

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
February 7, 2024
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 Fire Explores
ROLL CALL Henry Lo, Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS

STAFF COMMUNICATIONS:

- Community Development
- Fire Department
- Library
- Recreation and Community Services

[1.] PRESENTATION

1-A. RECOGNITION OF COMMUNITY HEALING FUND MEMBERS

[2.] OLD BUSINESS – None.

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

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 regular and special meetings of December 6, 2023; and
- (2) Taking such additional, related, action that may be desirable.

3-B. RECEIVE AND FILE WATER FINANCING UPDATE

It is recommended that the City Council consider:

- (1) Receive and file water financing update; and
- (2) Taking such additional, related, action that may be desirable.

3-C. FY 2023-2024 MID-YEAR FINANCIAL REPORT

It is recommended that the City Council consider:

- (1) Receiving and filing the FY 2023-2024 Mid-Year Financial Report;
- (2) Authorizing the increase of Committed Catastrophic-Event by \$500,000 from \$5.34 million to \$5.84 million;
- (3) Authorizing an additional budget appropriation of \$669,550 from various funds; and
- (4) Taking such additional, related, action that may be desirable.

3-D. CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION TO REMOVE AN INITIATIVE MEASURE FROM THE NOVEMBER 5, 2024, REGULAR MUNICIPAL ELECTION BALLOT CONCERNING MINIMUM WAGES FOR HEALTHCARE WORKERS

It is recommended that the City Council consider:

- (1) Adopting a Resolution removing an initiative measure from the November 5, 2024, regular municipal election ballot concerning minimum wages for healthcare workers;
- (2) Taking such additional, related, action that may be desirable.

3-E. ACCEPTANCE OF SGVMWD GRANT FOR THE LIFE LINE PROGRAM

It is recommended that the City Council consider:

- (1) Accepting grant funding in the amount of \$50,000 from the San Gabriel Valley Municipal Water District (SGVMWD) for water bill assistance to low income residents;
- (2) Authorizing the City Manager to execute the Grant Agreement, in a form approved by the City Attorney, with SGVMWD for this grant program;
- (3) Authorizing the Finance Department to allocate \$50,000 in grant funding to the FY2023-2024 budget; and
- (4) Taking such additional, related, action that may be desirable.

3-F. BRUGGEMEYER LIBRARY IMPROVEMENTS – AWARD OF PUBLIC WORKS CONTRACT TO U.S. BUILDERS AND CONSULTANTS INC.

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with U.S. Builders and Consultants Inc. in the contract amount of \$109,650 for the Bruggemeyer Library Improvements Project;
- (2) Authorizing the Director of Public Works to approve change orders not to exceed \$3,800 over the total contract amount; 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 § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

3-G. FIRE STATION 61 EXHAUST SYSTEM REPLACEMENT– CONSIDERATION AND POSSIBLE ACTION TO ADOPT A RESOLUTION: (1) AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AIR EXCHANGE, INC. FOR THE PURCHASE AND INSTALLATION OF AN EXHAUST SYSTEM FOR FIRE STATION 61 WITHOUT THE NEED FOR COMPETITIVE BIDDING; AND (2) ADDING THE PURCHASE AND INSTALLATION OF AN EXHAUST SYSTEM FOR FIRE STATION 61 TO THE 2023-2024 CAPITAL IMPROVEMENT PLAN

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a public works maintenance agreement, in a form approved by the City Attorney, with Air Exchange, Inc. in the amount of \$90,312.07 for the Fire Station 61 Exhaust System Project;
- (2) Adopting a Resolution to add the Fire Station Exhaust System Project to the fiscal year 2023-2024 Capital Improvement Program; 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 activity 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 § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

[4.] PUBLIC HEARING – None.

[5.] NEW BUSINESS

5-A. TREE MEMORIAL PROGRAM RECOMMENDATION FOR CAROL AND LARRY SULLIVAN

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to take actions to honor Carol and Larry Sullivan with a memorial tree and plaque; and
- (2) Taking such additional, related, action that may be desirable.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING AND RECOGNIZING THE MONTH OF FEBRUARY 2024 AS NATIONAL BLACK HISTORY MONTH (REQUESTED BY MAYOR SANCHEZ)

It is recommended that the City Council consider:

- (1) Adopting a Resolution declaring and recognizing the month of February 2024 as National Black History Month
- (2) Taking such additional, related, action that may be desirable.

[7.] FUTURE AGENDA ITEMS

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

ADJOURN



City Council Staff Report

DATE: February 7, 2024

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 regular and special meeting of December 6, 2023; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Maychelle Yee".

Maychelle Yee
City Clerk

Prepared by:

A handwritten signature in blue ink, appearing to read "H. Cho".

Helena Cho
Assistant Deputy City Clerk

Approved By:

A handwritten signature in blue ink, appearing to read "Inez Alvarez".

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
DECEMBER 6, 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, December 6, 2023, at 5:30 p.m.

CALL TO ORDER:

Mayor Sanchez called the meeting to order at 5:33 p.m.

ROLL CALL:

City Manager Alvarez called the roll:

Council Members Present: Henry Lo arrived at 5:37 p.m., Vinh Ngo, Jose Sanchez, Thomas Wong, Yvonne Yiu

Council Members Absent: None

ALSO PRESENT: City Manager Inez Alvarez (not present for Agenda Item No. 1B), City Attorney Karl Berger, Interim Assistant City Manager Diana Garcia (not present for Agenda Item No. 1B), Director of Finance Martha Garcia (not present for Agenda Item No. 1B).

VIRTUALLY PRESENT: None.

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

1. CLOSED SESSION

The City Council adjourned to Closed Session at 5:33 p.m.

1-A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – GOVERNMENT CODE §54956.8: 1 item

Properties: 3500 W. Ramona Blvd. and 3700 W. Ramona Blvd.;
AIN 5237-001-902

MISSION STATEMENT

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City Negotiators: Inez Alvarez, City Manager
Karl H Berger, City Attorney
Diana Garcia, Interim Assistant City Manager
Martha Garcia, Director of Finance

Negotiating Party: John Taillichet, President (Specialty Restaurants Corporation)

Under Negotiation: Lease terms

1-B CONFERENCE WITH CITY'S LABOR NEGOTIATOR (GOVERNMENT CODE §54957.6): 1 item

Employee Organization: City Manager (unrepresented)

City Designated Representative: City Attorney

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:24 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
DECEMBER 6, 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, December 6, 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 Fire Explorers led the flag salute. Pledge of Allegiance presented by Civic Superstar Noraa Zheng

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, City Manager Inez Alvarez, City Attorney Karl Berger, Interim Assistant City Manager Diana Garcia, 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, Interim City Librarian Kristin Olivarez, Economic Development Manager Joseph Torres, Recreation Manager Christina Alatorre, Finance Manager Laura Borjon, Adult Literacy Coordinator Victor Castellanos, Deputy City Clerk Cindy Trang, Recreation Supervisor Guillermo Chavez.

VIRTUALLY PRESENT: None.

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

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.

PUBLIC COMMUNICATIONS

- Randye Kay talked about the conditions at the intersection of Chandler and Hellman Avenues. She spoke about her meeting with Mayor Pro Tem Wong on November 22, where they discussed various issues and the corrections she and her group of concerned residents have recommended to the City Council.
- Thomas Meehan spoke about his issue with the Monterey Park Golf Course and the property damage he has experienced from stray golf balls coming over a fence that was once effective. He submitted a written document with a list of recommendations and requests for the City Council's consideration.
- City Clerk Yee received, filed, and read one written communication from Jonathan Hawes, former El Monte City Clerk stating he has brought attention to potential embezzlement of funds from the El Monte Promise Foundation scholarship fund. He is asking the Monterey Park City Council to pass a resolution condemning these actions.
- Randolph Reyes spoke about the homicide of his fiancé in 1997 and what he experienced at the time and the impact those events have had on his life and asked the City Council to investigate the matter and make a public statement.

STAFF COMMUNICATIONS

- Library: Adult Literacy Coordinator Castellanos talked about the Dog Man Party on December 13 in the Friends Room, the Winter Traditions Around the World event on December 15, and the Cozy Up with a Good Book Teen Winter Reading Challenge happening from December 18 through January 6, 2024 for teens 12-18 years old. He also talked about the ongoing Understanding Alzheimer's/Dementia information sessions held in the Friends Room, the STEAM Train on December 22 for kids ages 3-5, the Last-Minute Holiday Gift Workshop on December 22, and the Friends of the Library Bookstore Holiday Sale happening throughout the month.
- Finance Department: Director Garcia presented an update on the Open Market Bond Repurchase Resolution that was approved at the last City Council meeting on November 15 versus the investment of a portion of the pension fund reserves totaling \$4.4 million. She detailed her consultation with Chandler Asset Management about investing as well as the Treasury Committee regarding the repurchase. Director Garcia stated that the Treasury Committee decided unanimously in favor of the open market bond repurchase, which went into market December 6 and an update would be available in about 90 days. She also took questions and comments from the City Council.

- Recreation and Community Services: Recreation Supervisor Chavez started out by thanking everyone who participated in the Veterans Day Commemoration at the American Legion Hall, the 3rd Annual Pickleball tournament at Barnes Park on November 11, the Langley Center Thanksgiving Luncheon on November 22 highlighting the monetary donation from Los Angeles County Supervisor Hilda Solis and talked about the Asian Pacific Islander Forward Movement Food Drive on November 21. Recreation Supervisor Chavez introduced special guest Santa Claus to the meeting who highlighted upcoming events including the Holiday Snow Village, Santa's Jolly Journey, and the Langley Center Holiday Luncheon. Director of Recreation and Community Services Aguirre announced the United Way of Greater Los Angeles Daytime Services & Senior Centers Initiative Grant Award of \$15,000 to the Langley Center that will be used for lobby upgrades such as furniture and secure charging stations. Director Aguirre provided updates on projects at Barnes Park Amphitheater, Edison Trails Park, and Sequoia Park and took questions and comments from the City Council.

1. **PRESENTATION**

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

2. **OLD BUSINESS** – None.

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

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. 3B – 3D on Consent Calendar, excluding Item No. 3A which was pulled for discussion, separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

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:	None

3-A. RECEIVE AND FILE - DEVELOPMENT IMPACT FEES FOR FISCAL YEAR 2022-2023

Government Code § 66006 requires cities to annually report on the status of Development Impact Fees, including the collection of revenue and expenditures of these funds. The report attached as “Attachment 1” to the staff report and incorporated by references summarizes the required financial information for Fiscal Year 2022-2023.

Action Taken: The City Council received and filed the Annual Report on Development Impact Fees for Fiscal Year 2022-2023.

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-B. PROFESSIONAL SERVICES AGREEMENT WITH USI INSURANCE SERVICES, LLC TO PROVIDE BENEFIT BROKER SERVICES FOR THE CITY OF MONTEREY PARK

The City utilizes a benefit broker to negotiate premiums for ancillary benefits such as Employee Assistance Program (“EAP”), dental, vision, and voluntary life insurance plans that city employees use. USI Insurance Services, LLC (“USI”) provides ancillary benefits for employees and has a dedicated division specifically for public sector agencies to seek out pooled premium rates. Staff recommends contracting with USI to finalize ancillary plans and carriers for city employee benefits.

Action Taken: The City Council authorized the City Manager to execute a standard professional services agreement with USI Insurance Services, LLC in a form approved by the City Attorney, to provide benefit broker services for the City of Monterey Park, on Consent Calendar.

3-C. WAIVE FURTHER READING AND ADOPT AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE (“MPMC”) REGULATING PERMIT PARKING

An ordinance amending the Monterey Park Municipal Code (“MPMC”) by adding a new Chapter entitled “Chapter 10.68: PARKING PERMITS” to regulate, the establishment of preferential parking districts and procedures for the issuance of permits.

The Ordinance was introduced for first reading at the November 15, 2023 City Council meeting. The original staff report (from November 15, 2023) is attached to the staff report for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Action Taken: The City Council waived the second reading and adopted Ordinance No. 2238, on Consent Calendar.

Ordinance No. 2238

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") BY ADDING CHAPTER 10.68 ENTITLED "PREFERENTIAL PARKING PERMITS"

3-D. 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.

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

4. PUBLIC HEARING:

4-A. CONSIDERATION AND POSSIBLE ACTION TO ADOPT ORDINANCES ESTABLISHING WATER AND WASTEWATER (SEWER) RATES

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.

Public Speakers:

- Rick Simonson, Vice-President, HF & H Consultants, LLC., virtually present, contributed to a PowerPoint presentation and discussed how the sewer and water rates proposals were determined and how those new sewer and water rates in different examples would affect residents.
- Carlos Garcia voiced his opposition to the rate increases saying that the City is not reporting expenditures originating from the sewer fees and stated he believes the City receives a return on the investment of fees received that should be enough to allocate for the repairs required.
- Andy Islas voiced his opposition to the rate increases citing his confusion over the information that is being presented to residents in the protest ballot packet and appealed to the City Council to consider residents with fixed incomes and suggested including this issue in a regularly scheduled election.
- Armen Sebastian appealed to the City Council to consider the impact of the rate increases on senior citizens and those with fixed incomes and cited the 2022 sales tax measure whose funds were supposed to protect local drinking water and suggested the City utilize those funds toward infrastructure repairs.
- Teresa Real Sebastian expressed her opposition to the proposed rate increases and cited her opinion on the difference in the rates proposed in the PowerPoint presentations versus the rates proposed in the Proposition 218 notices that were sent to residents. She mentioned an alleged error on the protest ballot portion of the Spanish-translated Proposition 218 notice that she stated caused confusion for Spanish-speaking residents. She submitted copies of the Spanish translated sewer and water rate Proposition 218 notices where the alleged error is to the City Clerk which were received and filed. She stated that there has been a lack of transparency in the process by pointing out that justification for the new rates is not taking into account state-mandated water conservation in 2017 which lowered City revenue.

- Wing Law expressed his confusion regarding the Proposition 218 notice and protest ballot, stating that the ballot had insufficient space for residents to fill in their parcel and account information, the print size being too small, and the water and sewer notices being so identical to each other as to cause confusion for residents. He also asked for more transparency regarding expenditures related to the fees received by the City. He continued to state that residents were not informed what the threshold was for protest ballots to alter the outcome, and that many residents he spoke to were unaware that the City was undertaking a Proposition 218 process.
- Maychelle Yee, a resident expressed her concern when she was told there was no sewer plan, yet the City is asking residents to pay more for services with no plan as to expenditures. She asked for transparency in the process, and more effort on the part of staff to inform the City Council and the public.
- Carmen Reyes gave her time to Randolph Reyes.
- Randolph Reyes voiced his opposition to the proposed rate increases, stating the increases are unusually high as they add to the taxes that are already on the water bill, and stated that the calculations are using inaccurate billing periods since residents are billed bi-monthly and the rate calculations are presented as monthly amounts. He stated that the rate increases are unfair to low and fixed income residents.

Discussion: Finance Director Garcia presented a PowerPoint presentation detailing background and infrastructure, which included the public notice, protest ballot process, infrastructure needs such as water meter replacement, emergency replacement of water and sewer facilities, past expenditures, rate-making objectives and considerations, the rate study process, and historical water revenue and expenses. Finance Director Garcia reviewed options for utility billing assistance available to the public including contacting water billing to discuss alternative payment arrangements, the Lifeline Discount Program, and the State of California Department of Community Services and Development Low Income Household Water Assistance Program and mentioned the Chinatown Service Center Utility Assistance Program. Public Works Director Igoe talked about the planning and prioritizing process for the Capital Improvement Projects and the examples of infrastructure failure on display in the Council Chamber. The City Council and City Attorney also touched on the safe water protocols which were mentioned and the limited scope of use for funding earmarked for safe water programs. Finance Director Garcia provided information regarding the translated material in the Proposition 218 notice. City Manager Alvarez added that staff are actively looking at grant opportunities, zero percent interest loans, and other opportunities that the City can offer to assist utility customers.

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 to the staff report); (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 to the staff report); and (6) Taking such additional, related, action that may be desirable.

Action Taken: The City Council opened the public hearing at 7:22 p.m. and took testimonial and documentary evidence, closed the public hearing at 9:18 p.m. and considered the evidence submitted during that public hearing, determined that there was no majority protest against the proposed rate increases.

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

Action Taken: The City Council determined that there was no majority protest against the proposed rate increase and introduced and waived the first reading of an ordinance setting the amount of water rates and charges.

Motion: Moved by Mayor Pro Tem Wong 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

Ordinance, 1st Reading

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

Action Taken: The City Council determined that there was no majority protest against the proposed rate increase and introduced and waived the first reading of an ordinance setting the amount of wastewater (sewer) rates and charges.

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, Ngo, Sanchez
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None
Recusal:	Council Members:	None

Ordinance, 1st Reading

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

5. NEW BUSINESS

None.

6. CITY COMMUNICATIONS (CITY COUNCIL)

6-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING THE MONTH OF DECEMBER 2023 AS HUMAN RIGHTS MONTH IN COMMEMORATION OF THE 75TH ANNIVERSARY OF THE UNITED NATION'S UNIVERSAL DECLARATION OF HUMAN RIGHTS (Requested by Mayor Sanchez)

Action Taken: The City Council adopted Resolution 2023-R95 declaring the month of December 2023 as Human Rights Month in commemoration of the 75th anniversary of the United Nations's Universal Declaration of Human Rights.

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-R95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING THE MONTH OF DECEMBER 2023 AS HUMAN RIGHTS MONTH IN COMMEMORATION OF THE 75TH ANNIVERSARY OF THE UNITED NATION'S UNIVERSAL DECLARATION OF HUMAN RIGHTS

CITY COUNCIL COMMUNICATIONS

Council Member Lo thanked everyone who attended his Town Hall meeting on November 28 where he said he met a news crew from the United Kingdom there doing a piece about the popularity of pickleball. Council Member Lo said he attended the one-year anniversary of Bobaful located at the Courtyard by Marriott Hotel on December 1; a Christmas toy drive hosted by Congress Member Judy Chu and Water Board Member Mike Eng at Langley Center on December 2; a toy drive hosted by Assemblymember Mike Fong at the Rosemead Community Center on December 4; the Lions Club of Los Angeles Christmas gathering in Rosemead; and the Edison Trails Playground opening along with other members of the City Council on December 5. He asked if the City Council could mention the passing of former Alhambra Mayor and City Council Member Stephen Sham.

Council Member Yiu said she was able to attend an event at the Sphere in Las Vegas and stated it was a great experience.

