Ammunition Dealers apply for a police permit and to annually those permits;
- Requires security camera systems consistent with the Penal Code;
- Restricts minors' presence where guns and ammunition are sold;
- Requires signs warning of risks associated with Guns be displayed;
- Requires an approved firearm safety device upon delivery of any gun sold, leased, or transferred;
- Requires Gun and Ammunition Dealers secure and maintain on the business premises a record of every gun and ammunition purchaser's thumbprint;

- Requires the maintenance of annual sales reports of Guns and Ammunition sold on the business premises for five years and the maintenance of inventory in real-time; and
- Requires the names of suspended and revoked permittees to be publicly posted.

Some of these requirements are duplicative of regulations already adopted by the City Council.

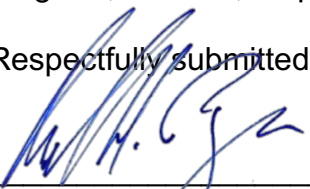
IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action supports the City's strong desire to heighten safety standards and regulations affecting the use and purchase of firearms in the City.

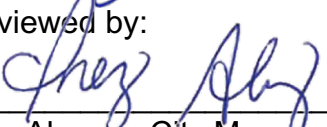
FISCAL IMPACT

A public hearing to set a permit fee will be noticed for January 17, 2023. Any such fees will offset the costs associated with issuing and enforcing the proposed permits. The fees are based on full cost recovery and include administration and enforcement of the program, salaries, employee benefits, indirect costs, and services and supplies.

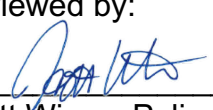
Respectfully submitted and prepared by:


 Karl H. Berger, City Attorney

Reviewed by:


 Inez Alvarez, City Manager

Reviewed by:


 Scott Wiese, Police Chief

ATTACHMENTS

1. Draft Ordinance

ATTACHMENT 1

Draft Ordinance

CITY OF MONTEREY PARK

ORDINANCE NO. ____

**AN ORDINANCE INCORPORATING LOS ANGELES COUNTY CODE
CHAPTER 7.46 INTO THE MONTEREY PARK MUNICIPAL CODE BY
ADDING CHAPTER 5.90 GOVERNING TO GUN DEALER LICENSES.**

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. *Incorporation of Los Angeles County Code.* A new Chapter 5.90 is added to the Monterey Park Municipal Code ("MPMC") to read as follows:

"Chapter 5.90

GUN DEALER LICENSES

5.90.010 **PURPOSE.** The purpose of this chapter is to regulate Gun and Ammunition Dealers located within the City to protect public health, safety, and welfare, and ensure consistency with California law.

5.90.020 **INCORPORATING LOS ANGELES COUNTY CODE CHAPTER 7.46:**
Pursuant to Government Code § 50022.9, the City Council incorporates Los Angeles County Code ("LACC") Chapter 7.46, entitled *Gun Dealers*, as amended by this chapter. This chapter prevails over any conflicting provisions the LACC.

5.90.030 **AMENDMENTS TO LOS ANGELES COUNTY CODE.** The following provisions of LACC Chapter 7.46 are amended:

- A. LACC § 7.46.040. "Licensee" means any person or entity issued a police permit by the Police Chief, or designee.
- B. LACC § 7.46. 040. "Sheriff" means the Police Chief, or designee.
- C. LACC § 7.46.040. "Unincorporated Area" includes in its true geographical location the jurisdictional boundaries for the City of Monterey Park.
- D. Whenever in LACC Chapter 7.46 the words "Board" or "Commission" are used, they refer to the City Council.
- E. Whenever in LACC Chapter 7.46 the words "Commissioner" or "Director of Public Works" are used they refer to the City Manager, or designee.

5.90.040 **GENERAL PENALTY.** Any person violating any provision of this title is guilty of a misdemeanor unless otherwise provided in this title."

SECTION 2. *Environmental Review.* This Ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et*

seq.) in that it is not a “project” for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378. Specifically, this Ordinance constitutes creation of government regulations which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. In addition, this Ordinance is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment.

SECTION 3. *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance. The City Council intends to incorporate LACC Chapter 7.46 as amended by the Board of Supervisors by ordinance adopted on November 7, 2023. A copy of the November 7, 2023 Los Angeles County ordinance is attached as Exhibit A” for reference.