Council Member Ngo talked about attending a real estate fair at the San Gabriel Sheraton Hotel hosted by local Chinese cable television station ETTV on November 18; Council Member Lo's Town Hall meeting on November 28 at Monterey Vista Elementary School; a reception for Mayors at Luminarias Restaurant on November 29; the Asian Pacific Islanders with Disabilities of California Annual Gala on December 1 in Downtown Los Angeles; and a Safety Awareness for Seniors event hosted by Seniors Fight Back and the Chinatown Service Center at the MPK Hope Resiliency Center on December 2. Council Member Ngo said he attended the Chinese Parents Association for the Disabled (CPAD) Family Holiday Party at the Langley Senior Center on December 3; Assemblymember Mike Fong's Holiday Toy Drive on December 4; and the Edison Trails Playground opening on December 5. Council Member Ngo commended Recreation and Community Services and the Public Works Department for their work on the playground project.

Mayor Pro Tem Wong talked about attending the East Los Angeles College (ELAC) Foundation President's Circle Lunch on November 29 where they spoke about integrating the College into the City's efforts to encourage entrepreneurship through some of their programs. Mayor Pro Tem Wong also mentioned his attendance at the reopening of the Edison Trails Playground and thanked Public Works and Recreation and Community Service's staff for their work on the project.

Mayor Sanchez said he attended the Going Green Workshop hosted by the Environmental Sustainability team on November 16 and thanked Community Development staff for hosting and highlighting the effort Monterey Park is making to be more environmentally conscious. Mayor Sanchez talked about attending the Robert Hill Lane Elementary School Food Pantry Thanksgiving giveaway which he said also included Recreation and Community Services and the Bruggemeyer Library both participating in the event and the Early Learning Resource Fair at the

Library on November 18. He also mentioned he visited family in Arizona and his meetings with Garvey Unified and Montebello School Districts on November 28 to encourage and promote civic engagement and thanked staff who participated in those meetings. Mayor Sanchez spoke about attending the ELAC Foundation President's Circle Lunch on November 29; Assemblymember Mike Fong's Toy Drive in Rosemead on December 4; the Seniors Fight Back event at the Langley Center on December 2 and the Edison Trails reopening on December 5.

7. FUTURE AGENDA ITEMS

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

ADJOURNMENT

There being no further business for consideration, Mayor Sanchez adjourned the meeting at 9:40 p.m. in memory of Stephen Sham, former City of Alhambra Mayor and Council Member.

Maychelle Yee
City Clerk



City Council Staff Report

DATE: February 7, 2024

AGENDA ITEM NO: Consent Calendar - 3B

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Finance
SUBJECT: Receive and file water financing update

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receive and file water financing update; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

At the December 6, 2023, City Council meeting the Council introduced an Ordinance that set a "cap rate" on water increases at 32%, 8%, 8%, 7%, 8% for the five-year period from FY 2023-24 through FY 2027-28. The second reading and adoption of that ordinance occurred on December 20, 2023; the ordinance became effective January 19, 2024; the rates were scheduled for implementation on February 1, 2024.

On November 15, 2023, Council directed staff to explore bond financing for water infrastructure needs. On January 17th the City Council authorized postponing the implementation of the approved rates until after the City Council considers issuing bonds for infrastructure financing which was scheduled for February 2024.

It has been challenging collecting historical data for the loan documents. Consequently, this item is being postponed to March 2024 for Council consideration. A staff report to recommend implementation of water rates will be brought to Council on February 21, 2024.

FISCAL IMPACT:

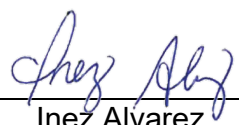
No fiscal impact to receive and file this report.

Respectfully submitted by:



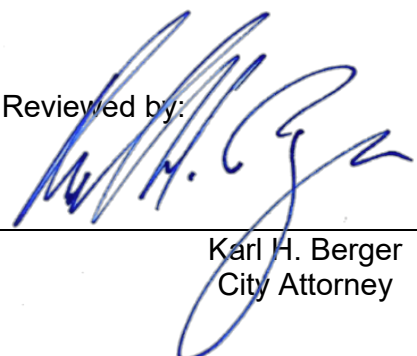
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney



City Council Staff Report

DATE: February 7, 2024

AGENDA ITEM NO: Consent Calendar - 3C

TO: The Honorable Mayor and City Council
FROM: Laura Borjon, Finance Manager
SUBJECT: FY 2023-2024 Mid-Year Financial Report

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing the FY 2023-2024 Mid-Year Financial Report;
2. Authorizing the increase of Committed Catastrophic-Event by \$500,000 from \$5.34 million to \$5.84 million;
3. Authorizing an additional budget appropriation of \$669,550 from various funds; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City's Mid-Year Report compares the revenues and expenditures occurring during the first six months of the fiscal year against budgeted amounts to determine appropriate adjustments; provides links between the City budget, the financial records, and the independent financial audit and; compares revenues earned and expenses made during the first six months of the Fiscal Year (FY) 2023-2024 against the FY 2022-2023 figures.

BACKGROUND:

General Fund Revenues

The City receives revenues from taxation, State or Federal intergovernmental transfers, and user charges. The following table depicts a comparison of FY 2022-2023 Mid-Year revenues received versus FY 2023-2024 Mid-Year revenues received.

General Fund Revenues	Mid-Year FY22-23 12/31/2022	Mid-Year FY23-24 12/31/2023	Percent Difference 2023 VS 2024	Budget Update FY23-24	Percent of Revenue to Date
Property Tax	5,728,007	8,433,449	47%	22,385,158	38%
Sales Tax	3,472,307	6,680,165	92%	18,586,329	36%
Transient Occupancy Tax	1,446,243	1,683,083	16%	2,880,130	58%
Utility User Tax	1,643,381	1,944,379	18%	3,327,789	58%
Business License Tax	156,770	238,549	52%	911,582	26%
Other Tax	235,737	308,388	31%	1,670,909	18%
Licenses & Permits	1,024,912	991,509	-3%	1,716,200	58%
Service Charges & Fees	3,021,009	3,287,562	9%	7,193,723	46%
Other Revenue	2,163,539	2,951,688	36%	4,714,271	63%
TOTAL	18,891,905	26,518,772	40%	63,386,091	42%

Total General Fund revenue collections are at 42% of total estimated revenues with half of the year complete. This is below 52% because certain revenues have a delay in when they are received by the City; specifically, it only represents four months of Sales Tax revenue, four months of Franchise Fee revenue, and approximately 25% of property tax revenue. Because the City has a diverse revenue basis for total General Fund revenues, changes to a specific revenue source will not have profound impacts overall.

General Fund Expenditures

Total Year-to-Date departmental expenses are at 50% budget mark with total FY 2023-24 expended at 52% of budget.

	Budgeted	YTD Expended 12/31/2023	YTD Percentage 12/31/2023
City Attorney	722,488	412,972	57.16%
City Clerk	577,806	267,787	46.35%
City Council	209,905	104,449	49.76%
City Manager	1,487,191	610,674	41.06%
City Treasurer	21,685	3,994	18.42%
Community CIP	2,257,791	101,532	0.00%
Community Development	2,973,981	1,192,392	40.09%
Fire Department	16,141,385	8,931,070	55.33%
HR & Risk Management	695,338	246,374	35.43%
Library	2,636,875	1,353,623	51.33%
Finance Department	2,592,124	1,272,918	49.11%
Non-Department	1,051,191	1,749,890	166.47%
Police	25,461,752	13,381,694	52.56%
Public Works	2,878,515	1,438,869	49.99%
Recreation & Community	2,064,961	985,613	47.73%
YTD Total	61,772,986	32,053,850	51.89%

The City is monitoring its revenues closely and is controlling its expenditures in a prudent and fiscally responsible manner.

Proposed Mid-Year Budget Changes:

Library Funds:

- Donated Library funds in the amount of \$20,000 for the purchase of children's books.

Asset Forfeiture Funds:

- Asset Forfeiture funds in the amount of \$31,500 for the purchase of a K-9 unit to replace a retired K-9 unit.

Developer Impact Funds:

- Developer Impact Fee funds in the amount of \$70,000 to repair and replace poured-in place rubber surfacing for playgrounds at four (4) City parks.

Grant Funds:

- Gas Tax Funds in the amount of \$164,200 to purchase equipment needed for street repairs.
- Gas Tax funds in the amount of \$55,000 for traffic signal maintenance services.
- Gas Tax funds in the amount of \$60,000 for unanticipated increase in contracted engineering services for traffic safety studies.

Internal Service Funds:

- Building Maintenance funds in the amount of \$90,000 to cover the cost of unanticipated emergency repairs.
- Building Maintenance funds in the amount of \$60,000 to cover the cost of facility improvements at the City Yard including ADA improvements and office reconfigurations.

Enterprise Funds:

- Water funds in the amount of \$38,200 for the purchase of diesel compressor equipment needed for water operations.
- Water funds in the amount of \$23,300 for the purchase of a vehicle.
- Water funds in the amount of \$27,350 for emergency valve replacement at Grandridge Avenue and Roca Way.
- Water funds in the amount of \$25,000 for engineering design services for the Garfield & Atlantic Water Main Replacement projects.

General Fund Balance

The City Council has established an Unrestricted General Fund Balance of a minimum of two months of the General Fund regular revenues or operating expenditures, as recommended by the Government Finance Officers' Association (GFOA).

The City's Unrestricted General Fund Balance represents the available resources to provide funding for future contingencies such as earthquakes, civil unrest, economic fluctuations, major infrastructure repairs and investment in capital for improved productivity and efficiencies. Inadequate reserves increase financial risk, negatively impact cash flow, and reduce the City's ability to attract and sustain economic development and growth.

The City's General Fund balance committed for catastrophic events is established at \$5,340,000. The City Council may wish to increase or decrease this amount, with the goal of providing an amount equivalent to 15 to 20 percent of the City's annual operating budget for the General Fund. This range should be sufficient to allow for a quick and decisive municipal response to events such as natural disasters, catastrophic accidents, or other declared emergency incidents. The City Council may, by the affirming vote of three members, change the amount of this commitment and/or the specific uses of these monies.

The City is recommending a \$500,000 increase each year for the two years to increase the overall Committed Catastrophic Event reserves to 15 percent of the City's annual General Fund operating budget or \$6.3M. At this time, the City is requesting to increase its Committed-Catastrophic amount by \$500,000 from \$5.3M to \$5.8M for the year ending 6/30/2024, to secure higher unrestricted reserves in the event of a catastrophic occurrence.

FISCAL IMPACT:

The City is requesting a mid-year budget augmentation in the amount of \$20,000 from Library funds, \$70,000 in Development Impact Fee funds, \$279,200 in Measure R funds, \$150,000 in Building Maintenance Internal Services funds, \$113,850 from Water funds, and \$31,500 from Asset Forfeiture funds to purchase a police K-9, police and utility vehicles and various other services and commodities. Total budget augmentation request equals \$669,550. There is no fiscal impact to the General Fund.

Respectfully submitted by:



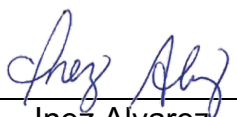
Laura Borjon
Finance Manager

Reviewed by:



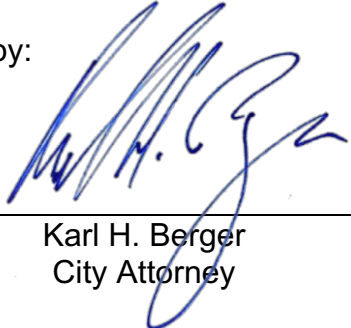
Martha Garcia
Finance Director

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Mid-Year Budget Report Fiscal Year 2023-2024

ATTACHMENT 1
Mid-Year Budget Report
Fiscal Year 2023-2024

City of
Monterey Park
Finance Department



MID-YEAR BUDGET REPORT
FISCAL YEAR 2023-2024

Table of Contents

Contents

Overview.....	3
Summary of Key Points.....	3-4
Mid-Year Budget Changes.....	5-8
General Fund	
Other Funds	
General Fund Overview.....	9-10
General Fund 5-Year Forecast.....	10
General Fund Balance.....	11-12
Conclusion.....	13

Overview

The City's Mid-Year Report compares the revenues and expenditures during the first six months of the fiscal year against budgeted amounts to determine appropriate adjustments; provides links between the City budget, financial records, and the independent financial audit; and compares revenues earned and expenses made during the first six months of the Fiscal Year (FY) 2023-2024 against the FY 2022-2023 figures.

This information is provided in the following format:

- The starting point is the FY 2022-2023 *unaudited* ending fund balances, which is also the beginning Available Fund Balance for the FY 2023-2024. Combining the beginning Available Fund Balances with the estimated revenues, transfers, and appropriations adopted in the Budget and this report, provides the estimated ending fund balances.

As a result of a comprehensive review, adjustments are recommended where actual receipts and disbursements are materially different from the budgeted amounts. Although budget adjustments are recommended across several City funds, typically the emphasis of the Mid-Year Budget Report is directed at the General Fund. The General Fund is deemed to be the most critical as it provides most services commonly associated with government (i.e., public safety, recreation, parks, building, public works, planning, etc.) and is limited primarily by tax-generated revenues.

The Mid-Year Report is based on the *draft* Annual Comprehensive Financial Report (ACFR) or *unaudited* financial statements. The ACFR is expected to be presented to City Council in March 2024.

Summary of Key Points

- Overall, the City experienced revenue increases of over \$7 million during the first half of fiscal year 2023-24. Increases observed in transient occupancy tax revenues indicate that the economy has recovered from the financial impacts of COVID-19. Increases in sales tax is related to the passing of Measure MP and the end-date of the 50% sharing with Montebello regarding the 1% Bradley-Burns generated by Costco. As of FY2023-24, the sharing agreement drops Montebello's share to 18%.
- Through the Federal American Rescue Plan (ARPA), the City was allocated \$15 million for COVID-19 pandemic recovery efforts. Half of the City's allocation was received in June 2021 with the remaining amount to be received in June 2022. This one-time funding must be expensed by December 31, 2024. The City continues to utilize its ARPA distribution towards governmental services aiding the community's

recovery by covering part-time staff salaries to maintain pre-pandemic service levels and by continuing to invest in public safety and cyber security.

- Proposed Mid-Year Budget Changes

Library Funds:

- Donated Library funds in the amount of \$20,000 for the purchase of children's books.

Asset Forfeiture Funds:

- Asset Forfeiture funds in the amount of \$31,500 for the purchase of a K-9 unit to replace a retired K-9 unit.

Developer Impact Funds:

- Developer Impact Fee funds in the amount of \$70,000 to repair and replace poured-in place rubber surfacing for playgrounds at four (4) City parks.

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- Building Maintenance funds in the amount of \$90,000 to cover the cost of unanticipated emergency repairs.
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Enterprise Funds:

- Water funds in the amount of \$38,200 for the purchase of diesel compressor equipment needed for water operations.
- Water funds in the amount of \$23,300 for the purchase of a vehicle.
- Water funds in the amount of \$27,350 for emergency valve replacement at Grandridge Avenue and Roca Way.
- Water funds in the amount of \$25,000 for engineering design services for the Garfield & Atlantic Water Main Replacement projects.

- The City's General Fund balance committed for catastrophic events is established at \$5,340,000. These funds should be sufficient to allow for a quick and decisive municipal response to events such as natural disasters, catastrophic accidents, or other declared emergency incidents. The City has prepared a strategic plan to increase the Committed Catastrophic Event reserves to 15 percent of the City's annual General Fund operating budget or \$6.3M by FY 2024-2025. The plan would consist of Council approval to commit \$500,000 per fiscal year to catastrophic events for the next 2 years. At this time, the City is requesting to increase its Committed-Catastrophic amount by \$500,000 from \$5.34M to \$5.84M for the year ending 6/30/2024, to secure higher unrestricted reserves in the event of a catastrophe.

Mid-Year Budget Changes

General Fund Revenues:

General Fund Revenues	Unaudited FY22-23	Mid-Year FY22-23 12/31/2022	Adopted Budget FY23-24	Mid-Year FY23-24 12/31/2023	Budget Update FY23-24	Variance
Property Tax	22,505,038	5,728,007	22,385,158	8,433,449	22,385,158	2,705,442
Sales Tax	11,640,655	3,472,307	18,586,329	6,680,165	18,586,329	3,207,858
Transient Occupancy Tax	2,653,156	1,446,243	2,880,130	1,683,083	2,880,130	236,840
Utility User Tax	3,799,736	1,643,381	3,327,789	1,944,379	3,327,789	300,998
Business License Tax	787,570	156,770	911,582	238,549	911,582	81,779
Other Tax	1,827,675	235,737	1,670,909	308,388	1,670,909	72,651
Licenses & Permits	1,701,573	1,024,912	1,716,200	991,509	1,716,200	-33,403
Service Charges & Fees	7,282,121	3,021,009	7,193,723	3,287,562	7,193,723	266,553
Other Revenue	3,941,404	2,163,539	4,714,271	2,951,688	4,714,271	788,149
TOTAL	56,138,926	18,891,905	63,386,091	26,518,772	63,386,091	7,626,867

Property Tax:

The City receives its property tax revenue from L.A. County during the months of December/January and April/May. These months coincide with the first and second installments paid to L.A. County by the property owners. The City received \$8M in the month of December. The City is on track to receive the estimated revenue of \$22.4M for FY2023-2024.

Sales Tax:

The California Department of Tax and Fee Administration (CDTFA) issues monthly disbursements to the City after the quarter's end. As of December 31, 2023, the CDTFA has distributed to the City four of the twelve monthly disbursements and four of the twelve Measure MP disbursements; a total of \$6.7M. The increase in sales tax is related to the passing of Measure MP and the end-date of the 50% sharing with Montebello

regarding the 1% Bradley-Burns generated by Costco. As of FY2023-24, the sharing agreement drops Montebello's share to 18%.

Transient Occupancy Tax:

As of December 31, 2023, the City has received two of the four quarterly Transient Occupancy Tax (TOT) disbursements for a total of \$1,683,083. This revenue includes the TOT from Courtyard by Marriott. We are on target to receive \$2.9M.

Utility User Tax:

As of December 31, 2023, the City has received \$1.9M of its FY 2023-2024 estimated Utility User Tax (UUT) revenues and is on track to receive the total estimated amount of \$3.3M.

Business License Tax:

City business licenses are renewed each calendar year. Business owners are given until January 31 to renew their business license for the current calendar year without any penalties. The City is expecting most business license revenues to be received in the month of January; thus, up-to-date figures are not reflected in this report. The City anticipates staying on target to realize its projected FY 2023-2024 revenues.

Other Tax:

This category consists of property transfer tax and franchise tax. The property transfer tax is the real estate transfer tax at a rate of \$1.10 per \$1,000 of value transferred. Cities and County share the tax equally. Franchise tax is collected by the City on gas, electric, and cable television utilities for the privilege of using City streets public property. Revenues received by the City as of December 31, 2023, are \$308,388. Projected FY2023-2024 revenues are on target to be realized.

Licenses and Permits:

Permits help to regulate the safety and establish minimum standards for construction in our homes, business, and community. Other licenses and permits issued by the City include, but are not limited to, yard sale, fireworks and tobacco retail. The City is on target to realize its projected FY 2023-2024 revenues.