SECTION 4. *Enforceability.* Repeal or supersession of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed or superseded part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

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

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

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

SECTION 8: The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Bellflower’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9: This Ordinance will become effective thirty days following its passage and adoption.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MONTEREY PARK AT
ITS REGULAR MEETING OF _____, 2023.**

Jose Sanchez, Mayor

ATTEST

Maychelle Yee, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

EXHIBIT A

ORDINANCE NO. _____

An ordinance amending Title 7 – Business Licenses of the Los Angeles County Code by adding Ammunition Dealers to Chapter 7.46 – Gun Dealers to regulate both Gun and Ammunition Dealers in the Unincorporated Areas of Los Angeles County. The ordinance establishes the regulations, fees, and penalties for implementing, administering, and enforcing Chapter 7.46.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 7.46 is hereby amended to read as follows:

Chapter 7.46 ~~GUN DEALERS~~ **GUN AND AMMUNITION DEALERS.**

SECTION 2. Section 7.46.010 is hereby amended to read as follows:

7.46.010 ~~Gun dealer defined.~~ **Purpose and Intent.**

~~"Gun dealer" means any person, firm or corporation who sells or otherwise transfers to the public any pistol, revolver, rifle, shotgun, or other firearm, including those persons required by Section 12070(a) of the California Penal Code to obtain a license under California Penal Code Section 12071. "Gun dealer" also includes any person, firm or corporation who purchases, takes in trade or accepts on consignment from the public any firearm of any type, including, but not limited to pistols, revolvers, rifles and shotguns.~~

The purpose of this Gun and Ammunition Dealers Ordinance is to enhance the regulation of Gun and Ammunition Dealers in the interest of public health, safety, and welfare, and ensure consistency with State law.

SECTION 3. Section 7.46.020 is hereby amended to read as follows:

7.46.020 License—Required.Short Title.

~~Every gun dealer shall first procure a license and pay an annual license fee in the amount set forth in Section 7.14.010 of this title, under the appropriate heading.~~

This Chapter shall be known as the "Gun and Ammunition Dealers Ordinance."

SECTION 4. Section 7.46.030 is hereby amended to read as follows:

**7.46.030 License—~~Granted subject to specific~~
~~conditions.~~Applicability.**

~~If a license is granted under this chapter, it shall be subject to the conditions set forth in Penal Code Section 12071, for breach of any of which the license shall be subject to forfeiture.~~

The provisions of this Chapter apply to the licensing of Gun and Ammunition Dealers in the business of selling, transferring, leasing, trading, accepting on consignment, or advertising for sale, transfer, lease, trade, or consignment to the public Guns and Ammunition in the Unincorporated Areas of the County.

Gun and Ammunition buyback programs hosted by the Sheriff or other law enforcement agencies, in which individuals or entities sell or transfer Guns and Ammunition to law enforcement agencies, are not governed by this Chapter.

SECTION 5. Section 7.46.040 is hereby amended to read as follows:

7.46.040 ~~Records and reporting requirement.~~Definitions.

~~In addition to properly maintaining all records and documents required by state and federal laws, a gun dealer, upon purchasing, taking in trade or accepting on~~

~~consignment from the public any firearm of any type, shall comply with buy form requirements as enumerated in Part 7 of Chapter 7.76 of this title, beginning with Section 7.76.310. A gun dealer shall also be required to report every sale, lease, or other transfer of a firearm to the sheriff on a form prescribed by the sheriff.~~

For purposes of this Chapter, "may" is permissive and "must" is mandatory. The terms used in this ordinance have the following meanings:

A. "Ammunition" means one or more loaded cartridges consisting of a primed case, propellant, and with one or more projectiles. "Ammunition" includes but is not limited to, any bullet, cartridge, magazine clip, speed loader, autoloader, ammunition feeding device, or projectile capable of being fired from a firearm with a deadly consequence. "Ammunition" does not include blanks.

B. "Ammunition Dealer" means any person, firm, corporation, or other business enterprise that holds a current ammunition vendor license issued pursuant to California Penal Code section 30385. A Gun Dealer licensed pursuant to this Chapter and California Penal Code sections 26700 to 26915 is deemed a licensed Ammunition Dealer.

C. "Gun" means any portable firearm including a rifle, shotgun, or revolver, accessory, component, or any device designed, modified, or capable of being used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

D. "Gun Dealer" means any person, firm, corporation, or other business enterprise required by California Penal Code section 26500 to obtain a license to

engage in the business of selling, transferring, leasing, trading, accepting on consignment, or advertising for sale, transfer, lease, trade, or consignment to the public, any Gun. A Gun Dealer licensed pursuant to this Chapter and California Penal Code sections 26700 to 26915 is deemed a licensed Ammunition Dealer.

E. "Licensee" means any person or entity issued a Business License by the Tax Collector or County license issuer and holding a current Business License while engaged in the business of selling, leasing, trading, accepting on consignment, or otherwise transferring any Gun or Ammunition, at a place of Business Licensed under this Chapter.