Services Charges:

This category includes charges for fee-supported City services. As of December 31, 2023, the City has received \$3.2M of its FY 2023-2024 estimated Service Charge revenues. The City is on target to realize or exceed its projected FY 2023-2024 revenues.

Other Revenue:

Interest income, rentals, and fines are included revenues in the Other Revenue category. As of December 31, 2023, the City has received \$3M of its FY 2023-2024 estimated revenues. The City is on target to realize its projected FY 2023-2024 revenues.

General Fund Expenditures:

ACCOUNT DESCRIPTION	ORIGINAL APPROP	TRANFRS/ ADJSMTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	% USED
51 Salary & Benefits	35,559,720	0	35,559,720	21,050,673	14,509,046	59%
52 Services	6,583,174	0	6,583,174	4,182,043	2,401,131	64%
53 Commodities	1,616,206	0	1,616,206	644,611	971,596	40%
54 Internal Service Chg	13,358,278	0	13,358,278	6,003,982	7,354,296	45%
55 Capital Improvement	2,257,791	0	2,257,791	101,532	2,156,259	4%
56 Debt Service	2,397,818	0	449,764	71,010	378,755	3%
Expense Total	61,772,986	0	59,824,932	32,053,850	27,771,082	52%

As part of the mid-year process, departments were asked to review their current budgets and determine if any adjustments should be proposed in this report. Since departments have been asked to closely monitor their budgets and spend only what is necessary, the City's overall General Fund expense total at Mid-Year is 52%.

The City is recommending a budget adjustment for the following:

Library Funds:

- Donated Library funds in the amount of \$20,000 for the purchase of children's books.

Asset Forfeiture Funds:

- Asset Forfeiture funds in the amount of \$31,500 for the purchase of a K-9 unit to replace a retired K-9 unit.

Developer Impact Funds:

- Developer Impact Fee funds in the amount of \$70,000 to repair and replace poured-in place rubber surfacing for playgrounds at four (4) City parks.

Grant Funds:

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- Gas Tax funds in the amount of \$55,000 for traffic signal maintenance services.
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Internal Service Funds:

- Building Maintenance funds in the amount of \$90,000 to cover the cost of unanticipated emergency repairs.
- Building Maintenance funds in the amount of \$60,000 to cover the cost of facility improvements at the City Yard including ADA improvements and office reconfigurations.

Enterprise Funds:

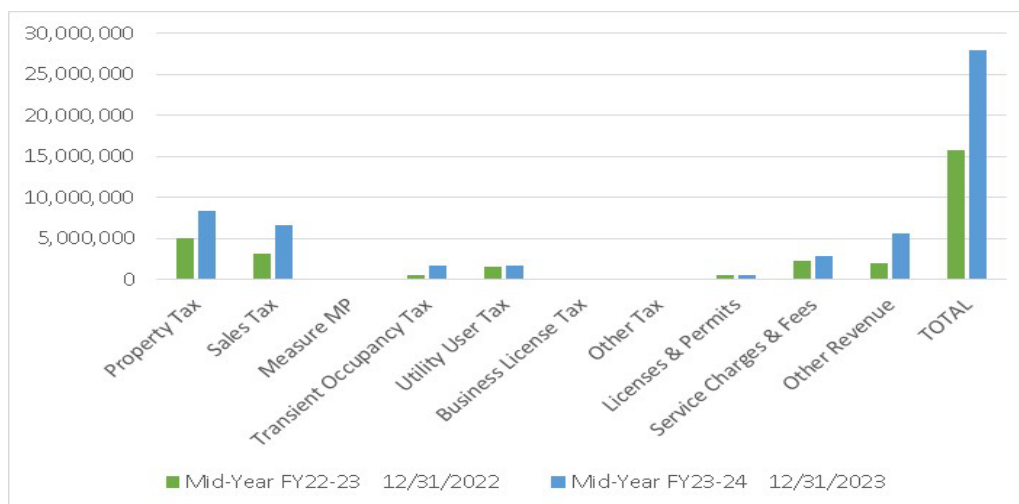
- Water funds in the amount of \$38,200 for the purchase of diesel compressor equipment needed for water operations.
- Water funds in the amount of \$23,300 for the purchase of a vehicle.
- Water funds in the amount of \$27,350 for emergency valve replacement at Grandridge Avenue and Roca Way.
- Water funds in the amount of \$25,000 for engineering design services for the Garfield & Atlantic Water Main Replacement projects.

General Fund Overview

Revenues are currently 42% collected and expenditures are 52% spent. This reflects the fact that not all revenues and expenditures occur evenly throughout the fiscal year. Significant variances are discussed later in the report, but in general, this trend is consistent with prior years. As reflected on the following chart, collecting approximately 40% of the General Fund revenues by the mid-point of the fiscal year is consistent with prior year trends.

General Fund Revenues:

Total General Fund revenue collections are at 42% of total estimated revenues with half of the year complete. This is below 50% because certain revenues have a delay in when they are received by the City; specifically, it only represents four months of Sales Tax revenue, four months of Franchise Fee revenue, and approximately 38% of property tax revenue. The table below presents a comparison of the top revenue accounts. Because the City has a diverse revenue basis for total General Fund revenues, changes to a specific revenue source here will not have profound impacts overall.



General Fund Revenue Table

General Fund Revenues	Unaudited FY22-23	Mid-Year FY22-23 12/31/2022	Adopted Budget FY23-24	Mid-Year FY23-24 12/31/2023	Percent Difference 2023 VS 2024	Budget Update FY23-24	Variance	Percent of Revenue to Date
Property Tax	22,505,038	5,728,007	22,385,158	8,433,449	47%	22,385,158	2,705,442	38%
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Utility User Tax	3,799,736	1,643,381	3,327,789	1,944,379	18%	3,327,789	300,998	58%
Business License Tax	787,570	156,770	911,582	238,549	52%	911,582	81,779	26%
Other Tax	1,827,675	235,737	1,670,909	308,388	31%	1,670,909	72,651	18%
Licenses & Permits	1,701,573	1,024,912	1,716,200	991,509	-3%	1,716,200	-33,403	58%
Service Charges & Fees	7,282,121	3,021,009	7,193,723	3,287,562	9%	7,193,723	266,553	46%
Other Revenue	3,941,404	2,163,539	4,714,271	2,951,688	36%	4,714,271	788,149	63%
TOTAL	56,138,926	18,891,905	63,386,091	26,518,772	40%	63,386,091	7,626,867	42%

- **Property Tax** – Property tax is the City’s largest revenue source representing 34% of the General Fund FY 2023-24 Estimated Revenue. Property tax revenue received is 47% higher than at the same time last year and budgeted revenues are expected to be met or exceeded.
- **Sales Tax** – Sales tax is the City’s second largest revenue source representing 29% of the General Fund FY 2023-24 Adopted Budget. Sales tax is 92% higher than at the same time last year due to Measure MP and an increasingly healthy economy. Budgeted revenues are expected to be met or exceeded.
- **Transient Occupancy Tax** – Revenues are 16% more than the previous fiscal year, estimated revenue of \$3.3M has been updated to reflect projected revenue at mid-year.
- **Utility User Tax** – Revenues are 18% more than at mid-year from the previous fiscal year.
- **Business License Tax** - Business owners are given until January 31, to renew their business license for the current calendar year without any penalties. The City is expecting most business license revenues to be received in the month of January. Thus, budgeted revenues are expected to be met.
- **Licenses and Permits** - Revenues are -3% less than at mid-year from the previous fiscal year. Budgeted revenues are expected to be met or exceed forecasted revenue.

- **Other Taxes** –Revenues are 31% more than prior year at midyear, the City expects projected revenue to be realized and will continue to monitor this funding source.
- All other estimated funds are expected to be realized by end of year.

General Fund Expenditures:

Total Year-to-Date departmental expenses are slightly over the 50% budget mark with total FY 2023-24 expended at 52% of budget.

General Fund 5-Year Forecast

General Fund Five Year Projection							
FY 2024-2025 Budget							
	UNAUDITED	5-Year Long-Term Projection					
	2022-23	2023-24	2024-25	2025-26	2026-27	2027-2028	
Beginning Fund Balance	32,509,447	28,333,795	31,985,141	34,241,165	34,602,136	34,688,707	
Prepaid	77,450	77,450	77,450	77,450	77,450	77,450	
Committed - Catastrophic	5,340,000	5,840,000	6,340,000	6,340,000	6,340,000	6,340,000	
Committed - Stabilization	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
Committed - Comm.Devt	1,886,927	1,886,927	1,886,927	1,886,927	1,886,927	1,886,927	
Assigned - Capital Improv	18,029,418	21,180,764	22,936,788	23,297,759	23,384,330	23,898,984	
Unassigned		0	0	0	0	0	
Ending Fund Balance	28,333,795	31,985,141	34,241,165	34,602,136	34,688,707	35,203,361	
Recurring Revenues:							
Property Taxes	22,505,038	22,385,158	23,101,483	23,840,731	24,603,634	25,390,950	
Sales Tax	11,640,655	18,586,329	19,382,511	20,177,194	21,004,459	21,865,642	
Utility User Tax	3,799,736	3,327,789	3,361,067	3,394,678	3,428,624	3,462,911	
Transient Occupancy Tax	2,653,156	2,880,130	3,026,534	3,117,330	3,210,850	3,307,175	
Business License Tax	787,570	911,582	938,929	967,097	996,110	1,025,994	
Other Taxes	1,827,675	1,435,909	1,481,858	1,529,278	1,578,214	1,628,717	
Licenses & Permits	1,701,573	1,716,200	1,767,686	1,820,717	1,875,338	1,931,598	
Charges for Services	7,282,121	7,193,723	7,337,597	7,484,349	7,634,036	7,786,717	
Other Revenue	3,941,404	4,949,271	5,048,256	5,149,221	5,252,206	5,357,250	
Transfers-In							
Total Revenues	56,138,928	63,386,091	65,445,922	67,480,594	69,583,472	71,756,954	
Expenditures:							
Salaries & Benefits	30,381,082	35,559,720	38,173,449	40,409,519	41,823,852	43,287,687	
Services	8,907,958	6,583,174	6,714,837	6,849,134	6,986,117	7,125,839	
Commodities	1,204,858	1,616,206	1,648,530	1,681,500	1,715,130	1,749,433	
Internal Service Chgs	10,276,510	9,270,799	10,197,879	11,217,667	12,002,903	12,603,049	
Capital Projects	361,994	2,257,791	2,000,000	2,000,000	2,000,000	2,000,000	
GF Suppl to Pension	2,379,310	2,379,310	2,379,310	2,379,310	2,379,310	2,379,310	
OPEB	800,585	1,617,981	1,617,981	1,617,981	1,617,981	1,617,981	
Debt Service - Motorola	307,745	307,745	307,745	307,745	307,745	307,745	
Debt Service - Siemens	134,329	142,019	150,167	156,766	163,862	171,255	
Total Expenditures	54,754,372	59,734,745	63,189,898	66,619,623	68,996,901	71,242,299	
Surplus/(Deficit)	1,384,556	3,651,346	2,256,024	860,971	586,571	514,655	

General Fund Balance

The City Council has established an Unrestricted General Fund Balance of a minimum of two months of the General Fund regular revenues or operating expenditures, as recommended by the Government Finance Officers' Association (GFOA).

Unrestricted General Fund Balance:

Committed Fund Balance

The City Council, as the City's highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by formal actions taken, such as an ordinance or resolution. These committed amounts cannot be used for any other purpose unless the City Council removes or changes the specific use through the same type of formal action taken to establish the commitment. City Council action to commit fund balance needs to occur within the fiscal reporting period; however, the amount can be determined subsequently.

Catastrophic Event - The City of Monterey Park's General Fund balance committed for catastrophic events is established at \$5,340,000. The City Council may wish to increase or decrease this amount, with the goal of providing an amount equivalent to 15 to 20 percent of the City's annual operating budget for the General Fund. This range should be sufficient to allow for a quick and decisive municipal response to events such as natural disasters, catastrophic accidents, or other declared emergency incidents. The City Council may, by the affirming vote of three members, change the amount of this commitment and/or the specific uses of these monies.

The City has prepared a plan to increase the Committed Catastrophic Event reserves to 15 percent of the City's annual General Fund operating budget or \$6.3M. At this time, the City is requesting to increase its Committed-Catastrophic amount by \$500K from \$5.3M to \$5.8M for the year ending June 30, 2024.

Working Capital - The City's General Fund balance committed for the purpose of working capital for the delivery of City services during periods of severe operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen change in revenues and/or expenditures is established at \$3M. The City Council may wish to increase or decrease this amount, with the goal of providing an amount equivalent to 10-15 percent of the City's annual operating budget for the General Fund. This range serves as a sufficient cushion, safeguarding the City's fiscal health against fluctuations in revenues and costs due to economic volatility. City Council approval shall be required before expending any portion of this committed fund balance. Access to these funds will be reserved for economic emergency situations.

Economic Development - The City's General Fund balance committed for the purpose of economic development for the delivery of the Potrero Grande Street Improvement Project is established at \$1,886,927. City Council approval is required before expending any portion of this committed fund balance.

Assigned Fund Balance

Amounts that are constrained by the City's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes to the City Manager for the purpose of reporting these amounts in the annual financial statements. A few examples of assigned fund balance follow.

- *Encumbrances* – materials and services on purchase order and contracts which are unperformed
- *Reappropriations* – appropriated by the Council for specific projects or programs that were not completed and not encumbered by year end
- *Infrastructure Maintenance Projects* – amounts to be transferred to the General CIP Fund for such projects in the subsequent fiscal year adopted budget

Unassigned Fund Balance

These are residual positive net resources of the General Fund in excess of what can properly be classified in one of the other four categories.

Amounts held in Reserve

Funding of General Fund balance targets will come generally from one-time revenues, one-time expenditure savings, excess fund balance (e.g., unused or reversed assignment or commitments), and revenues in excess of projected expenditures. The total goal range for the City's unrestricted fund balance (includes Commitments and Assignments of fund balance) is 50% of General Fund expenditures.

Conclusions

The City has strong reserves and a diverse revenue stream, which are important as we continue to face the economic challenges of a post COVID-19 landscape. The City has implemented a strategic plan to increase the Committed Catastrophic Event reserves to 15 percent of the City's annual General Fund operating budget or \$6.3M. At this time, the City is requesting to increase its Committed-Catastrophic amount by \$500K from \$5.3M to \$5.8M for the year ending June 30, 2024, to secure higher unrestricted reserves in the event of a catastrophic occurrence.

The City is monitoring its revenues closely and is controlling its expenditures in a prudent and fiscally responsible manner. The City is requesting a mid-year budget augmentation in the amount of \$20,000 from Library funds, \$70,000 in Development Impact Fee funds, \$279,200 in Measure R funds, \$150,000 in Building Maintenance Internal Services funds, \$113,850 from Water funds, and \$31,500 from Asset Forfeiture funds to purchase a police K-9, police and utility vehicles and various other services and commodities.



City Council Staff Report

DATE: February 7, 2024

AGENDA ITEM NO: Consent Calendar - 3D

TO: The Honorable Mayor and City Council
FROM: Justin A. Tamayo, Deputy City Attorney
SUBJECT: Consideration and possible action to adopt a Resolution to remove an initiative measure from the November 5, 2024, regular municipal election ballot concerning minimum wages for healthcare workers

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a Resolution removing an initiative measure from the November 5, 2024, regular municipal election ballot concerning minimum wages for healthcare workers;
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Adopting the attached resolution will remove a ballot initiative from the November 5, 2024 regular municipal election concerning minimum wage for healthcare workers (the "Initiative"). The City Council adopted a resolution adding the Initiative to the ballot in 2022. Senate Bill 525 (2023) ("SB 525") was chaptered on October 13, 2023 and expressly preempts the Initiative. Additionally, On January 9, 2024, the initiative proponent requested withdrawal of the initiative.

BACKGROUND AND DISCUSSION:

On August 1, 2022, the City Council voted 2-1 to adopt Ordinance No. 2223 which added the Healthcare Worker Minimum Wage initiative petition (certified by Resolution No. 2022-R54) to the Monterey Park Municipal Code ("MPMC"). A lawsuit captioned *Gonzalez v. City of Monterey Park* (LASC Case No. 22STCP02942) was filed by opponents to the Healthcare Worker Minimum Wage initiative which challenged the City Council's action regarding Ordinance No. 2223. After a closed session held on August 17, 2022 regarding the lawsuit, the City Council directed the City Attorney not to defend that lawsuit (see attached meeting minutes). Consequently, on September 2, 2022, the Honorable Mary H. Strobel issued a stipulated judgment in the case.

On October 5, 2022, the City Council adopted Resolution No. 2022 -R76 which added an initiative measure to the November 5, 2024 ballot. If approved by voters, the initiative measure would add Chapter 5.92 (HEALTHCARE WORKERS MINIMUM WAGE) to Title 5 (BUSINESS LICENSES AND REGULATIONS) to the MPMC. Among other things, the

Initiative would require employers to pay Healthcare Workers a minimum hourly rate not less than \$25.00 which would be adjusted annually based on the Consumer Price Index for Urban Wage Earners and Clerical Workers.¹

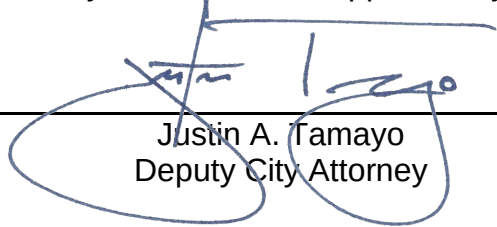
SB 525 became effective on January 1, 2024, and added two new sections to the Labor Code (§§ 1182.14, and 1182.15). Both labor code sections establish minimum wage requirements for “Covered Healthcare Facilities”² and expressly preempt local ordinances governing minimum wage for “Covered Healthcare Facility” employees.³

Moreover, on January 9, 2024, the Initiative proponent requested withdrawal of the Initiative. An initiative proponent may withdraw the initiative at any time before the 88th day before the election.⁴ Here, the withdrawal request was made well before the 88th day before the November 5, 2024 election.

FISCAL IMPACT:

None.

Respectfully submitted, and approved by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENT:

1. Resolution
2. City Council Resolution No. 2022-R76
3. Withdrawal Request

¹ *Ibid.* (MPMC 5.92.030(a)-(b)).

² Labor Code § 1182.14(c) ((\$23 per hour for June 1, 2024 – May 31, 2025; \$24 per hour for June 1 2025 – May 31, 2026; \$25 per hour after June 1, 2026); *Compare* Labor Code § 1182.15(c) (\$21 per hour for June 1, 2024 – May 31, 2026; \$23 per hour for June 1 2026 – May 31, 2028; \$25 per hour after June 1, 2028).

³ Labor Code §§ 1182.14(j)(2), 1182.15(h)(2).