F. "Renewal" means a Licensee completes and submits an Application with the required fee payment for approval of a subsequent Gun and Ammunition Dealers Business License.

G. "Sheriff" means the Los Angeles County Sheriff or the Sheriff's designated representative.

H. "Unincorporated Area" means any area in Los Angeles County outside the jurisdictional boundaries of incorporated cities.

SECTION 6. Section 7.46.050 is hereby amended to read as follows:

7.46.050 ~~Inspection.~~Business License Required.

~~Upon the request of any designated sheriff representative or any peace officer, a gun dealer shall (1) furnish all records pertaining to the gun dealer's transactions, including, but not limited to, all records required to be maintained by law, and (2) shall~~

~~permit an inspection of those portions of the licensed premises where the firearms and firearm accessories are located.~~

A. Every business engaged in selling, transferring, leasing, trading, accepting on consignment, or advertising for sale, transfer, lease, trade, or consignment to the public any Gun or Ammunition within the Unincorporated Area of the County must, before engaging in such business, procure a Business License and pay an annual Business License fee pursuant to the amounts set forth in Section 7.14.010, payable to the Tax Collector.

B. Gun and Ammunition Dealers Business Licenses are valid for one (1) year from the date of issuance. Licensees must apply for Renewal of their Business License on an annual basis prior to expiration of the Business License.

C. An Applicant must apply for a Gun and Ammunition Dealers Business License, including Renewal, in the format prescribed by the Tax Collector, with payment of the annual fee amount, signed under penalty of perjury. The Applicant must provide all required application documentation to the Tax Collector and Sheriff to demonstrate compliance with this Chapter, including, but not limited to the following:

1. The Applicant's name, including any aliases or prior names used, birth date, and address;

2. The Applicant's federal firearms license and California firearms dealer or ammunition vendor numbers;

3. The address of the business for which the Business License is sought, the business name, and the name of any corporation, partnership or other entity that has any ownership in, or control over, the business;

4. The names, birth dates, and addresses of all persons who will have access to, or control of, the Applicant's stock of Guns or Ammunition, including, but not limited to, the Applicant's employees and agents;

5. A certificate of eligibility from the California Department of Justice under California Penal Code section 26710 for the Applicant and for each individual identified in Subsection C.4 of Section 7.46.050, demonstrating that the person is not prohibited by State or federal law from possessing Guns or Ammunition;

6. Proof of the right to occupy or possess the property where the business is proposed to be conducted, as owner, lessee, or other legal occupant;

7. A floor plan of the proposed business that illustrates the Applicant's compliance with the security provisions outlined in Section 7.46.110;

8. Certification of compliance with this Code and all applicable State and federal business licensing laws;

9. Information relating to every license to sell, lease, transfer, purchase, or possess Guns or Ammunition that has been sought by the Applicant within the last five (5) years, or by any individual identified in Subsection C.4 of Section 7.46.050, from any jurisdiction in the United States, including, but not limited to, the date of each application for the license and whether it resulted in any denial, revocation, or suspension, and the date and circumstances;

10. The Applicant's agreement to indemnify, defend, and hold harmless the County, its officers, elected officials, agents, and employees from and against all claims, losses, costs, damages, and liabilities of any kind arising from the operation of the business, in any manner, from the negligence or intentional or willful misconduct of: (a) the Applicant; (b) the Applicant's officers, employees, and agents; and (c) if the business is a corporation, partnership, or other entity, the officers, directors, or partners of such business entity;

11. Policy of insurance issued by an insurance company admitted to do business in the State demonstrating compliance with the insurance requirements of this Chapter for Applicants applying for a Business License; and

12. The date, location, and nature of any criminal convictions of the Applicant and of any individuals identified in Subsection C.4 of Section 7.46.050, and any other information requested by the Tax Collector needed to confirm the eligibility of the Applicant for a Business License under this Chapter.

D. When requested by the Tax Collector or any other County department during the Business License application process, an Applicant must show their driver's license, passport, or other government-issued identification card bearing a photograph of the Applicant.

E. The Sheriff, with the assistance of any other County department requested to assist, must conduct an investigation of the Applicant's criminal history and background. The Sheriff must receive from an Applicant a complete set of the Applicant's fingerprints and a signed authorization for release of records pertinent to the

investigation, in addition to the fingerprints and signed authorizations of each of the Applicant's employees and agents identified under Subsection 5 of this Section, to determine for the protection of the public health and safety whether the Applicant may be issued a Business License or Renewal.