⁴ Election Code § 9215.5

ATTACHMENT 1

Resolution

RESOLUTION NO.

A RESOLUTION REMOVING AN INITIATIVE MEASURE FROM THE NOVEMBER 5, 2024 REGULAR MUNICIPAL ELECTION BALLOT CONCERNING MINIMUM WAGES FOR HEALTHCARE WORKERS

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

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

- A. On October 5, 2022, the City Council adopted Resolution No. 2022-R76 which added an initiative measure to the November 5, 2024 ballot concerning minimum wages for healthcare workers.
- B. Senate Bill 525 ("SB 525") was chaptered on October 13, 2023 and became effective January 1, 2024.
- C. On January 9, 2024, the Initiative proponent, through its designated representative, requested withdrawal of the Initiative.
- D. This Resolution is adopted based upon the entirety of the administrative record including, without limitation, the staff report submitted by the Deputy City Attorney.

SECTION 2: *Adoption, Authorization & Direction, and Supersession.* The City Council rescinds Resolution No. 2022-R76 which causes results in the ballot measure being withdrawn from the November 5, 2024 regular election. Additionally, the City Council authorizes and directs the City Attorney, or designee, to take any action needed regarding the stipulated judgment filed on or about September 2.

SECTION 3: *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 4: *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 5: *Construction.* This Resolution must be broadly construed to achieve the

purposes stated in this Resolution. It is the City Council's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 6: 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 provisions or applications and, to this end, the provisions of this Resolution are severable.

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

SECTION 8: 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 9: Effective Date. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

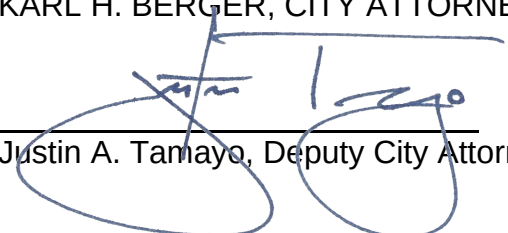
PASSED AND ADOPTED this 7th day of February, 2024.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY



Justin A. Tamayo, Deputy City Attorney

ATTACHMENT 2
City Council Resolution No. 2022-R76

RESOLUTION NO. 2022- R76

A RESOLUTION ADDING AN INITIATIVE MEASURE TO THE BALLOT FOR NOVEMBER 5, 2024 REGULAR MUNICIPAL ELECTION PURSUANT TO ELECTIONS CODE §§ 1405 AND 9215(B) IN ACCORDANCE WITH THE PEREMPTORY WRIT OF MANDATE ISSUED ON SEPTEMBER 2, 2022

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

SECTION 1: Pursuant to Elections Code §§ 1405 and 9215(b), the City Council places an initiative on the ballot for the municipal election scheduled for Tuesday, November 5, 2024 as directed by a Peremptory Writ of Mandate dated September 2, 2022.

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

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

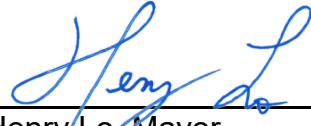
Shall an initiative requiring certain persons employing certain part-time and full-time healthcare workers including, without limitation, clinicians, nurses, certified nursing assistants, aides, technicians, maintenance workers, janitorial or housekeeping staff persons, groundskeepers, guards, food service workers, laundry workers, pharmacists, nonmanagerial administrative workers, and business clerical workers (but not managers or supervisors) to pay a minimum hourly wage of \$25 to be increased on an annual basis, be adopted?	YES
	NO

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.

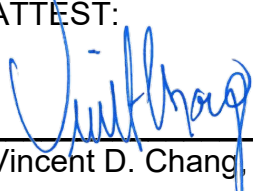
SECTION 5: **Recordation.** The City Clerk must certify to the passage and adoption of this Resolution; enter the same in the book of original Resolutions; and make a minute of the passage and adoption thereof in the records of the proceedings of the City Council in the minutes of the meeting at which the same is passed and adopted.

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

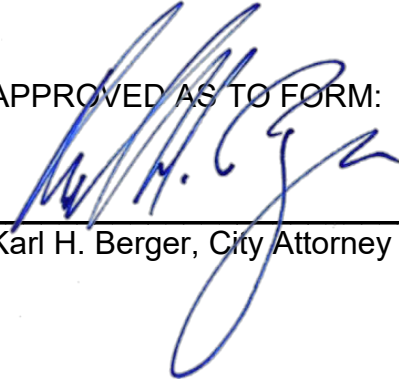
PASSED AND ADOPTED this 5th day of October, 2022.


Henry Lo, Mayor

ATTEST:


Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

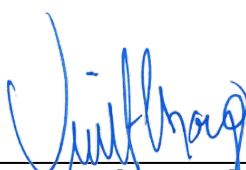

Karl H. Berger, City Attorney

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

I, VINCENT D. CHANG, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 2022-R76 was duly regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 5th day of October 2022, by the following vote:

AYES:	Councilmembers: Chan, Liang, Lo
NOES:	Councilmembers: None
ABSTAIN:	Councilmembers: None
ABSENT:	Councilmembers: Yiu

Dated this 5th day of October 2022.


Vincent D. Chang, City Clerk
Monterey Park, California

Ordinance No. _____

An ordinance proposed by initiative petition to add Chapter 5.92 to Title 5 of the Monterey Park Municipal Code, establishing the “Healthcare Workers Minimum Wage Ordinance.”

THE PEOPLE OF THE CITY OF MONTEREY PARK

DO ORDAIN AS FOLLOWS:

SECTION 1. Name.

This measure shall be known as the “Healthcare Workers Minimum Wage Ordinance.”

SECTION 2. Chapter 5.92, entitled HEALTHCARE WORKERS MINIMUM WAGE, is added to Title 5 of the Monterey Park Municipal Code, to read:

5.92.010 Findings and purposes.

This Ordinance, adopted by the People of the City of Monterey Park, makes the following findings and has the following purposes:

- (a) The purpose of this Ordinance is to establish a minimum wage for covered healthcare workers within the City of Monterey Park.
- (b) The City of Monterey Park needs a sufficient healthcare workforce to ensure that healthcare facilities that provide necessary care to residents and visitors offer consistent timely, high-quality care. Hospitals, health systems, and clinics are facing staffing shortages that could jeopardize the availability of care in our city. Healthcare job vacancies are rising as workers on the frontlines deal with the emotional, mental, and physical fallout of providing healthcare during a pandemic. Workforce shortages across industries also mean that the healthcare industry is competing with other economic sectors to fill critical non-clinical positions such as for cleaning staff, food service workers, and IT administrators. With rising housing costs, healthcare workers are being forced to live further from their places of work, increasing their stress and leading to retention challenges. While healthcare workers are experiencing unprecedentedly difficult working conditions and burnout, the healthcare industry received billions of dollars in stimulus funds during the pandemic and many CEOs were paid compensation packages in the millions. The healthcare industry needs to fairly compensate workers who are sacrificing every day to care for their patients. Raising the minimum wage will help address retention challenges and workforce shortages affecting healthcare facilities in Monterey Park, and will fairly compensate healthcare workers for their contributions and sacrifices.

5.92.020 Definitions.

The following definitions shall apply to this chapter:

“City” means the City of Monterey Park.

“Covered Healthcare Facility” means the following types of facilities, provided that they are privately owned and are located within the boundaries of the City:

- (1) A licensed general acute care hospital as defined in Section 1250(a) of the California Health and Safety Code, including a distinct part of any such hospital.

- (2) A clinic, as defined in Section 1206(d) of the California Health and Safety Code, that is conducted, operated, or maintained as an outpatient department of a general acute care hospital or acute psychiatric hospital.
- (3) A licensed acute psychiatric hospital as defined in Section 1250(b) of the California Health and Safety Code, including a distinct part of any such hospital.
- (4) A licensed chronic dialysis clinic as described in Section 1204(b)(2) of the California Health and Safety Code.
- (5) A licensed psychiatric health facility as defined in Section 1250.2 of the California Health and Safety Code.
- (6) All facilities that are part of an Integrated Healthcare Delivery System.

“Covered Physician Group” means a medical group practice, including a professional medical corporation as defined in Section 2406 of the California Business and Professions Code, another form of corporation controlled by physicians and surgeons, a medical partnership, or an independent practice association, provided that the group includes a total of 10 or more physicians.

“Employee” has the same meaning as in Section 2775 of the California Labor Code.

“Employer” means any Person, including a corporate officer or executive, who directly or indirectly or through any other Person, including through the services of a temporary service, staffing agency, or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee.

“Healthcare Worker” means an Employee who is employed to work at or by a Covered Healthcare Facility to provide patient care, healthcare services, or services supporting the provision of healthcare. “Healthcare Worker” includes a clinician, professional, non-professional, nurse, certified nursing assistant, aide, technician, maintenance worker, janitorial or housekeeping staffperson, groundskeeper, guard, food service worker, laundry worker, pharmacist, nonmanagerial administrative worker and business office clerical worker, but does not include a manager or supervisor. A “Healthcare Worker” works at a Covered Healthcare Facility only if that individual’s primary work assignment is physically located at one or more such facilities; for example, delivery workers employed principally outside a Covered Healthcare Facility are not Healthcare Workers for purposes of this chapter unless employed by such a facility.

“Integrated Healthcare Delivery System” means a system that includes both of the following: (1) one or more hospitals and (2) Covered Physician Groups, health care service plans, medical foundation clinics, or other facilities or entities, where the hospital or hospitals and other facilities or entities are related through:

- (1) Parent/subsidiary relationships, common ownership or control, or common boards of directors and shared senior management; or
- (2) A contractual relationship in which affiliated Covered Physician Groups or medical foundation clinics contract with a health care service plan, hospital or other part of the system, all operating under a common trade name; or

- (3) A contractual relationship in which a nonprofit health care service plan provides medical services to enrollees in a specific geographic region of the state through an affiliated hospital system, and contracts with a single Covered Physician Group in each geographic region of the state to provide medical services to a majority of the plan's enrollees in that region.

“Minimum Wage” means the minimum amount that must be paid to Employees as compensation for their labor, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation. “Minimum Wage” does not include bonuses, shift differentials, premium pay, reimbursement or allowances for work-related equipment or other expenses, credits for meals or lodging, tips, gratuities, or the cost of medical, dental, retirement or similar benefits.

“Person” means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

5.92.030 Payment of Minimum Wage to Healthcare Workers.

- (a) An Employer shall ensure that each Healthcare Worker it employs, or over whom it exercises control, is paid a Minimum Wage equivalent to no less than the hourly rate set forth herein or under the authority of this chapter for hours worked within the geographic boundaries of the City.
- (b) The Minimum Wage for Healthcare Workers shall be as follows:
- (1) On the effective date of this chapter, the Minimum Wage shall be no less than \$25 per hour.
 - (2) On January 1, 2024, and annually thereafter, the Minimum Wage shall increase based on the annual increase in the cost of living, as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Los Angeles metropolitan area (Los Angeles-Long Beach-Anaheim, CA), which is published by the Bureau of Labor Statistics. The City shall publish a bulletin announcing the adjusted rates, which shall take effect on January 1 of each year.
- (c) An Employer may not fund the Minimum Wage increases required by this chapter in any of the following ways:
- (1) Reducing Healthcare Workers' premium pay rates or shift differentials;
 - (2) Reducing vacation, healthcare, or other non-wage benefits of any Healthcare Worker;
 - (3) Reducing Healthcare Workers' hours of work;
 - (4) Laying off Healthcare Workers; or
 - (5) Increasing charges to any Healthcare Worker for parking, work-related materials or equipment.
- (d) An Employer is in violation of subsection (c) of this section if the Minimum Wage requirements of this chapter are a motivating factor in the Employer's decision to take any of the actions described in subsection (c) of this section, unless the Employer proves

that it would have taken the same action at the time that it did irrespective of the operation of this chapter.

5.92.040 Retaliation.

No Employer shall discharge, terminate a contract with, reduce compensation to, or otherwise discriminate against or take adverse action against any Healthcare Worker for opposing any practice proscribed by this chapter, for participating in proceedings related to this chapter, for seeking to enforce rights under this chapter by any lawful means, or for otherwise asserting rights under this chapter. Protections of this section shall apply to any Healthcare Worker who mistakenly, but in good faith, alleges noncompliance with this chapter. Taking any adverse action against a Healthcare Worker within 90 days of the Healthcare Worker's exercise of rights protected under this chapter shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

5.92.050 Posting and payroll records.

- (a) Covered Healthcare Facilities shall post in a conspicuous place a notice of the current Minimum Wage for Healthcare Workers required by this chapter.
- (b) Employers of Healthcare Workers shall retain payroll records pertaining to Healthcare Workers for a minimum of four years, and shall allow the City or its designee access to such records, with appropriate notice and during business hours, to monitor compliance with the requirements of this chapter.

5.92.060 Enforcement and implementation.

- (a) The City shall have responsibility for enforcement of this chapter, including, at a minimum:
 - (1) Establishing a process for reporting complaints of violations of this chapter.
 - (2) Establishing and implementing processes for investigating complaints and other possible violations of this chapter. Employers and Covered Healthcare Facilities shall cooperate fully in any such investigation.
 - (3) Establishing and implementing an administrative citation process that may include the issuance of correction orders, a hearing and appeal process, and the imposition of administrative fines or penalties owed to the City.
 - (4) Taking appropriate enforcement action through the administrative citation process, civil actions, or other approaches on behalf of Healthcare Workers, collecting back wages and any other amounts owed to Healthcare Workers, and disbursing them to Healthcare Workers.
 - (5) Conducting any other education and enforcement activities necessary to ensure compliance with this chapter.
- (b) The City is authorized to promulgate rules and regulations and issue determinations and interpretations relating to this chapter that are consistent with its purposes.
- (c) The City may seek to enter into an agreement with the Department of Consumer and Business Affairs of the County of Los Angeles to allow the County's Wage Enforcement Program to provide wage enforcement and education services necessary

for enforcement of this chapter. If the City and County enter into such an agreement, it may include any services necessary to carry out the enforcement and education responsibilities and activities described in subsection (a) of this section or pursuant to rules and regulations relating to this chapter.

- (d) A Healthcare Worker, a representative of a Healthcare Worker, the City Attorney, or another Person acting on behalf of the public as provided for under applicable state law may bring a civil action in a court of competent jurisdiction against an Employer violating this chapter. If the City, a Healthcare Worker, or a representative of a Healthcare Worker prevails in the action, the Court shall impose all remedies available under the law or in equity, including injunctive or other equitable relief, reinstatement, the payment of any wages unlawfully withheld, the payment of penalties in the amount of up to \$120 to each Healthcare Worker for each day that a violation occurred or continued, and reasonable attorneys' fees and costs. For retaliatory action by the Employer, the Healthcare Worker shall be entitled to reinstatement and a trebling of all wages and penalties owed. Any other Person enforcing this chapter on the public's behalf, upon prevailing, shall be entitled to an award of only equitable, injunctive, and/or restitutionary relief, and reasonable attorneys' fees and costs.

5.92.070 No waiver of rights.

Any waiver by a Healthcare Worker of any or all of the provisions of this chapter or of rights or protections afforded under the authority of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

5.92.080 Coexistence with other available relief.

The provisions of this chapter shall not be construed as limiting any Healthcare Worker's right to obtain relief to which the Healthcare Worker may be entitled at law or in equity.

5.92.090 One-year court-granted waiver.

This Chapter is not intended to cause reduction in employment or work hours for Healthcare Workers. Therefore, a court may grant a one-year waiver from the Minimum Wage requirements of this chapter if an Employer can demonstrate by substantial evidence that compliance with this chapter would raise substantial doubt about the Employer's ability to continue as a going concern under generally accepted accounting standards. The evidence must include documentation of the Employer's financial condition, as well as the condition of any parent or affiliated entity, and evidence of the actual or potential direct financial impact of compliance with this chapter. A one-year waiver granted by a court pursuant to this section does not exempt an Employer from complying with any and all federal, state, or local laws and regulations, including any other applicable federal, state, or local minimum wage requirement.

5.92.100 Conflicts.

Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with any federal or state law.

5.92.110 Severability.

If any subsection, sentence, clause, phrase, or provision of this chapter is found invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 3. Effective Date.

If the City Council approves this measure, or if a majority of the voters pass this Ordinance, it shall take effect on the earliest date allowed by law.

ATTACHMENT 3

Withdrawal Request

January 9, 2024

VIA E-MAIL

Maychelle Yee
City Clerk
City of Monterey Park
320 West Newmark Ave.
Monterey Park, CA 91754

**Re: Request for Withdrawal of Initiative for Health Care Worker
Minimum Wage Ordinance**

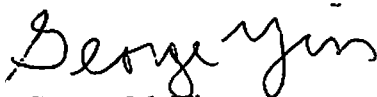
Dear City Clerk Yee:

As you know, we are designated representatives for the Initiative Petition for Health Care Worker Minimum Wage Ordinance. As I discussed with City Attorney Berger, we are submitting, for your review and processing, the initiative proponent's request for withdrawal of the Initiative from the ballot for the November 5, 2024 General Election.

The withdrawal is submitted in light of the recent enactment of SB 525, which provides for increases *statewide* in the minimum wage level of covered health care workers, and provides that "[a]n ordinance, regulation, or administrative action applicable to a covered health care facility . . . that establishes, requires, imposes, limits, or otherwise related to wages or compensation for covered health care facility employees . . . shall not be enacted or enforced in or by any city" (Cal. Labor Code § 1182.15(h)(1) & (2).) In addition, Elections Code section 9215.5 provides: "The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official."

We thank the City and its staff for their consideration in this matter. If you have any questions or would like to discuss this further, please contact me at your convenience.

Very truly yours,


George M. Yin

Attachment: Request for Withdrawal of Initiative Proponent Hortensia Armendariz (signed)

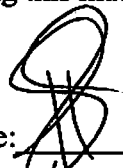
Ms. Maychelle Yee
Monterey Park City Clerk
320 W. Newmark Ave.
Monterey Park, California 91754

Re: Request for Withdrawal of Initiative Entitled "AN INITIATIVE REQUIRING PERSONS EMPLOYING PART-TIME AND FULL-TIME HEALTHCARE WORKERS INCLUDING, WITHOUT LIMITATION, CLINICIANS, NURSES, CERTIFIED NURSING ASSISTANTS, AIDES, TECHNICIANS, MAINTENANCE WORKERS, JANITORIAL OR HOUSEKEEPING STAFF PERSONS, GROUNDSKEEPERS, GUARDS, FOOD SERVICE WORKERS, LAUNDRY WORKERS, PHARMACISTS, NONMANAGERIAL ADMINISTRATIVE WORKERS, AND BUSINESS CLERICAL WORKERS (BUT NOT MANAGERS OR SUPERVISORS) TO PAY A MINIMUM HOURLY WAGE OF \$25 TO BE INCREASED ON AN ANNUAL BASIS."