F. Prior to issuance of a Business License or Renewal, the Tax Collector, Sheriff, or other County department may inspect the place of business to ensure compliance with this Chapter.

G. The Tax Collector may issue a Business License or Renewal if the Applicant or Licensee is in compliance with this Code and all applicable State, federal and local laws, and none of the grounds for Business License denial or revocation set forth in Section 7.46.065 exist.

SECTION 7. Section 7.46.060 is hereby amended to read as follows:

7.46.060 ~~Conditions for granting license.~~ **Place of Business and Operating Hours.**

~~No license or renewal license shall be issued under this chapter unless, in addition to the requirements set forth in Section 7.46.030 and Section 7.46.040 above, the gun dealer satisfies each of the following conditions:~~

~~A. The gun dealer, and all officers, employees, and agents of said gun dealer, are at least 21 years of age;~~

~~B. Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has had a similar type license previously revoked or denied within the immediately preceding two years;~~

~~C. Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has been convicted of:~~

~~1. Any offense disqualifying said individual from owning or possessing a firearm under applicable federal, state, or local laws,~~

~~2. Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon,~~

~~3. Any offense involving the use of force or violence upon the person of another,~~

~~4. Any offense involving theft, fraud, dishonesty, or deceit,~~

~~5. Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health and Safety Code, as said definition now reads or may hereafter be amended to read;~~

~~D. The gun dealer has a fixed place of business where all licensed activities will be conducted as required by Section 7.04.060 of this code. The storing of all firearms and munitions shall occur at said fixed place of business. Under no circumstance may the address of the fixed place of business be either a United States Post Office box or a private commercial mailbox. The gun dealer shall provide evidence as owner, lessee or other legal occupant of said fixed place of business. The license shall specify the Post Office address of said fixed place of business;~~

~~E. The gun dealer's fixed place of business shall not be located in any area or district that is zoned for residential use;~~

~~F. The gun dealer has agreed to indemnify, defend and hold harmless the county of Los Angeles, its officers, agents and employees, from claims arising from the negligent or intentional acts of said gun dealer;~~

~~G. In connection with every firearm sold, leased, or otherwise transferred by a gun dealer, said gun dealer must also sell or otherwise provide a trigger lock or similar device reviewed and approved by the sheriff that is designed to prevent the unintentional discharge of the firearm;~~

~~H. The gun dealer has obtained a policy of insurance as provided in Section 7.46.070 below; and~~

~~I. The gun dealer has complied with the security requirements as provided~~

A. A Licensee must maintain a fixed place of business where all Guns and Ammunition must be stored. Under no circumstance may the address on the Business License or application of the fixed place of business be either a United States Postal Service post office box or a private commercial mailbox. The Licensee must provide evidence as owner, lessee, or other legal occupant of the fixed place of business. The License must specify the United States Postal Service street address of the fixed place of business.

B. A Licensee's fixed place of business must not be located in any area or district that is zoned for residential use in accordance with Title 22 of this Code.

C. In accordance with Title 22 of this Code, the property boundary of a Licensee must not be within one thousand (1,000) feet of the property boundary of a park, school, library, or child care center, or another Gun and Ammunition Dealer. Gun

and Ammunition Dealers that are licensed and in compliance with this Chapter and the County Code may remain in their present location, subject to the provisions of Chapter 22.172, except that the termination period enumerated in Subsection B.1.e of Section 22.172.050 does not apply.

D. The business operating hours of any Licensee must be limited to hours between 8:00 a.m. and 8:00 p.m. each day the business is open to the public.

SECTION 8. Section 7.46.065 is hereby added to read as follows:

7.46.065 Grounds for License Denial or Revocation.

The Tax Collector may deny the issuance of a Business License or Renewal, or may revoke or suspend an existing Business License, if the operation of the business would not or does not comply with this Code or any applicable State or federal law, or if any of the following conditions exist:

- A. The Applicant, or any individual identified in Subsection C of Section 7.46.050, is under twenty-one (21) years of age;
- B. The Applicant is not licensed under all applicable State and federal laws;
- C. The Applicant has failed to fully comply with the application requirements set forth in this Chapter;
- D. The Applicant has made a false or misleading statement of a material fact, or omitted a material fact, in the application or in any other document submitted to the Tax Collector or the Sheriff under this Chapter. If a Business License is denied on this ground, the Applicant is prohibited from reapplying for a Business License for a period of five (5) years from the date of denial;

E. The Applicant, or any individual identified in Subsection C of Section 7.46.050, has had a license to sell, lease, transfer, purchase, or possess any Gun or Ammunition from any jurisdiction in the United States revoked, suspended, or denied for good cause within the immediately preceding five (5) years;