Dear Ms. Yee:

In light of the recent enactment of a statewide minimum wage for health care workers under SB 525, I, the undersigned proponent of an initiative entitled the "AN INITIATIVE REQUIRING PERSONS EMPLOYING PART-TIME AND FULL-TIME HEALTHCARE WORKERS INCLUDING, WITHOUT LIMITATION, CLINICIANS, NURSES, CERTIFIED NURSING ASSISTANTS, AIDES, TECHNICIANS, MAINTENANCE WORKERS, JANITORIAL OR HOUSEKEEPING STAFF PERSONS, GROUNDSKEEPERS, GUARDS, FOOD SERVICE WORKERS, LAUNDRY WORKERS, PHARMACISTS, NONMANAGERIAL ADMINISTRATIVE WORKERS, AND BUSINESS CLERICAL WORKERS (BUT NOT MANAGERS OR SUPERVISORS) TO PAY A MINIMUM HOURLY WAGE OF \$25 TO BE INCREASED ON AN ANNUAL BASIS." ("Initiative"), hereby submit this request for withdrawal of the Initiative by my designated representative.

If you have any questions, you may contact my counsel, George Yin of Kaufman Legal Group, directly regarding this matter.

Signature: 
Date: 12/7/23
Hortencia Armendariz



City Council Staff Report

DATE: February 7, 2024

AGENDA ITEM NO: Consent Calendar - 3E

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Acceptance of SGVMWD Grant for the Life Line Program

RECOMMENDATION:

It is recommended that the City Council consider:

1. Accepting grant funding in the amount of \$50,000 from the San Gabriel Valley Municipal Water District (SGVMWD) for water bill assistance to qualifying residents;
2. Authorizing the City Manager to execute the Grant Agreement, in a form approved by the City Attorney, with SGVMWD for this grant program;
3. Authorizing the Finance Department to allocate \$50,000 in grant funding to the FY 2023-2024 budget; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The San Gabriel Valley Municipal Water District (SGVMWD) is awarding the City \$50,000 in grant funding to assist qualifying residents with their water bills. Staff requests the City Council accept the grant funds and allocate the \$50,000 in grant funds to the FY 2023-2024 budget.

BACKGROUND:

The San Gabriel Valley Municipal Water District (SGVMWD) is offering each of its four member cities – Alhambra, Azusa, Monterey Park, and Sierra Madre - \$50,000 in grant funding. The District has approved the City's proposal to use these funds for the City's Life Line Program which reduces water bills for qualifying customers who live in single-family homes. Eligibility for the Life Line Program is based on income requirements that are set by the State of California Public Utility Commission Alternative Rates for Energy (CARE) Program.

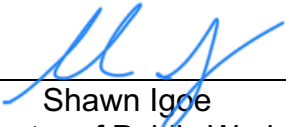
The grant will be disbursed to the city upon receipt of invoice(s) from the city for the program. The maximum amount is \$50,000.

Staff is requesting that City Council accept SGVMWD's \$50,000 grant to supplement the City's utility assistance program and allocate the grant funds in the current year FY 2023-2024 budget.

FISCAL IMPACT:

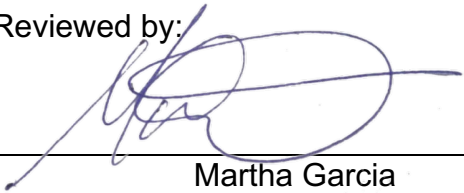
Staff requests approval for the Finance Department to allocate \$50,000 in SGVMWD grant funds to the FY 2023-2024 budget.

Respectfully submitted by:



Shawn Iggoe
Director of Public Works

Reviewed by:



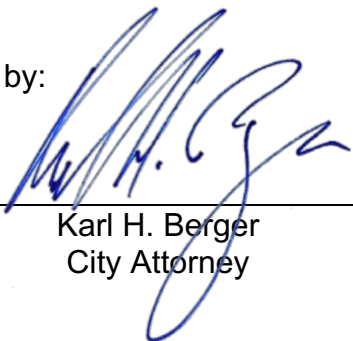
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Grant Agreement

ATTACHMENT 1

Grant Agreement

GRANT AGREEMENT

As of January 11, 2024 **San Gabriel Valley Municipal Water District**, herein “Water District,” and City of Monterey Park, herein “City” agree as follows:

1. Purpose.

This Agreement sets forth the terms under which the Water District shall grant money to the City and under which the City shall spend the grant.

2. Project Identification.

The grant money shall be used by the City for the Life Line Program, including, but not limited to, supplementing the City’s low-income utility assistance program (the “Program”).

3. Grant Amount.

The Water District shall grant the City the sum of \$50,000.00 (the “Grant Amount”). The money shall be disbursed to the City by the Water District within thirty days after the City presents an invoice to the Water District for work on the Program in an amount up to the Grant Amount. The Grant Amount shall not be increased if the associated Program costs exceed the above amount.

4. Division of Responsibility.

(a) Water District is only responsible for providing the City with the grant in accordance with this Agreement. The Water District is not responsible for the design, construction, operation or maintenance of the Program.

5. Warranties.

(a) The Water District makes no warranty with respect to the efficacy of the Program.

(b) The City warrants the Grant Amount shall be used exclusively to pay for portions of the Program.

6. Time for Performance.

Time for performance shall begin after the date first above written and the City shall use its best efforts to complete the Program by June 30, 2024.

7. Indemnity.

The City shall save and hold the Water District, its officers, agents and employees, free and harmless from any and all costs, liability or damages arising out of any act or omission to act, including any negligent act or omission to act (where there is a duty to act) by the City, its officers, agents or employees in connection with this Agreement, except to the extent caused by the sole negligence or willful misconduct of Water District, its officers, agents or employees.

8. Miscellaneous.

(b) Notices given pursuant to the provisions of this Agreement, or necessary to carry out its provisions, shall be in writing and delivered personally to the person to whom the notice is to be given; mailed postage prepaid, addressed to such person; sent by overnight delivery by a nationally-recognized overnight courier; or sent by e-mail, with receipt confirmed in writing or telephonically. Addresses for this purpose shall be:

Water District: **San Gabriel Valley Municipal Water District**
Attn: Darin Kasamoto, General Manager
1402 N. Vosburg Drive (P.O. Box 1299)
Azusa, CA 91702-1299
dkasamoto@sgvmwd.com
(626) 969-7911

City: **City of Monterey Park**
Attn: Shawn, Igoe, Director of Public Works
320 West Newmark Avenue
Monterey Park, CA 91754-2896
sigoe@montereypark.ca.gov
(626) 307-1320

IN WITNESS WHEREOF, the parties hereby have caused this Agreement to be executed the date first above written.

APPROVED:
**San Gabriel Valley
Municipal Water District**

APPROVED:
City of Monterey Park

By: _____
Mark Paulson, President

By: _____
Jose Sanchez, Mayor

Attest:

Attest:

Steven T. Placido, Secretary

By: _____
Maychelle Yee, City Clerk

[Seal]

[Seal]

Approved as to Form:

Approved as to Form:

James D. Ciampa, District Counsel

Karl H. Berger, City Attorney



City Council Staff Report

DATE: February 7, 2024

AGENDA ITEM NO: Consent Calendar - 3F

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Bruggemeyer Library Improvements – Award of Public Works Contract to U.S. Builders and Consultants Inc.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a public works contract, in a form approved by the City Attorney, with U.S. Builders and Consultants Inc. in the contract amount of \$109,650 for the Bruggemeyer Library Improvements Project;
2. Authorizing the Director of Public Works to approve change orders not to exceed \$3,800 over the total contract amount; 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 § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

EXECUTIVE SUMMARY

Capital Improvement Project ("CIP") No. 95011 - Bruggemeyer Library Improvements project includes improvements to the library storytime room and the installation of stained-glass windows. Pursuant to Resolution No. 2023-R52, the Public Works Director solicited bids for the expansion of the Library Storytime room (Specification No. 2024-001). The public bid opening for the Library Storytime room was held on January 24, 2024. Four bids were received: U.S. Builders and Consultants Inc., At Your Service Construction & Energy, Bridgerock Construct Inc., and Newbuild Construction and Restoration. Staff also solicited informal bids for the installation of stained-glass windows in the Library's Honor Wall of Donors. The City received only one bid from U.S. Builders and Consultants Inc. for \$14,000. It is recommended that City Council authorize the City Manager to execute a Public Works contract with U.S. Builders and Consultants Inc., the lowest responsible bidder, for the Bruggemeyer Library Improvements to include both the Storytime renovations and the installation of the stained-glass windows in the amount of \$109,650, plus a contingency amount not to exceed \$3,800.

BACKGROUND

The Library's Storytime room hosts approximately 20 storytimes and school visits per month and is one of the most heavily utilized program spaces in the Library. The Library's Storytime programs have very large audiences and the programs are outgrowing the space as it exists now. The proposed renovations will increase the Storytime room's seating area, add necessary storage space and allow staff to utilize the space for other types of programming. Additionally, the addition of doors at the entry and exit points of the room will dull the noise emitted during programs so that others in the facility are less distracted and allow for better crowd control.

The proposed work includes facility improvements at the Library Storytime room including demolition of existing built-on interior "bleachers" to provide new storage room, installation of glass doors at room entryways, interior painting, replacement of all carpet and installation of VCT flooring.

The public works bid was opened on January 24, 2024, and includes the following four bids:

RANK	BIDDER	BASE BID AMOUNT
1	U.S. Builders and Consultants	\$ 95,650.00
2	At Your Service Construction	\$ 111,522.00
3	Bridgerock Construction	\$ 146,156.00
4	Newbuild Construction and Restoration	\$ 200,460.00

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

CIP 95011 also includes the installation of stained-glass windows at the Library. In 2021, two 4'x8' stained-glass windows were donated to the Library by the family of Judge Mancha Bruggemeyer, the founder of the Bruggemeyer Library. These windows were originally installed at the Redlands home of Mancha Bruggemeyer, then moved to the 1929 Bruggemeyer Memorial Library building. The windows were removed and misplaced in 1959 when the City built a new library at 318 South Ramona Avenue. In 1965, the windows were located at the City Yard and returned to the Bruggemeyer family. In 2021, the windows were donated back to the City. Staff solicited informal bids from five vendors for the fabrication of cases and lighting for the stained-glass windows and installation in the Library's Honor Wall of Donors. The City received one informal bid, from U.S. Builders and Consultants for \$14,000. It is recommended that the City Council awards both projects to U.S. Builders and consultants for a total of \$109,650.

2023-2024 STRATEGIC PLAN GOAL:

This project meets the goal of **City Property/Facilities**. The proposed improvements will help maximize the use of space at the Library while providing a welcoming and functional environment for the community.

FISCAL IMPACT

The proposed project is budgeted in the 2023-2024 fiscal year Capital Improvement Program under CIP 95011 funded by Development Impact Fee and American Rescue Plan Act funds. There are sufficient funds to execute an agreement with U.S. Builders and consultants for a total of \$109,650 plus a contingency amount not to exceed \$3,800.

CIP 95011 – Bruggemeyer Library Improvements	
Storyroom Facility Improvements (U.S. Builders and Consultants)	\$95,650
Stained-glass Installation (U.S. Builders and Consultants)	\$14,000
Contingency (not to exceed)	\$3,800
Total Estimated Project Cost	\$128,450

Respectfully submitted and prepared by:



Shawn Igoe
Director of Public Works

Reviewed by:



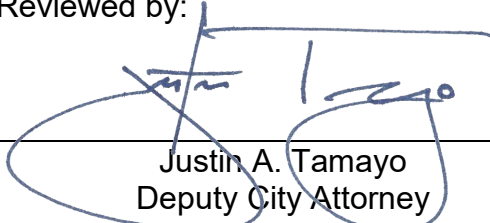
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS

1. U.S. Builders and Consultants Inc. Proposal – Storytime Room
2. U.S. Builders and Consultants Proposal - Stained Glass Installation

ATTACHMENT 1
U.S. Builders and Consultants Inc. Proposal
Storytime

SECTION C. BIDDERS PROPOSAL

(Entire section C shall be submitted with the bid)

BIDDER'S NAME: US Builders and Consultants Inc.

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

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

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

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

BID SCHEDULE

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

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

BID SCHEDULE					
Bruggemeyer Library Story Time, Specification No. 2024-001					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
1	Mobilization including building permit	1	LS	\$5,504	\$ 5,504
2	Demolition per plans	1	LS	\$2,722	\$ 2,722
3	Framing per plans	1	LS	\$10,976	\$10,976
4	New Carpet (GC to add overage required)	230	SF	\$11.92	\$2,741.6
5	Prep & Seal Concrete Floor @ Storage	150	SF	\$26.45	\$ 3,967.5
6	New Rubber Top Set Base (field verify)	100	SF	\$13.28	\$1,328
7	Gypsum wall board repair/patch per plans	200	SF	\$11.75	\$2,350
8	Suspended ceiling system – replace damaged tiles	10	EA	\$ 57.94	\$579.4
9	Glass wool fiber acoustic ceiling system protection	1	LS	\$ 1,200	\$ 1,200
10	Interior painting	550	SF	\$4.10	\$ 2,255
11	Install sound attenuation barrier per plans	1	LS	\$2,500	\$ 2,500
12	Install new Pivot Frameless Glass Door with all hardware per plans	2	EA	\$ 8,410	\$16,820
13	New Frameless Glass Sidelight with hardware per plans	1	EA	\$ 3,230	\$ 3,230
14	New Pair "Dirt" Wood Laminate Slider Doors with hardware per plans	1	EA	\$ 8,036.5	\$ 8,036.5
15	Install Finish Electrical -incl R/R All (E) Switches & Outlets per plans	5	EA	\$ 150	\$ 750
16	Construct new shelving particle boards (5/8"x 24" x 8') per plans including brackets and hardware	6	EA	\$ 640	\$ 3,840
TOTAL BASE BID AMOUNT IN NUMBERS					\$ 68,800
TOTAL BASE BID AMOUNT IN WORDS:					
Sixty eight thousand and eight hundred					

ALTERNATIVE BID SCHEDULE					
Bruggemeyer Library Story Time, Specification No. 2024-001					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
17	Replace all Carpet in Arts & Crafts Area (additional area) per plans	1,000	SF	\$ 21.90	\$ 21,900
18	Install 12"x24" VCT Flooring per plans	200	SF	\$ 27.45	\$ 4,950
TOTAL ALTERNATIVE BID AMOUNT IN NUMBERS					\$ 26,850
TOTAL ALTERNATIVE BID AMOUNT IN WORDS:					
Twenty six thousand, eight hundred and fifty					

The award of Contract shall be based on the TOTAL BASE BID AMOUNT.

In the case of discrepancies in the amount of bid, unit prices shall govern over extended amounts, and words shall govern over figures.

Full compensation for the items listed to the right as Items A, B, C, D and E are considered as inclusive in each Bid Item listed above in the Bid Schedule as applicable, and no additional and/or separate compensation will be allowed.

A. Mobilization / Demobilization

B. Traffic Control

C. NPDES, WVECP, and Best Management Practices (BMPs), Public Convenience and Safety

D. Construction Staking by Land Surveyor

E. Clearing and Grubbing

The bid prices shall include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.

The City reserves the right to add, delete, increase or decrease the amount of any quantity shown and to delete any item from the contract and pay the contractor at the bid unit prices so long as the total amount of change does not exceed 25% (plus or minus) of the total bid amount for the entire project. If the change exceeds 25%, a change order may be negotiated to adjust unit bid prices.

All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.

A bid is required for the entire work, that the quantities set forth in the Bid Schedule are to calculate total bid amount, and that final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.

DESIGNATION OF SUBCONTRACTORS

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

Subcontractor Information	Work to be Performed	Dollar Amount
Name: N/A		\$_____
Address:		
Tel:		
Name:		\$_____
Address:		
Tel:		
Name:		\$_____
Address:		
Tel:		
Name:		\$_____
Address:		
Tel:		
Name:		\$_____
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Name:		\$_____
Address:		
Tel:		
Name:		\$_____
Address:		
Tel:		
Name:		\$_____
Address:		
Tel:		
Total Subcontract Amount (shall not exceed 49% of Total Bid Amount)		\$_____

REFERENCES

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

Reference 1		
Agency Name <u>City of San Bernardino</u>	Project Name and Brief Description Project no. 13476 - ADA restroom renovations at Paul Villasenor Library and Howard Rowe Library	
Contact Name and Title <u>Ziad Mazboudi Project Manager</u>		
Tel: <u>(626) 532-2018</u> E-mail: <u>ziad.mazboudi@transtech.org</u>	Contract Value: \$ <u>819,983</u>	Year Completed: <u>2023</u>

Reference 2		
Agency Name <u>Long Beach Community College District</u>	Project Name and Brief Description CN 99811.7 Informal Bid 22-011 Building O-1 – Room 203 Modernization Project	
Contact Name and Title <u>Steven Lemos Field Engineer</u>		
Tel: <u>(562) 242-4410</u> E-mail: <u>slemos.bmt@lbcc.edu</u>	Contract Value: \$ <u>157,000</u>	Year Completed: <u>2022</u>

Reference 3		
Agency Name <u>City of Laguna Woods</u>	Project Name and Brief Description City Hall Refurbishment and Safety Project: Phase 3	
Contact Name and Title <u>April Baumgarten, Maintenance Programs Analyst</u>		
Tel: <u>(949) 639-0568</u> E-mail: <u>ABaumgarten@cityoflagunawoods.org</u>	Contract Value: \$ <u>158,154</u>	Year Completed: <u>2023</u>

Reference 4		
Agency Name <u>DMV California</u>	Project Name and Brief Description Compton Santa Fe Field Office Accessibility Improvement, State of California, Department of Motor Vehicles	
Contact Name and Title <u>Brett Miller Project Manager</u>		
Tel: <u>(805) 804-2300</u> E-mail: _____	Contract Value: \$ <u>98,000</u>	Year Completed: <u>2023</u>

SITE INSPECTION

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

Name of Person who inspected the site: Mohamed Almallah

Date of Inspection: 01/17/2024

ADDENDA ACKNOWLEDGMENT

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

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

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

AFFIRMATIVE ACTION CERTIFICATION

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

INSURANCE REQUIREMENTS

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

<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability:	\$2,000,000
Business automobile liability	\$1,000,000
Workers compensation	Statutory requirement.

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

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

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

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

Bidder's Name:	US Builders and Consultants Inc.
Authorized Signature:	
Name and Title:	Tamer Awad, Vice President
Date:	01/23/2024

PUBLIC CONTRACT CODE SECTION 7106**Non-collusion Declaration by Bidder**

The undersigned declares:

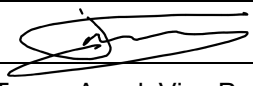
I am the Vice President of
US Builders and Consultants Inc., the party making the foregoing bid.

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

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

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

Bidder's Name: US Builders and Consultants Inc.