F. The Applicant, or any individual identified in Subsection C of Section 7.46.050, has been convicted of:

1. An offense that disqualifies the person from owning or possessing a Gun under State or federal law, including, but not limited to, the offenses listed in California Penal Code sections 29800 through 29875 and 29900 through 29905;

2. An offense relating to the manufacture, sale, possession, or use of a Gun or other dangerous or deadly weapon or Ammunition;

3. An offense involving the use of force or violence upon another person;

4. An offense involving theft, fraud, dishonesty, or deceit; or

5. A felony offense within the last ten (10) years involving the illegal manufacture or sale of a controlled substance as defined by the California Health and Safety Code.

G. The Applicant is within a class of persons defined in California Welfare and Institutions Code section 8100 or 8103.

SECTION 9. Section 7.46.070 is hereby amended to read as follows:

7.46.070 Liability Insurance.**Compliance with State Law.**

~~A. No license or renewal license shall be issued under this chapter unless the gun dealer carries and maintains in full force and effect a policy of insurance, as described in this subsection, in a form approved by the county of Los Angeles and executed by an insurance company admitted to do business in the state of California. This policy of insurance shall insure the gun dealer against liability for damage to property and for injury to or death of any person as a result of the sale, lease, or transfer, or the offering for sale, lease, or transfer, of a firearm. The minimum liability limits shall not be less than \$1,000,000.00 for each incident of damage to property or incident of injury or death to a person. The policy shall name the county of Los Angeles as an additional insured.~~

~~B. The policy of insurance shall contain an endorsement providing that said policy shall not be canceled until notice in writing has been given to the office of the treasurer and tax collector at least 30 days prior to the time the cancellation becomes effective.~~

~~C. If at any time the gun dealer's policy of insurance expires, said gun dealer's license under this chapter will automatically be suspended pursuant to Section 7.08.240 and Section 7.08.250 of this code.~~

Issuance of a Business License under this Chapter is subject to an Applicant's or Licensee's compliance with the requirements of California Penal Code sections 26700

through 27140, the breach of any one of which is a ground for License denial, revocation, or suspension.

SECTION 10. Section 7.46.080 is hereby amended to read as follows:

7.46.080 ~~Security Requirements~~ Records and Reporting

Requirements.

~~A.——No license or renewal license shall be issued under this chapter unless the gun dealer adheres to security measures as required by the sheriff. These security measures shall include, but not be limited to, the following:~~

~~1.——The provision of adequate lighting, secure locks, windows, and doors, and fire and theft alarms, as each such item is specified and approved by both the sheriff and the fire department; and~~

~~2.——The storing of all firearms and munitions on the premises out of reach of customers in secure, locked facilities, so that access to firearms and munitions shall be controlled by the gun dealer or employees of the gun dealer to the exclusion of all others.~~

~~B.——Upon written request by the gun dealer, the sheriff may approve alternative security measures which he/she determines will provide equivalent or superior security to the premises as the measures required under subsection A above.~~

A. A Licensee must maintain at the Licensee's place of business an inventory list of Guns by make, model, and serial number, capable of being updated in real-time with each transaction. This inventory list must be made available for inspection upon request by the County or State, federal, or local law enforcement agency.

B. In addition to properly maintaining all records required by this Chapter and any applicable State and federal laws, a Licensee, upon purchasing, taking in trade, or accepting on consignment from the public a Gun of any type, must comply with the buy-form requirements of the State for the purpose of recording and furnishing to the Sheriff the required information relative to purchases, pledges, or consignments.

C. A Licensee must prepare and maintain a report of Gun and Ammunition sales or transfers on an annual basis as follows:

1. Within the first five (5) business days of February of each year, a Licensee must prepare a report of all Gun sales or transfers by make, model, and serial number for the period of the immediately preceding calendar year;

2. A Licensee must comply with California Penal Code section 30352 by recording the annual sales or transfers of Ammunition.

3. The Licensee must maintain a copy of the annual report of sales at the business premises;

4. The report of sales must include a declaration stating that the report is true and correct with acknowledgement by Licensee's signature under penalty of perjury; and

5. The Licensee must maintain a copy of the report at the Licensee's place of business for a period of not less than five (5) years from the date of the report, and must make the copy available for inspection upon request by the County or State, federal, or local law enforcement agency.

D. A Licensee must comply with California Penal Code sections 26885 and 30363 regarding reporting the loss or theft of a Gun or Ammunition.

SECTION 11. Section 7.46.090 is hereby amended to read as follows:

7.46.090 ~~Compliance by existing dealers.~~ **Inspection of Records and Premises.**

~~Any gun dealer licensed to engage in the sale of firearms prior to the effective date* of the amendments to this chapter shall within 90 days after said effective date comply with the provisions of these amendments.~~

Upon the request of the County, State, federal, or local agency, a Licensee must permit inspection of all records pertaining to the Licensee's transactions, including, but not limited to, all records required to be maintained by law, and those portions of the licensed premises where Guns, Gun parts, components, and accessories, and Ammunition are located.

SECTION 12. Section 7.46.095 is hereby deleted in its entirety.

~~**7.46.095** **Officers, employees and agents of gun dealers defined.**~~

~~Any reference in this chapter to an officer, employee or agent of a gun dealer shall apply only to those persons who directly participate in firearm sale transactions.~~

SECTION 13. Section 7.46.100 is hereby amended to read as follows:

7.46.100 ~~Penalty.~~ **Liability Insurance.**

~~Any gun dealer violating the provisions of this chapter is guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00, or imprisonment for a term not to exceed six months, or both. This penalty is in addition to all other penalties~~

~~provided by law, and to the immediate revocation of the gun dealer's license granted under this chapter.~~

A. A Licensee must carry and maintain in full force and effect throughout the term of a Business License a policy of insurance, as described in this Section, for the minimum insurance coverage type and limit requirements approved by the Risk Management Division of the County's Chief Executive Office and executed by an insurance company admitted to do business in the State. The policy of insurance must insure the Licensee against liability for damage to property and for injury to, or death of, any person as a result of the sale, lease, or transfer, or the offering for sale, lease, or transfer, of any Gun. The liability limit must be at least one million dollars (\$1,000,000) for each incident of damage to property or incident of injury or death to a person. The policy must name the County as an additional insured.

B. The policy of insurance must waive the rights of recovery of the Licensee and its insurance company against the County for any loss arising from or relating to the Licensee's activities. The Licensee must execute any waiver of subrogation endorsements which may be necessary to affect such waiver.

C. The policy of insurance must contain an endorsement providing that the policy cannot be canceled until notice in writing has been given to the Tax Collector at least thirty (30) days prior to the time the cancellation becomes effective.

D. If at any time the Licensee's policy of insurance expires, the Business License issued under this Chapter will be suspended pursuant to Division 1 of this Title.

SECTION 14. Section 7.46.110 is hereby amended to read as follows:

7.46.110 ~~Severability.~~Security Requirements.

~~If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.~~

A. No Business License or Renewal may be issued under this Chapter unless the Gun and Ammunition Dealer complies with the security measures required by this Chapter and applicable State and federal law. These security measures include, but are not limited to, the following:

1. Every place of Business licensed under this Chapter must be a secure facility within the meaning of California Penal Code section 17110;

2. The provision of adequate lighting; secure locks, windows, and doors; and fire and theft alarms, as specified and approved by the Tax Collector, County Fire, or Sheriff; and

3. The storing of all Guns and Ammunition on the premises out of reach of customers in secure, locked facilities, so that access to Guns and Ammunition is controlled by the Licensee or their employees to the exclusion of all others.

B. Upon written request by the Licensee, the Sheriff may approve alternative security measures determined by the Sheriff to provide at least equivalent security to the premises as the measures required under Subsection A above and the California Penal Code.

C. A Licensee must comply with California Penal Code sections 17110 and 26890 regarding securing inventory Guns and Ammunition when the Licensee is not open for business.

D. The Licensee must ensure that the business location or premises is monitored by video surveillance and audio recording systems that meet the following requirements:

1. The systems must include cameras, monitors, digital video and audio recorders, and necessary cabling to meet the requirements of this Section.

2. The number and location of the cameras are subject to the approval of the Sheriff. At a minimum, the cameras must be sufficient in number to monitor all areas in or on the business premises where Guns or Ammunition are stored, handled, sold, transferred, or carried, including, but not limited to, counters, safes, vaults, cabinets, shelves, cases, entryways, and parking lots. The video surveillance system must operate continuously, without interruption, whenever the Licensee is open for business. Whenever the Licensee is not open for business, the system must be triggered by a motion detector and begin recording immediately upon detection of any motion within the monitored area.

3. The sale or transfer of Guns or Ammunition to persons who are not sworn peace officers must be recorded by the video surveillance system in such a way that the facial features of the purchaser or transferee are clearly visible when the recording is replayed. The sale or transfer of Guns or Ammunition to persons who are not sworn peace officers must be recorded by the audio recording system in such a way

that the voices of the purchaser or transferee and the Licensee or Licensee's employee or agent are clearly audible when the recording is replayed.