Authorized Signature: 

Name and Title: Tamer Awad, Vice President

Date: 01/23/2024

PUBLIC CONTRACT CODE SECTION 10162

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

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

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

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

Bidder's Name: US Builders and Consultants Inc.

Authorized Signature: 

Name and Title: Tamer Awad, Vice President

Date: 01/23/2024

PUBLIC CONTRACT CODE SECTION 10232

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

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

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

Bidder's Name:	<u>US Builders and Consultants Inc.</u>
Authorized Signature:	<u></u>
Name and Title:	<u>Tamer Awad, Vice President</u>
Date:	<u>01/23/2024</u>

PUBLIC CONTRACT CODE SECTION 10285.1

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

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

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

Bidder's Name: US Builders and Consultants Inc.

Authorized Signature: 

Name and Title: Tamer Awad, Vice President

Date: 01/23/2024

BIDDER INFORMATION

Bidder's Name: US Builders and Consultants Inc.

Address: 126 Desert Lotus, Irvine, CA 92618

Form of Legal Entity: Corporation

If a Corporation, State of Incorporation: California

State Contractor's Class and License No.: 1067739 Type A&B

Contact Person Information:

Name: Tamer Awad

Title: Vice President

E-mail: tamer@us-builders.com

Tel: (714) 317-8402

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

Mohamed Almallah, President, (949) 501-3885

Tamer Awad, Vice President, (714) 317-8402

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

None

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

N/A

Previous contract performance history:

Was any contract terminated previously: No

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

Contract/project name and number: N/A

Date of termination: _____

Reason for termination: _____

Owner's name: _____

Owner contact person and tel. no.: _____

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 23rd day of January, 2024.

BIDDER US Builders and Consultants Inc.

Tamer Awad, VP
[Signature]

Subscribed and sworn to this 23rd day of January, 2024.

NOTARY PUBLIC See Attached

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Orange)

On 1/24/24 before me, Terry Cormier, Notary Public,
(here insert name and title of the officer)

personally appeared Tamer Awad

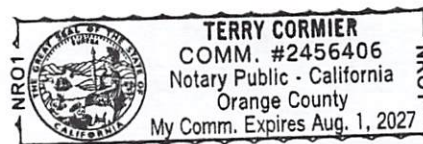
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Tamer Awad



(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Spec. No. 2024-001

containing 1 pages, and dated 1/23/24

The signer(s) capacity or authority is/are as:

☐ Individual(s)

☐ Attorney-in-Fact

☒ Corporate Officer(s) VP

Title(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other:

representing:

Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

☐ Additional Signer(s)

☐ Signer(s) Thumbprint(s)

☐

SECTION D. CERTIFICATIONS FOR FEDERAL – AID CONTRACTS

(Entire section D shall be submitted with the bid)

GENERAL PRINCIPLES CERTIFICATION FOR FEDERAL-AID CONTRACTS

CONTRACTOR shall comply with generally accepted accounting principles and good business practices. CONTRACTOR shall, at its own expense, furnish all cost items associated with this project except as specified to be furnished by City. CONTRACTOR shall retain financial records, supporting documents, statistical records, and all other records pertinent to the project for a period of a minimum of three (3) years from the expiration of the term of the Master Agreement.

CONTRACTOR shall take reasonable measures to safeguard protected personally identifiable information and other information designated as sensitive or is considered sensitive consistent with laws regarding privacy and responsibility over confidentiality.

CONTRACTOR shall also certify that none of the equipment or services are produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); or produced by an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country in accordance with 2 CFR 200.216.

In order to ensure objective contractor performance and eliminate unfair competitive advantage, CONTRACTOR must certify that they did not assist in the development of draft specifications, requirements, statements of work, or invitations for bids or requests for proposals for the project.

Business Name: US Builders and Consultants Inc.

Date: 01/23/2024

By: Tamer Awad, Vice President

Name and Title of Authorized Representative



Signature of Authorized Representative

NON-DISCRIMINATION CERTIFICATION FOR FEDERAL-AID CONTRACTS

CONTRACTOR shall comply with the provisions of Title VII of the Civil Rights Act of 1964 in that it will not discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment nor shall CONTRACTOR discriminate in any way that would deprive or intend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's race, color, religion, sex, national origin, age, handicap, disability, medical condition, sexual orientation, gender identity, or marital status. These actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

CONTRACTOR shall ensure that services and facilities are provided without regard to ethnic group identification, race, color, national origin, creed, religion, age, sex, physical or mental disability, political affiliation, or marital status in accordance with applicable laws, including, but not limited to, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200-d); Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 324); Section 504 of the Rehabilitation Act of 1973; the Civil Rights Restoration Act of 1987 (P.L. 100-209); Executive Order 12898 (February 11, 1994); Executive Order 13166 (August 16, 2000); Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000-d); the Age Discrimination Act of 1975 (42 U.S.C. 6101); Article 9.5, Chapter 1, Part 1, Division 2, Title 2 (Section 11135, et seq) of the California Government Code; Title 9, Chapter 4, Subchapter 6 (Section 10800, et seq) of the CCR and California Department of Social Services Manual of Policies and Procedures (CDSS MPP) Division 21.

CONTRACTOR shall ensure that project activities be accomplished in an equitable and impartial manner so that no person shall be excluded because of race, color, gender, or national origin from participation in, or be denied the benefits, or any program or activity for which federal financial assistance is received (31 CFR Part 22).

Business Name: US Builders and Consultants Inc.

Date: 01/23/2024

By: Tamer Awad, Vice President

Name and Title of Authorized
Representative

A handwritten signature in black ink, appearing to read 'Tamer Awad', is written over a horizontal line.

Signature of Authorized Representative

MBE AND WBE CERTIFICATION FOR FEDERAL-AID CONTRACTS

It is the policy of the City to encourage the participation of disadvantaged, minority and women-owned business enterprises in the City's procurement process.

CONTRACTOR agrees to use its best efforts to carry out this policy when sourcing the use of outside consultants, advisors and contractors to the fullest extent practicable, consistent with the efficient performance of this contract. CONTRACTOR may rely on written representations by consultants, advisors and contractors regarding their status. CONTRACTOR shall report to the City the names of all consultants, advisors and contractors hired for the Project and information on whether or not they are a disadvantaged, minority or women-owned business enterprise, as defined in Section 8 of the Small Business Act (15 U.S.C. Sec. 637).

CONTRACTOR shall, in accordance with 2 CFR 200.321, take affirmative steps to include minority business, women's business enterprises, and labor surplus area firms when sourcing the use of outside consultants, advisors, and contractors for this contract by:

- (a) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (b) Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
- (c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
- (d) Establishing delivery schedules, where the requirements permit, which encourage participation by small and minority businesses and women's business enterprises; and
- (e) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

Business Name: US Builders and Consultants Inc.

Date: 01/23/2024

By: Tamer Awad, Vice President

Name and Title of Authorized
Representative

A handwritten signature in black ink, appearing to read 'Tamer Awad', written over a horizontal line.

Signature of Authorized Representative

DOMESTIC PREFERENCE CERTIFICATION FOR FEDERAL-AID CONTRACTS

It is the policy of the City to encourage a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders.

CONTRACTOR agrees to use its best efforts to comply with 2 CFR 200.322 to the fullest extent possible consistent with the efficient performance of this contract.

RECOVERED MATERIALS CERTIFICATION FOR FEDERAL-AID CONTRACTS

CONTRACTOR shall comply with 2 CFR 200.322 and procure only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000. CONTRACTOR certifies that the percentage of recovered materials to be used in the performance of this Agreement will be at least the amount required by applicable specifications or other contractual requirements. For contracts over \$100,000 in total value, CONTRACTOR shall estimate the percentage of total material utilized for the performance of the project that is recovered materials and shall provide such estimate to CITY upon request.

Business Name: US Builders and Consultants Inc.

Date: 01/23/2024

By: Tamer Awad, Vice President

Name and Title of Authorized Representative



Signature of Authorized Representative

**CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT
CERTIFICATION FOR FEDERAL-AID CONTRACTS**

CONTRACTOR agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401-7671q. CONTRACTOR agrees to report each violation to the USDA and the appropriate EPA Regional Office.

CONTRACTOR agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act as amended (33 U.S.C. §§ 1251-1387). CONTRACTOR agrees to report each violation to the USDA and the appropriate EPA Regional Office.

Business Name: US Builders and Consultants Inc.

Date: 01/23/2024

By: Tamer Awad, Vice President

Name and Title of Authorized Representative



Signature of Authorized Representative

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**Primary Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13 CFR Part 145. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

1. The CONTRACTOR certifies to the best of its knowledge and belief that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the CONTRACTOR is unable to certify to any of the statements in this certification, such CONTRACTOR shall attach an explanation to this certification. Indicate to whom it applies, initiating agency, and dates of action.

Business Name: US Builders and Consultants Inc.

Date: 01/23/2024

By: Tamer Awad, Vice President

Name and Title of Authorized
Representative

A handwritten signature in black ink, appearing to read 'Tamer Awad', is written over a horizontal line.

Signature of Authorized Representative

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines

the ineligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

NON-LOBBYING CERTIFICATION FOR FEDERAL-AID CONTRACTS

The CONTRACTOR certifies, by signing and submitting this contract, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in conformance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The CONTRACTOR also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

Business Name: US Builders and Consultants Inc.

Date: 01/23/2024

By: Tamer Awad, Vice President

Name and Title of Authorized Representative



Signature of Authorized Representative

INSTRUCTIONS FOR COMPLETING SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient at the initiation or receipt of covered federal action or a material change to previous filing pursuant to title 31 U.S.C. Section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered federal action.
4. Enter the full name, address, city, state, and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to: subcontracts, subgrants, and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, state, and zip code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant. or loan award number, the application/proposal control number assigned by the federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered federal action where there has been an award or loan commitment by the Federal agency, enter the federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.

- 10.** (a) Enter the full name, address, city, state, and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in Item 4 to influence the covered federal action.
- (b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).
- 11.** The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

--END OF SECTION--

ATTACHMENT 2
U.S. Builders and Consultants Inc. Proposal
Stained Glass Installation

US Builders & Consultants

126 Desert Lotus, Irvine, CA 92618

info@us-builders.com

949-844-8844

LIC # 1067739

BILL TO

CITY OF MONTEREY PARK

BRUGGEMEYER LIBRARY

**Bruggemeyer Library
Stained Glass installation**

LOCATION

318 S RAMONA AVE

MONTEREY PARK

CA 91754

Proposal



**U.S. BUILDERS
& CONSULTANTS**

Estimate No: Proposal 1

Estimate Date: 01/24/2024

DESCRIPTION	QTY	UNIT PRICE	TOTAL
Installation of stained glass windows, each one consisting of LED panel surface, frosted acrylic panel, metal frame, glass art panel with wooden frame and acrylic panel according to plans on page SK-1.	1	\$ 14,000.00	\$ 14,000.00

SUBTOTAL \$ 14,000

TAX RATE 0.00%

TOTAL TAX 0.00

Balance Due \$ 14,000.00

Thank you for your business!

Terms & Instructions

Refere to contract for terms and conditions



City Council Staff Report

DATE: February 7, 2024

AGENDA ITEM NO: Consent Calendar - 3G

TO: The Honorable Mayor and City Council
FROM: Shawn Igoe, Director of Public Works
SUBJECT: Fire Station 61 Exhaust System Replacement– Consideration and possible action to adopt a resolution: (1) authorizing the City Manager to execute an agreement with Air Exchange, Inc. for the purchase and installation of an exhaust system for Fire Station 61 without the need for competitive bidding; and (2) adding the purchase and installation of an exhaust system for Fire Station 61 to the 2023-2024 Capital Improvement Plan.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a public works maintenance agreement, in a form approved by the City Attorney, with Air Exchange, Inc. in the amount of \$90,312.07 for the Fire Station 61 Exhaust System Project;
2. Adopting a Resolution to add the Fire Station Exhaust System Project to the fiscal year 2023-2024 Capital Improvement Program; 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 activity 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 § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

EXECUTIVE SUMMARY

The City received \$82,101.88 in grant funds from the Federal Emergency Management Agency ("FEMA") Assistance to Firefighters Grants (AFG) program, with a matching City contribution of \$8,210.19. The grant funds were awarded to the City to update the vehicle exhaust system at Fire Station 61.

The City proposes to enter into an agreement with Air Exchange, Inc. under the competitive bid executed by the City of Los Angeles for the purchase and installation of exhaust system for Fire Station 61, which includes mini rail systems, magnetic grabber and hoses, motor, fans and ancillaries.

BACKGROUND

The City of Monterey Park received a FEMA grant in the amount of \$82,101.88 with a City match of \$8,210.90 totaling \$90,312.07 for the replacement of the exhaust system and ancillaries at Fire Station 61.

The current system is over 20 years old and has reached its useful service life. The vehicle exhaust system ("System") consists of four hoses strategically placed throughout the various bays. The purpose of the System is to capture emissions expelled by the vehicles as they enter the facility. Currently, firefighters are only able to connect the System to the apparatuses after they are partially or completely in the station. Therefore, emissions are not completely removed, but instead, some are released into the facility, which may expose staff to exhaust emissions from these vehicles. Staff seeks to update the System, by replacing current equipment with longer hoses and tracks to allow firefighters to connect the hoses to the apparatuses prior to entering the station. The System will be able capture more exhaust and diminish exposure of exhaust emissions.

The City would ordinarily need to comply with the competitive bidding requirements of the California Public Contracts code for this project. Here, however, competitive bidding would not affect the final result. Specifically, each vehicle exhaust removal system is unique in its own way and has not been standardized to the degree that they are commodities which can be subjected to competitive bid. Each exhaust system is covered by a patent and specifications particularly and exactly describing one system would necessarily exclude others.

FISCAL IMPACT

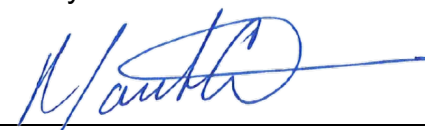
The City of Monterey Park is using the grant funding to enter into an agreement with Air Exchange to provide labor and material for the replacement of the exhaust system and ancillaries under the terms of the grant. This project is funded by the FEMA grant in the amount of \$82,101.88 with a City match of \$8,210.90 for a total of \$90,312.07.

Respectfully submitted by:



Shawn Igoe
Director of Public Works

Reviewed by:



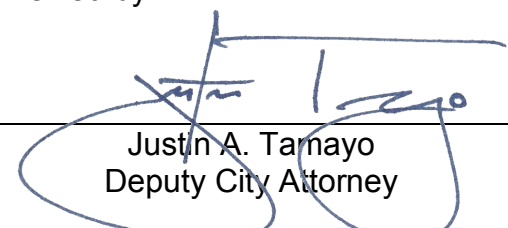
Martha Garcia
Director of Finance

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Justin A. Tamayo
Deputy City Attorney

ATTACHMENTS

1. Air Exchange, Inc. Proposal
2. City of Los Angeles Contract
3. Resolution

ATTACHMENT 1
Air Exchange Inc. Proposal

PROPOSAL

from

AIR EXCHANGE, INC.

495 Edison Ct., Ste. A, Fairfield, CA 94534 1141 E. Philadelphia St., Ontario, CA 91761

P: 800.300.2945

www.airexchange.com

CA License #664135 C-43, C-61/D-43

NV License #0082193 C-21C

WA License #AirEx*988DJ

DIR# 1000011166

Department Name: Monterey Park Fire Department

Date: 11/17/2021

Customer Contact Name: Captain Adam Malouf

Fire/EMS Station(s) Monterey Park Station 61

Contact Phone Number:

and/or Project Name: Plymovent upgrade AFG

Contact Email: Amalouf@montereypark.ca.gov

Proposal Valid Until: 6/30/2021

Submitted By: Steve.Harris

Regional Manager

Steve.Harris@AirExchange.com

PH: 909.923.7952 C:909-973-8211

ADDRESS:350 W. Newmark Ave.

Monterey Park CA 91754

SCOPE OF WORK: Provide and install New, Plymovent Diesel Exhaust Extraction System . Includes 2 ea MRP-20-1 Mini Rail System For 1 vehicle with 1 complete hose drop with magnetic grabber nozzle (1 drop per rail). 1ea MRP-60-1 Mini Rail System For 1 vehicle with 1 complete hose drop with magnetic grabber nozzle (1 drop per rail). 1ea MRP-60-2 Mini Rail System For 2 vehicle with 2 complete hose drops with magnetic grabber nozzle (2 drop per rail) Also includes 1 ea TEV 585-216 Plymovent 7.5 hp 1 ph 208v RadialExhaust Fan with top horizontal discharge, and silencer; 1ea OS-3 Control Panel for 7.5 hp 1 ph fan motor; and wireless transmitters and receiver for wireless activation by vehicle exhaust. Includes all misc. ducting, supports, removal of legacy system and Labor at Prevailing Wage Rates, Lift/Crane rental. Misc materials, travel, truck costs and freight.