4. When recording, the video surveillance system must record continuously and store color images of the monitored area at a frequency of not less than fifteen (15) frames per second. The system must produce retrievable and identifiable images and video recordings on media approved by the Sheriff that can be enlarged through projection or other means and that can be made a permanent record for use in a criminal investigation. The system must be capable of delineating on playback the activity in, and physical features of, the premises.

5. The stored images and audio recordings must be maintained on the business premises of the Licensee for a period of not less than one (1) year from the date of recording and must be made available and accessible to the Sheriff or other law enforcement agency designated by the Tax Collector immediately upon request for review and copying, without the need for a search warrant, subpoena, or court order.

6. The video surveillance system and audio recording system must be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within seventy-two (72) hours. The Licensee must inspect the system at least weekly to ensure that it is operational and that images and voices are being recorded and retained as required by this Section. The Licensee must notify the Tax Collector and Sheriff if the system becomes inoperable as soon as practicable after discovering the inoperability. The Licensee must allow the Tax Collector or Sheriff to inspect the video surveillance system and audio recorder to ensure operability.

7. The Licensee must post a sign in a conspicuous place at each entrance to the premises that states in block letters not less than one (1) inch in height as follows:

THESE PREMISES ARE UNDER VIDEO AND AUDIO SURVEILLANCE.

YOUR IMAGE AND VOICE MAY BE RECORDED.

E. Where Gun or Ammunition sales activity is the primary business performed at the business premises, a Licensee or Licensee's agent or employee must not allow a minor under eighteen (18) years of age to enter into, or remain on, the premises unless accompanied by the minor's parent or legal guardian. Where Gun or Ammunition sales activity is not the primary business performed at the business premises, a minor under eighteen (18) years of age may enter into, or remain on, the premises unaccompanied by the minor's parent or legal guardian so long as all Guns and Ammunition are wholly kept, displayed, or offered within a separate room or enclosure from which minors are excluded. A sign at each entrance to such a room or enclosure must be posted containing the language in Subsection E.2, below.

1. The Licensee is responsible for requiring valid proof of age and identity of persons to prevent the entry of minors. Valid proof of age and identity includes, but is not limited to, a passport, a motor vehicle operator's license, a State issued identification card, an armed forces identification card, or an employment identification card containing the bearer's signature, photograph, and birth date, or any similar documentation providing reasonable assurance of the identity and age of the individual.

2. The Licensee must post a sign in a conspicuous place at each entrance to the premises stating in block letters not less than one (1) inch in height as follows:

MINORS UNDER THE AGE OF 18 ARE NOT PERMITTED TO ENTER OR REMAIN ON THESE PREMISES UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

F. Where Gun and Ammunition sales activity is the primary business performed at the business premises, a Licensee or Licensee's agent or employee must not allow any person to enter, or remain on, the premises who the Licensee or the Licensee's agent or employee knows or has reason to know is prohibited from possessing or purchasing Guns under State or federal law. Where Gun or Ammunition sales activity is not the primary business performed at the business premises, a Licensee or Licensee's agent or employee must not allow any person who the Licensee or Licensee's agent or employee knows or has reason to know is prohibited from possessing or purchasing Guns under State or federal law, or to enter the separate room or enclosure in which Guns and Ammunition are kept, displayed, or offered in accordance with this Section.

SECTION 15. Section 7.46.120 is hereby added to read as follows:

7.46.120 Fingerprinting, Warning Notices and Signs, and Firearm Safety Devices.

A. The sale or transfer of any Gun requires the purchaser or transferee to provide their right thumbprint on the California Department of Justice Dealer Record of

Sale of Firearm worksheet signed by the purchaser or transferee. The thumbprint must be recorded at the time that the worksheet is signed by the purchaser or transferee. For sales or transfers of Ammunition, the thumbprint must be recorded in the manner prescribed by the Sheriff.

B. The thumbprint record for the sale or transfer of a Gun or Ammunition must be maintained on the premises of the Licensee for the same period that the Licensee is required to maintain the Dealer Record of Sale. Such record must be made available for inspection at any time during normal business hours in accordance with Section 7.46.090.

C. No person may knowingly fail to obtain a required thumbprint, or knowingly fail to maintain the record of a thumbprint required by this Section. No person may refuse to permit the County, State, federal, or local agency to examine any record prepared in accordance with this Section during any inspection conducted pursuant to Section 7.46.090, or refuse to permit access to, or the use of, any such record or information in such record by a law enforcement agency.

D. The requirements of this Section do not apply when the purchaser or transferee is any of the following:

1. Any person described in California Penal Code section 18800 or 30330;
2. Any off-duty peace officer who displays proper agency identification that identifies him or her as an active-service peace officer;

3. Any security guard licensed under California Penal Code section 26030(d); or

4. Any Gun and Ammunition Dealer who has been issued a federal firearms license, a certificate of eligibility by the State, and a Business License by the County.

E. A Licensee must comply with California Penal Code section 23640 regarding warning notices on firearm packaging and descriptive material accompanying firearms sold or transferred by a Licensee.

F. A Licensee must comply with California Penal Code section 26835 regarding the posting of warning signs with respect to gun safety, safe storage, access to firearms by minors, reporting loss or theft of a firearm, taking physical possession of a purchased firearm, and limitations on the purchase and delivery of firearms.

G. A Licensee must post warning signs conspicuously so that they can be easily viewed by persons to whom firearms are sold or transferred. Signs must be posted by the entrance and in one additional location where sales occur. Each sign must be at least eight and a half (8.5) inches high by eleven (11) inches wide, written in black text not less than least one (1) inch high, against a white background, as follows:

WARNING: ACCESS TO A FIREARM IN THE HOME SIGNIFICANTLY INCREASES
THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES AND
UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS.
IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION,

CALL THE SUICIDE PREVENTION LIFELINE AT (800) 273-8255

OR THE NATIONAL SUICIDE HOTLINE AT 988.

H. For every Gun sold, leased, or transferred by a Licensee, the Licensee must comply with California Penal Code section 23635 by providing an approved firearm safety device upon delivery of the Gun to the purchaser, lessee, or transferee.

SECTION 16. Section 7.46.125 is hereby added to read as follows:

7.46.125. Penalties and Enforcement.

A. A violation of any provision of this Chapter is a ground for denial, revocation, or suspension of a Business License.

B. If a Business License is suspended or revoked the name on the Business License will be publicly posted on the Tax Collector's webpage.

C. A violation of any provision of this Chapter is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the County jail for not more than six (6) months, or by both fine and imprisonment. Each separate day, or portion of a day, during which any violation of this Chapter occurs or continues constitutes a separate offense punishable, upon conviction, as provided in this Subsection.

D. Any person who violates any provision of this Chapter may be subject to a civil action by the County, including, but not limited to, an injunction and other equitable remedies, and will be liable for a civil penalty of up to two thousand five hundred dollars (\$2,500) per violation, per day, as well as attorneys' fees. The entire amount of any civil penalty collected must be paid to the Tax Collector for deposit in the General Fund.

E. Any Person who violates any provision of this Chapter may be subject to administrative fines and other remedies pursuant to Chapter 1.25 of the County Code, up to the Gun and Ammunition Dealers Business License fee amount.

F. The penalties and remedies provided for in this Chapter are nonexclusive and are cumulative with any other remedy available to the County as provided for by law.

SECTION 17. Section 7.46.130 is hereby added to read as follows:

7.46.130 Compliance by Existing Dealers – 180 Days.

Any Gun and/or Ammunition Dealer licensed on the effective date of this ordinance will have one hundred and eighty (180) days to come into full compliance with this Chapter and reapply for a Gun and Ammunition Dealers Business License.

SECTION 18. Section 7.46.140 is hereby added to read as follows:

7.46.140 Severability and General Provisions.

A. If any Section, Subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision will not affect the validity of the remaining provisions.

B. The Board of Supervisors hereby declares that it would have adopted this Chapter, Section, and each Subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion would subsequently be declared invalid or unconstitutional.

SECTION 19. Section 7.46.150 is hereby added to read as follows:

7.46.150 Implementation.

The Tax Collector is responsible for administration of this Chapter and promulgating regulations consistent with the provisions of this Chapter and the County Code.

SECTION 20. Section 7.46.160 is hereby added to read as follows:

7.46.160 Effective Date.

This ordinance will take effect thirty (30) days from the date of final passage by the Board of Supervisors.

SECTION 21. Section 7.14.010 is hereby amended to read as follows:

7.14.010 – Fee Schedule.

The license fees required to be paid to perform, carry on, conduct, or engage in any businesses, occupations or activities set forth in this Title 7, are as stated in this Chapter.

	ANNUAL/ONE YEAR FEES AND RENEWALS	
	First	Annual
	Year	Renewal
...		
GUN DEALER <u>GUN AND AMMUNITION DEALERS</u>	\$739 <u>\$954</u>	\$279 <u>\$577</u>
...		

[CH746EMCC]