BOM QUOTING TOOL: FIRE / EMS EXHAUST REMOVAL SYSTEMS

QTY	OLD ARTICLE #	NEW ARTICLE #	PRODUCT NAME	DESCRIPTION	LIST PRICE	TOTAL
2		00000005364	MRP-20	MINI RAIL SYSTEM 20 INCLUDES: 19' OF EXTRUDED ALUMINUM PROFILE 1- MRP RAIL END CAP FRONT W/ HYDRAULIC SHOCK 1- MRP RAIL CONNECTION END 125MM/5" DIA CONNECTION (REAR) 40' FEET OF MRP RUBBER LIP 2-TOP SUSPENSION MOUNT KITS *	\$ 1,428.30	\$ 2,856.60
	NEW					
2		00000005366	MRP-60	MINI RAIL SYSTEM 60 INCLUDES: 57' OF EXTRUDED ALUMINUM PROFILE 2- MRP RAIL END CAPS 1- HYDRAULIC SHOCK 2- RRDC-125, MIDDLE RAIL DUCT CONNECTOR, 5" DIAMETER 120' FEET OF MRP RUBBER LIP 6-TOP SUSPENSION MOUNT KITS *	\$ 3,544.30	\$ 7,088.60
	NEW					
5	810042	00000116723	MG UP,4IN ST.HSPK,1 DRP,STR	MAGNETIC GRABBER (MG) UPPER, 4 IN. STANDARD TEMP (ST) HOSE PACK, 1 DROP, STRA/MRP INCLUDES: 1- UPPER ST HOSE 4 IN. X 4 FT. 2- BRIDGE HOSE CLAMPS 1- METAL HOSE SADDLE 4 IN. 1- BALANCER ASSEMBLY 1- STRA/MRP INTERNAL CRAB ASSEMBLY	\$ 2,411.25	\$ 12,056.27
5	710062-1	00000116411	MID,ST HS 4IN x 10FT,1 PCS, ALL RAILS	MID, STANDARD TEMP (ST) HOSE 4 IN. x 10 ft, WITH CLAMPS, 1 PIECE, SBTA, STRA, VSRX	\$ 489.64	\$ 2,448.19

5	NEW	00000003327	MG 5IN,LWR KIT,4IN HT HS,STRA/VSRX	MAGNETIC GRABBER (MG) 5 IN., HIGH TEMP (HT) HOSE 4 IN., SAFETY DISCONNECT HANDLE (SDCH) LOWER ASSEMBLY, STRA/VSRX	\$ 1,671.17	\$ 8,355.85
5	90360-1	00000112505	TPA 5IN,FOR MG 5IN	TAILPIPE ADAPTER (TPA) 5 IN., FOR MAGNETIC GRABBER (MG) 5 IN.	\$ 267.25	\$ 1,336.25
1	NEW	00000006103	TEV-585 216 NEMA THD	TEV FAN, 7.5 HP, 3450 RPM, 208-230 / 460V, 1 PHASE, 60HZ, TEFC MOTOR, CLASS B CENTRIFUGAL FAN. TOP HORIZONTAL DISCHARGE (THD) CONFIGURATION	\$ 5,005.01	\$ 5,005.01
1	0000100340	00000100340	TOL-315	RECTANGULAR TO ROUND SHEET METAL TRANSITION FOR TEV 5 FANS. TRANSITIONS TO 12" ROUND MALE FITTING.	\$ 140.76	\$ 140.76
1	708654	00000116292	12 silencer/ 36"	12" ID x 20" OD 36" LONG SHEET METAL SILENCER WITH 12" MALE END COUPLERS. (FOUR-INCH WALL THICKNESS).	\$ 921.17	\$ 921.17
1	706042	00000116128	OS-3, 7.5HP, 208-230V, 1PH	CONTROL OPERATION SYSTEM FOR 7.5HP, 208-230V, 1PH, 32 A	\$ 2,210.30	\$ 2,210.30
5	704000	00000100716	PC-500-US	PRESSURE SENSOR	\$ 44.54	\$ 222.68
15	961440	00000104680	HOSE CLAMP 4.5"	4.5" DIAMETER HOSE CLAMP SS	\$ 11.72	\$ 175.75
15	710505	00000116472	RUBBER BAND-4"	RUBBER BAND FOR COVERING HOSE CLAMPS - 4"	\$ 9.37	\$ 140.60
63						
63					SUB-TOTAL FIRE MATERIAL	\$ 42,958.03
					SUB TOTAL VEX MATERIAL	\$ -
					SUB TOTAL MISC - DUCT - HARDWARE MATERIAL	\$ 7,459.78
					TOTAL MATERIAL	\$ 50,417.81
					EQUIPMENT/LIFT RENTALS	\$ 3,000.00
					FREIGHT	\$ 2,600.00
total					SALES TAX	\$ 5,321.69
					INSTALL/LABOR	\$ 28,972.57
					BONDING	\$ -
					TOTAL	\$ 90,312.07

Delivery of system will be within *8-10 weeks of proposal acceptance.

Payment to be made as follows: Progressive Invoicing

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's compensation Insurance.

ACCEPTANCE OF PROPOSAL and TERMS AND CONDITIONS. (Pages 1 and 2, inclusively.) The above prices, specifications and Terms and Conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. By signing where indicated, you, as agent for the organization proposed, hereby authorized Air Exchange, Inc. to perform the work as specified on Page 1 of 2 of this proposal and agree and accept the Terms and Conditions (Page 2 of 2) of this proposal. Payment will be made as outlined above.

**Air Exchange
Authorized Signature:** _____

Title: _____

Note: This proposal may be withdrawn by Air Exchange if not accepted within 45 days.

**CUSTOMER
SIGNATURE:** _____

**DATE OF
ACCEPTANCE:** _____

TERMS AND CONDITIONS

AIR EXCHANGE, INC.

PROJECT NAME:

ADDITIONAL EXCLUSIONS TO THE PROJECT PROPOSED:

1. Electrical components and hookup are not included, unless indicated on Page 1 of 2 of the proposal.
2. Permits and fees of any kind are not included in this proposal; including but not limited to, any pertinent load calculations; technical drawings, submittals, shop drawings and permit drawings of any kind. Should any of these items be required, a separate quote will be required.
3. Outside services, not limited to but including, concrete work, exterior penetrations, fork or scissor lift rentals, etc. are not included, unless indicated on Page 1 of 2 of the proposal.
4. All work to be performed during normal business hours (M-F, 7:30 a.m. to 4:00 p.m.). Work done outside of normal business hours will be subject to additional charges (i.e., time and one-half, double time, etc.) unless indicated on Page 1 of 2 of the proposal.
5. Payments terms are noted on the proposal. Should you require different terms than noted, an addendum to this contract will need to be fully executed before revised terms will be accepted.
6. Freight is not included, unless indicated on Page 1 of 2 of the proposal. Please provide preferred carrier. If you authorize, Air Exchange, Inc. will pay for freight charges and invoice you, but you must include this provision in your purchase order to Air Exchange, Inc.
7. Any/all materials and labor not listed on this proposal.
8. Any VFD's, Fans or Interlocks.
9. Remote Control Receiver and Transmitter option.
10. Blocking, Roof Curbs, Roof Jacks.
11. Electrical labor and materials.
12. Air Testing, Air Balancing.
13. Painting.
14. Bonds and permit fees of any kind.
15. Engineering fees of any kind including structural calculations or any labor or materials resulting from any structural calculations.
16. Engineered Drawings

ATTACHMENT 2
City of Los Angeles Contract

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487	Page 1
Contract Dates 04/01/2013 to 03/31/2018	Rate Date PO Date
Description: Vehicle Exhaust Removal System	Contract Maximum 1,186,370.00

City of Los Angeles' vendors are required to have on file an approved Affirmative Action Plan and Certification. Contact Buyer at the City Purchasing Office at (213-485-3677) for information on this requirement.

In order to receive payments from the City of Los Angeles, vendors must have a valid Business Tax Registration Certificate (BTRC) number. Contact the City Clerk's Tax and Permits Division (213-485-3916) for information on this requirement.

All shipments, shipping papers, invoices and correspondence must be identified with the City of Los Angeles' Contract Purchase Order Number.

**Overshipments will not be accepted unless authorized by requestor prior to shipment.
Terms and conditions of parent contract are binding on its Contract Purchase Orders.**

Procurement Analyst: to be determined Phone Number: 323-526-9264
E-mail address: Fax Number:

Requirements Contract for: ****Vehicle Exhaust Removal System: Maint/Repair****
Award No. 59487

Payment Terms: Net 30 Days Delivery: 2 Days ARO RFQ No.: EV3423 Previous 59324

Renewal Options: 4 Option 1 = 5/2/2014 Option 2 = 01/20/15 Option 3 = --/-- Option 4 = --/--
Options Granted: 2

You are hereby notified of the award of this contract with the City of Los Angeles in accordance with RFQ Number EV00003423, to furnish the City's annual requirements for the items and/or services identified in this document. The entire RFQ (including Attachment A and specifications) or any items thereof, addendums, and general conditions comprise the contract. The Quotation document signed by the appropriate contractor and by duly authorized City officials is on file in the Purchasing Agent's office.

NOTE: SALES TAX WILL BE ADDED AT TIME OF ORDER.

The following listed item(s) cover the only product(s) or service(s) approved for purchase under this contract. Products or services requested by the City and not listed in the contract require a separate City Purchase Order in

For Purchasing Agent, City of Los Angeles, California

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487	Page 2
Contract Dates 04/01/2013 to 03/31/2018	Rate Date PO Date
Description: Vehicle Exhaust Removal System	Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Item Minimum Qty	Order Amt	Item Contract Qty	Maximum Amt
1	0.00	Parts, equipment, and material used for the installation, repair, maintenance, and retrofitting of "Vehicle Exhaust Systems for the City of Los Angeles Fire Department Stations"	0	0.00	0	

Price Agreement: Price Date: PO Date
Price Quantity: Line Quantity
Quantity Type: Current Order Quantity
Contract Base Price \$ 0.01000 LO

Amendment 01 - Renewal

Amendment 02 - Renewal Option 2 of 4

PRICE LIST DISCOUNTS/MARK UPS:
Percentage discount (-) charged to the City: -30%

Manufacturer: PLYMOVENT

Price list no./date: 04/01/2014

Applicable price column: LA CITY DISCOUNT COLUMN

The "Price Agreement Conditions" herein shall apply to discounts/mark ups.

Amendment 3 - New Price List effective 03/16/15.

04 amend 59487 renew 3 of 4 (attached)

2	0.00	Project: Reconfiguration/reinstallation of existing, "Vehicle Exhaust Systems for the City of Los Angeles Fire Department Stations."	0	0.00	0	
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Price Agreement: Price Date: PO Date
Price Quantity: Line Quantity
Quantity Type: Current Order Quantity
Contract Base Price \$ 0.01000 LO

The City will conduct job walk on ALL re-installation and re-configuration of existing Vehicle Exhaust Systems for the City of Los Angeles Fire Department Stations, equipment maintenance, parts, installation and repair PROJECTS covered by the contract, in accordance with the attached City specification for Vehicle Exhaust System Service and Equipment, herein and the specifications for each PROJECT.

Request for quotation shall be on "as-needed, project by project" basis using a not to exceed price.

Quotation submitted shall be itemized into parts and labor with a grand total for the project.

INTENDED USE FOR PROJECT, LUMP SUM EQUIPMENT, PARTS AND MATERIALS, LABOR:

*For each project, contractor shall identify in original quote, all parts and equipment used in the project with their respective manufacturer's names, model numbers and quantities. Prices shall be included, if requested by City Project Manager. Contractor's invoice to the City does not need to itemize these parts and equipment information.

*Contractor may be required to identify parts and equipment, quantities and prices, supplied as part of the project to a

City Auditor at any time during the life of the contract and/or after it has expired.

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487	Page 3
Contract Dates 04/01/2013 to 03/31/2018	Rate Date PO Date
Description: Vehicle Exhaust Removal System	Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Item Minimum Order Qty	Item Contract Maximum Amt
3	0.00	Services, journey person, regular rate, per hour, repair and install, diesel exhaust systems at Fire Department stations located within the City of Los Angeles.	0	0.00

Price Agreement: Price Date: PO Date
Price Quantity: Line Quantity
Quantity Type: Current Order Quantity
Contract Base Price \$ 102.00000 HUR

LABOR:

Labor for work performed in accordance with the RFQ/Contract specifications and requirements.

Labor Classification: Sheet Metal Worker

Regular rate: \$102

Regular rates apply from 7:00 am to 4:00 pm weekdays and Saturdays.

Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.

4	0.00	Services, journey person, overtime rate, per hour, repair and install, diesel exhaust systems at Fire Department stations located within the City of Los Angeles:	0	0.00
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Price Agreement: Price Date: PO Date
Price Quantity: Line Quantity
Quantity Type: Current Order Quantity
Contract Base Price \$ 153.00000 HUR

LABOR:

Labor for work performed in accordance with the RFQ/Contract specifications and requirements.

Labor Classification: Sheet Metal Worker

Overtime rate: \$153

Overtime rates apply before 7:00 am and after 4:00 pm weekdays and Saturdays.

Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.

5	0.00	Services, journey person, double time rate, per hour, repair and install, diesel exhaust systems at Fire Department stations located within the City of Los Angeles:	0	0.00
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City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487		Page 4
Contract Dates 04/01/2013 to 03/31/2018		Rate Date PO Date
Description: Vehicle Exhaust Removal System		Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Qty	Item Minimum Order Amt	Item Contract Maximum Qty	Item Contract Maximum Amt
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Price Agreement: Price Date: PO Date
Price Quantity: Line Quantity
Quantity Type: Current Order Quantity
Contract Base Price \$ 204.00000 HUR

LABOR:

Labor for work performed in accordance with the RFQ/Contract specifications and requirements.

Labor Classification: Sheet Metal Worker

Doubetime rate: \$204

Doubletime rates apply on Holidays and Sundays.

Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.

6	0.00	Services, apprentice/helper, regular time rate, per hour, repair and install, diesel exhaust systems at Fire Department stations located within the City of Los Angeles:	0	0.00	0
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Price Agreement: Price Date: PO Date
Price Quantity: Line Quantity
Quantity Type: Current Order Quantity
Contract Base Price \$ 72.35000 HUR

LABOR:

Labor for work performed in accordance with the RFQ/Contract specifications and requirements.

Labor Classification: Sheet Metal Worker

Regular rate: \$72.35

Regular rates apply from 7:00 am to 4:00 pm weekdays and Saturdays.

Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.

7	0.00	Services, apprentice/helper, overtime rate, per hour, repair and install, diesel exhaust systems at Fire Department stations located within the City of Los Angeles:	0	0.00	0
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Price Agreement: Price Date: PO Date
Price Quantity: Line Quantity
Quantity Type: Current Order Quantity
Contract Base Price \$ 108.53000 HUR

LABOR:

Labor for work performed in accordance with the RFQ/Contract specifications and requirements.

Labor Classification: Sheet Metal Worker

Overtime rate: \$108.53

Overtime rates apply before 7:00 am and after 4:00 pm weekdays and Saturdays.

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
 111 E 1ST STREET
 ROOM 110
 LOS ANGELES CA 90012

Vendor ID: 0000046034
 AIR EXCHANGE INC
 1494-B EAST FRANCIS STREET
 ONTARIO CA 91761

Contract ID 59487		Page 5
Contract Dates 04/01/2013 to 03/31/2018		Rate Date PO Date
Description: Vehicle Exhaust Removal System		Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Item Minimum Order Qty	Order Amt	Item Contract Maximum Qty	Maximum Amt
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Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.

8	0.00	Service, apprentice/helper, double time rate, per hour, repair and install, diesel exhaust systems at Fire Department stations located within the City of Los Angeles.	0	0.00	0
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Price Agreement:

Price Date:	PO Date	
Price Quantity:	Line Quantity	
Quantity Type:	Current Order Quantity	
Contract Base Price	\$ 144.70000	HUR

LABOR:

Labor for work performed in accordance with the RFQ/Contract specifications and requirements.

Labor Classification: Sheet Metal Worker

Doubletime rate: \$144.70

Doubletime rates apply on Holidays and Sundays.

Labor rates shall be subject to change in accordance with the applicable prevailing wage, living wage, or minimum wage, and upon supplier's written notification to the Purchasing Agent.

9	0.00	Equipment Rental: Rental of equipment for emergency work or project change orders. List taxable and non-taxable equipment separately	0	0.00	0
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Price Agreement:

Price Date:	PO Date	
Price Quantity:	Line Quantity	
Quantity Type:	Current Order Quantity	
Contract Base Price	\$ 295.00000	LO

For emergency work and project change order, contractor must: Supply proof of rentals with rental company's invoices to the contractor; itemize the rental items and charges with both the original quote and the final invoice.

For emergency work and project change orders, City must:

Itemize the CPO so that it matches the contractor's invoice.

Contractor must attach supplier invoice charges.

INTENDED USE:

* For the rental of miscellaneous equipment required by the contractor in order to complete the emergency work or project change orders. The same contract rental line is used to create CPO's for rental charges relating to emergency work and projects that have change orders.

Standard scissor lift rental as needed \$295 per day.

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487	Page 6
Contract Dates 04/01/2013 to 03/31/2018	Rate Date PO Date
Description: Vehicle Exhaust Removal System	Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Item Qty	Minimum Order Amt	Item Qty	Contract Maximum Amt
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SUPPLIER CONTACT:

Contact Person: Steve Harris

Title: Operations Manager

Telephone No.: (909) 923-7952 / (800) 300-2945

Fax No.: (909) 923-7941

E-Mail Address: steveh@airexchange.com

24 Hour Contact No.: (909) 973-8211

CONTRACT PURCHASE ORDERS:

Contract Purchase Orders will be issued during the contract period for materials or services as required. Supplier shall deliver no goods or services until a City department issues a Contract Purchase Order.

APPROVED CONTRACT ITEM PURCHASES:

The listed items cover the only products approved for purchase under this contract.

The City of Los Angeles will not pay any invoice covering the delivery of any merchandise that is not explicitly authorized by this contract. Any products requested by the City not listed in the contract require a separate City Purchase Order in order for the supplier to receive payment.

RENEWAL OPTION:

The City reserves the right to renew this contract for four (4) additional one (1) year periods. All renewals shall be on an annual basis and under the same terms and conditions of the original contract.

ANNUAL PRICE ADJUSTMENT FOR LONG TERM FIXED PRICE CONTRACTS:

Unit Prices for each line item shall be fixed for one year from the contract start date. On contract anniversaries and renewals, unit prices may be adjusted for the next year in accordance with manufacturer's published price adjustments. Any price adjustments shall be mutually agreed upon by the City Purchasing Agent and the supplier. Price increases will not exceed a reasonable amount, supported by written documentation as indicated in the paragraph below and as determined by the City Purchasing Agent, for any price adjustment. Price reductions may be issued at any time.

The City reserves the right to terminate contract without further obligation by either party in event price increases are not acceptable. Escalating factors will not be automatically granted. Requests for price increases shall be in writing and accompanied by each manufacturer(s) price list(s) with appropriate supporting documents acceptable to the City. Such documents shall include, but not be limited to manufacturer/distributor/dealer invoices, insurance bills, utility bills, freight bills, payroll records, etc. The request shall state the percentage increase and the revised price for each affected contract item.

No increases will be granted without prior approval of the City Purchasing Agent.

PRICE AGREEMENT CONDITIONS:

Prices charged the City are based on a percentage discount from / mark up to the manufacturer's published price list. Percentage discount/mark up is to remain firm for the duration of the contract, subject to "Threshold Amount Level Volume Percentage Adjustments". However, manufacturer's price lists are subject to change in accordance with price adjustments made by the manufacturer.

The City is to be given benefit of any decline in prices immediately upon the manufacturer's effective date of such decline.

The Request for Quotation specifications, requirements, terms and conditions shall supersede and take precedence over

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487	Page 7
Contract Dates 04/01/2013 to 03/31/2018	Rate Date PO Date
Description: Vehicle Exhaust Removal System	Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Item Qty	Minimum Order Amt	Item Qty	Contract Maximum Amt
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any conflicting conditions in manufacturer's price lists.

Subsequent price list updates shall be submitted to the Purchasing Agent by the supplier in accordance to the following:

- FOR PRINTED OR ELECTRONIC (EXCLUDING INTERNET / ON-LINE) CATALOGS AND PRICE LISTS;

1. A letter requesting price list updates shall indicate supplier's name, contract number and published price list(s) date and number.

2. All new price lists shall show supplier's name and contract number and shall be submitted with the request to the City of Los Angeles Purchasing Agent. Price list updates will become effective only upon approval by the Purchasing Agent. If approved, a contract amendment letter will be mailed to the supplier identifying the price list and its effective date or any other price changes.

3. Purchasing Agent approved price lists may be requested from the supplier by each City Department that uses the contract. The price lists may be shipped directly from the supplier to the City department.

- FOR INTERNET / ON-LINE CATALOGS AND PRICE LISTS:

The supplier shall provide access to a secured (https) website for City of Los Angeles staff to identify and confirm product prices online. The online price list must have a cross reference or search function to identify items and prices by Product/Part Number and/or Product Description.

The website must allow for printing any page on the customer's computer screen so as to create a "hard copy" record of the items and prices. City staff is required to print the price page for each item ordered and attach it to their Purchase Order for City auditing purposes.

- WHEN NO CATALOG OR PRICE LIST EXISTS:

When manufacturer's price lists do not exist or are not otherwise available for Cost Plus Mark Up contracts, the following shall apply:

Prices charged the City are based on a Cost Plus Percentage Mark Up to the supplier's net/cost price, as indicated on invoices from the manufacturer, distributor, sub-supplier, or other supply chain source. Percentage mark up is to remain firm for the duration of the contract, subject to "Threshold Amount Level Volume Percentage Adjustments".

A copy of each manufacturer's, distributor's, sub-supplier's, or other supply chain source's invoice pertaining to the specific City Contract Purchase Order shall be submitted with the supplier's invoice to the City's Payment Services Division (SMS Accounts Payable). Failure to submit invoice copies may be considered a Breach of Contract, and will result in payment delays, or non-payment of the supplier's invoice.

STANDARD PRODUCT WARRANTY:

The manufacturer's standard warranty shall be included with all products delivered to the City of Los Angeles. If an express warranty does not exist for the products delivered, the supplier provides the following warranty for defects in material and labor/workmanship.

Warranty for material defects: 5 years

Warranty for labor/workmanship defects: 1 year

In no case shall the supplier's warranty period be less than, but may be longer than any express warranty or implied warranty of merchantability or fitness for use.

OTHER GOVERNMENT AGENCY PURCHASES:

Other government agencies may make purchases using the prices, terms and conditions of this contract.

QUARTERLY REPORTS:

The supplier shall provide the City Purchasing Agent with quarterly reports, to include the following:

1) Expenditure Report that indicates Manufacturer name, description, product/part number, quantity, unit price and extended price of all items sold to the City (contract inception to report date).

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487	Page 8
Contract Dates 04/01/2013 to 03/31/2018	Rate Date PO Date
Description: Vehicle Exhaust Removal System	Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Item Minimum Order Qty	Item Contract Maximum Amt
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2) Environmentally Preferable Product (EPP) Report that indicates the quantity and description of products sold to the City that are considered EPP. This information may be included in the Expenditure Report.

3) Business Inclusion Program Report that indicates the quantity and description of products sold to the City that were manufactured by or obtained from MBE, WBE, SBE, EBE, DVBE and OBE sub-suppliers. This information may be included in the Expenditure Report.

Reports shall be created in a MS/Excel spreadsheet format as provided by the Purchasing Agent, and delivered by the 10th of the following month to City of Los Angeles Purchasing Agent, 111 E. First St., Attn: Procurement Analyst, Room 110, City Hall South, Los Angeles, California, 90012-4111. The supplier shall reference the City's contract number on all reports.

CONTRACT PERFORMANCE REVIEWS:

The supplier agrees to attend periodic Contract performance reviews, facilitated by the City's Contract Manager. Reviews may be held a minimum of once per calendar quarter, focusing on the supplier's and the City's meeting product and service quality levels stated in the Contract, adherence to the Contract terms and conditions, and providing a forum to informally discuss opportunities for improving products, services, Contract terms and conditions, and other related issues in an effort to create economies and cost reductions for the supplier and the City.

LIQUIDATED DAMAGES FOR LATE DELIVERY:

Delivery delays beyond the Contract/Purchase Order delivery date will result in added expense to the City. The City of Los Angeles shall be paid damages for such delay. Inasmuch as the amount of damage is extremely difficult to ascertain, the supplier agrees to compensate the City in the amount of \$100.00 per calendar day beyond the delivery date specified. This amount shall be fixed as liquidated damages that the City will suffer by reason of such delay, and not as a penalty. The City shall have the right to deduct and retain the amount of such liquidated damages from any monies due the supplier.

The supplier shall be entitled to a reasonable extension of time for unavoidable delay in delivery due to causes not reasonably foreseeable by the parties at the time of the Contract/Purchase Order execution, and that are entirely beyond the control and without the fault or negligence of the supplier, including, but not limited to, acts of God or the public enemy, war or other national emergency making delivery temporarily impossible or illegal, acts or omissions of other suppliers, strikes and labor disputes not brought on by any act or omission of the supplier, fire, flood, epidemics, quarantines, or freight embargoes.

INSURANCE:

The contractor's General Liability and Worker's Compensation Insurance Certificates are recorded in the City Administrative Officer's Risk Management Track4LA database.

CONTRACTOR'S LICENSE:

Contractor's State License No: 664135

Class: C43

Expiration Date: 02/28/2015

PERMITS:

The contractor shall be responsible for obtaining and paying for all permits required to perform the work as described in this RFQ and any attached specifications.

AIR QUALITY PERMITS:

The contractor shall be responsible for obtaining and paying for any air quality permits to operate as required by the South Coast Air Quality Management District (SCAQMD) to perform the work described in the Request for Quotation and any attached specifications. Contact the Department of General Services, Environmental Compliance Unit, at (213) 473-7745 prior to applying for Permit to Construct/Operate

SUBCONTRACTORS:

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID 59487	Page 9
Contract Dates 04/01/2013 to 03/31/2018	Rate Date PO Date
Description: Vehicle Exhaust Removal System	Contract Maximum 1,186,370.00

Line #	Item ID	Item Desc	Qty	Item Minimum Order Amt	Item Contract Maximum Amt
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All subcontractors shall be approved by the City Purchasing Agent prior to working on City projects. A subcontractor is defined as a person, partnership, corporation or other entity, which enters into a contract with a contractor for performance of some or all of the City contracted work.

Bidders shall provide a list of all proposed subcontractors with the Quotation, including the following information: Subcontractor Name, Complete Address, Contact Name and Title, E-mail Address, Phone Number, and Fax Number.

The Contractor shall identify subcontracted work by subcontractor name and dollar amount subcontracted on all monthly/quarterly reports. Wholly owned subsidiaries of the contractor shall not be considered as subcontractors, but the City shall be notified in advance of their usage. The Contractor shall not change any of the approved subcontractors or reduce their level of work without the City Purchasing Agent's written approval. City approval shall not be unreasonably withheld.

All procurement agreements with a value in excess of \$25,000 and having a term in excess of three (3) months are subject to the Sweat-Free Procurement Ordinance. Subcontractor information for these agreements shall be provided in both hardcopy and electronic versions. Information for these contractors/subcontractors will be posted on the City Purchasing Agent's Internet website.

PROJECT CHANGE ORDERS:

Projects that have pre-determined work and commodity charges can only be altered through the City's project manager via a change order process. Quotes for additional parts, labor and/or rentals must be itemized and, once approved by the City's project manager, cannot be adjusted without prior approval from the City's project manager. Charges for project change order(s) must be itemized on the contractor's invoice(s) and must not be included in the original "lump sum" quotes of original project.

Invoices with change orders on Lump Sum Projects requires identification of all additional labor rates and number of hours that were required for the change orders.

EMERGENCY CALL OUT:

Supplier must provide a 24-hour telephone number where contractor will receive telephone calls and respond to the work site within 4 hours of receiving the call.

Supplier's 24-hour emergency telephone number: (909) 973-8211

Name of supplier's contact person: Steve Harris

EQUIPMENT, MATERIALS AND ACCESSORIES:

The contractor shall furnish and install any necessary materials, equipment and accessories necessary, including but not limited to cranes, booms, lifts, and trailer equipment necessary for a complete installation, together with all labor required completing the installation and performing the services covered by this specification. The contractor is responsible for unloading, assembling, hoisting, rigging, and installing all fixtures, coils, compressors, condensing units, air conditioners, equipment, furnaces, heat pumps, package electric and gas units, air handlers, and accessories, and other heating, ventilating, air conditioning and refrigeration equipment. The contractor shall also arrange for the removal of crating and packing materials, and shall leave the uncrating area and machine room clean and neat.

Contractor services must also include providing: equipment and installation, repair, and service of vehicle exhaust removal systems in City buildings. Contractor must be able to service and repair all component parts of all types of vehicle exhaust removal systems and equipment.

Contractor shall provide extensive service diagnosis, trouble-shooting, and analytical services for all types of vehicle exhaust removal systems.

PARTS AVAILABILITY:

The contractor must be able to service Plymovent Vehicle Exhaust Removal System and provide original parts made by Plymovent where the parts are not available in the open market. No substitution of parts will be allowed if the said parts are proprietary to Plymovent only.

City of Los Angeles, California

Contract

City of Los Angeles Purchasing Agent
111 E 1ST STREET
ROOM 110
LOS ANGELES CA 90012

Vendor ID: 0000046034
AIR EXCHANGE INC
1494-B EAST FRANCIS STREET
ONTARIO CA 91761

Contract ID	Page
59487	10
Contract Dates	Rate Date
04/01/2013 to 03/31/2018	PO Date
Description:	Contract Maximum
Vehicle Exhaust Removal System	1,186,370.00

Line #	Item ID	Item Desc	Item Minimum Order Qty	Order Amt	Item Contract Maximum Qty	Contract Maximum Amt
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OFF-PEAK DELIVERY AND PICK-UP HOURS:

The City of Los Angeles requires off-peak delivery and pickup of all commodities by City suppliers between the hours of 9:00 AM and 3:30 PM, Monday through Friday, to reduce traffic and vehicle emissions during morning and afternoon commute times. Suppliers are determined in compliance if the actual delivery or pickup time provides for arrival at the City location on or after 9:00 AM and on or before 3:30 PM.

Unless otherwise instructed by authorized City personnel, suppliers are required to schedule deliveries and/or pickups during the off-peak period. City departments sharing facilities that order products from the same supplier shall make every effort to coordinate off-peak deliveries and pickups with the supplier.

Emergency and critical need orders, or other non-conforming deliveries and pickups specifically requested by City departments shall not constitute a violation of this requirement. In addition, circumstances that are outside of the supplier's control and documented by the supplier to the ordering department's or the City Purchasing Agent's satisfaction shall not constitute a violation of this requirement.

Noncompliance with this requirement may result in cancellation of a Purchase Order(s) or termination of Contract(s) between the City and the supplier.

If circumstances related to department operations preclude regularly scheduled deliveries between the hours of 9:00 AM and 3:30 PM, Monday through Friday, the affected City department shall notify the supplier of any allowable exception(s).

AUTHORIZED DISTRIBUTOR/DEALER:

The supplier indicates it is an authorized factory distributor/dealer for the manufacturer quoted, or has provided a formal Letter of Certification from the manufacturer, stating that the manufacturer will honor any warranty claims by the City for equipment, parts, and/or materials provided by the supplier.

The manufacturer will be responsible for any default of the supplier that is not corrected by the supplier in a timely and efficient manner. This responsibility includes replacing incorrect or defective parts, trouble shooting, and correcting problems that are traceable to the manufacturer.

ATTACHMENT 3

Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH AIR EXCHANGE, INC FOR THE PURCHASE AND INSTALLATION OF AN EXHAUST SYSTEM FOR FIRE STATION 61 WITHOUT THE NEED FOR COMPETITIVE BIDDING AND AMENDING RESOLUTION NO. 2023-R52 TO ADD THE FIRE STATION 61 EXHAUST SYSTEM PROJECT TO THE CAPITAL IMPROVEMENT PLAN (“CIP”) AND FINDING SUCH AMENDMENT CONFORMS WITH THE GENERAL PLAN.

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

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

- A. Pursuant to Monterey Park Municipal Code (“MPMC”) § 2.56.020(B), the City Council is the Monterey Park Planning Agency for purposes of this Resolution.
- B. The purchase and installation of exhaust system for Fire Station 61 (the “Project”) was not previously included within the 2023-2024 Capital Improvement Plan (“CIP”) as approved by Resolution No. 2023-R52 on June 21, 2023.
- C. Ordinarily, the City would need to comply with the competitive bidding requirements set forth in the California Public Contracts Code for this Project.
- D. The purpose of such bidding requirements is to guard against favoritism, improvidence, extravagance, fraud and corruption, to prevent waste of public funds, and to obtain the best economic result for the public.
- E. The facts and circumstances of this Project, however, demonstrate that competitive bids would be unavailing or would not produce an advantage, and the advertisement for competitive bid would thus be undesirable and impractical for the following reasons:
 - 1. The Project incorporates patented technology that has not been standardized to the degree that they are commodities which can be subjected to competitive bid. Each exhaust system is covered by a patent and specifications particularly and exactly describing one system would necessarily exclude others.
 - 2. The exhaust system needed for the Project was previously selected through a competitive process by the City of Los Angeles in 2013.
 - 3. Air Exchange, Inc. is registered with the Department of Industrial Relations (DIR #1000011166); has the required insurance and bonding; is properly licensed; and is prepared to execute the City's standard

agreement for public works projects; and

4. Since Air Exchange, Inc is already prepared to complete the Project — and are the only ones authorized to do so — undergoing a complete bid process at this time would be nonsensical.
- F. In waiving the competitive bid requirements otherwise required by the Public Contract Code, the City Council takes note of the analysis and decisions set forth in *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631; *Hodgeman v. City of San Diego* (1942) 53 Cal. App.2nd 610; *Orange County Water Dist. v. Bennett* (1958) 156 Cal. App.2nd 745; and *Los Angeles G&E Corp. v. City of Los Angeles* (1922) 188 Cal. 307
- G. The City reviewed this Resolution's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA" Guidelines"), and the City's Environmental Guidelines.
- H. This Resolution is adopted based upon the entirety of the administrative record including, without limitation, the staff report submitted by the Director of Public Works.

SECTION 2: Findings. Pursuant to Government Code § 65401, the City Council finds that the CIP, as amended by adding Projects, is consistent with the Monterey Park General Plan. Among other things the CIP meets the following goals in the General Plan:

- Safety Element Policy 18.1: Continue to fund maintenance and staffing to ensure a five-to-six minute fire response time Citywide.

Safety Element Policy 18.3: Provide adequate funding to allow the Fire Department to conduct regular inspections of businesses for compliance with fire safety codes.

Safety Element Policy 1.3: Increase City employee capacity to respond to emergencies through the Standardized Emergency Management System and the National Incident Management System compliant training drills to identify hazards, and assist in emergency preparedness, response, and recovery.

SECTION 3: Action; Amendment. The City Council takes the following actions:

- A. The City Manager, or designee, is authorized to execute a standard public works agreement with Air Exchange, Inc. to complete the Project on a form approved by the City Attorney, without the need for additional bidding; and
- B. This Resolution amends Resolution No. 2023-R52 to add the Project to the CIP.

SECTION 4: Design Immunity; City Engineer. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 regarding the plans and construction of

the Project. Accordingly, in addition to the other projects in the CIP, the City Council authorizes the City Engineer to exercise discretionary approval for plans or designs for the Project in advance of the construction or improvement as set forth in Resolution No. 2023-R52.

SECTION 5: *Environmental Assessment*. 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 Guideline § 15301(c) (Existing Facilities) exempts the operation, repair, maintenance, alteration of existing public or private structures which involve negligible or no expansion of existing or former use. The proposed work will occur entirely within an existing structure. Accordingly, no further environmental review is required.

SECTION 6: *Notice of Exemption*. The Director of Public Works, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062, and any other applicable law.

SECTION 7: *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 8: *Summaries of Information*. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 9: *Construction*. This Resolution must be broadly construed to achieve the purposes stated in this Resolution. It is the City Council’s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 10: *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 provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 11: *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 12: *Recordation*. The Mayor, or presiding officer, is authorized to sign this

Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

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

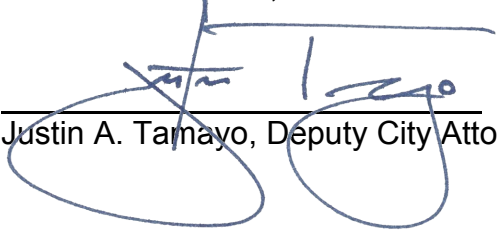
PASSED AND ADOPTED this 7th day of February, 2024.

Jose Sanchez, Mayor

ATTEST:

Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, CITY ATTORNEY



Justin A. Tamayo, Deputy City Attorney



City Council Staff Report

DATE: February 7, 2024

AGENDA ITEM NO: New Business - 5A

TO: The Honorable Mayor and City Council
FROM: Robert Aguirre, Director of Recreation & Community Services
SUBJECT: Tree Memorial Program Recommendation for Carol and Larry Sullivan

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to take actions to honor Carol and Larry Sullivan with a memorial tree and plaque; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

Councilmember Vinh Ngo submitted a nomination for Carol and Larry Sullivan for the Tree Memorial Recognition Program for their many years of dedication and service to the Monterey Park community. Tree Memorial honorees are nominated based on the criteria established in Resolution Nos. 10485 and 11484 (Attachment 1).

If approved by City Council, Carol and Larry Sullivan will be honored with a Tree Memorial for their service and positive impact on the Monterey Park community.

BACKGROUND:

Carol and Larry Sullivan are long-time Monterey Park residents who have volunteered and supported Monterey Park City Departments, Commissions, and local non-profit organizations for many years.

Carol Sullivan is a former Monterey Park business owner who operated a local tennis shop for over 15 years. Carol has served on the Community Participation Commission since 2016, volunteers at St. Paul's Lutheran Church, and is an active member of the Monterey Park Woman's Club and Monterey Park Lion's Club. Carol is also a member of the Library Foundation and organizes events to raise funds to support library services. She has also helped raise funds to support the American Cancer Society and assisted with the Special Olympics and programs that help provide children's eye screenings. For her many years of service, Carol was recognized by the Monterey Park Democratic Club with their "People Who Make a Difference" award and by former State Senator Dr. Ed Hernandez with the "Woman of Achievement" award.

Larry Sullivan has dedicated his community service toward "the betterment of today's kids." Larry is an active resident who is always willing to help and support a worthy cause. Larry has served on the Monterey Park Bruggemeyer Library Board of Trustees since 2018 and was previously a Commissioner on the Planning Commission, Traffic

Commission, and Personnel Board. He is also a member of the Alhambra Unified School District Bond Oversight Committee, a docent at the Monterey Park Historical Museum, and an active Monterey Park Lion's Club member. In 2013 and 2014, Mr. Sullivan helped raise over \$27,000 for the American Cancer Society Breast Cancer Strides event. In 2015, he helped fundraise over \$100,000 for the Special Olympics World Games. The Historical Society recognized Larry Sullivan as the 2018 Grand Marshal, and in 2019, he was honored by the Bruggemeyer Library at the annual Gala.

Carol and Larry Sullivan have contributed countless volunteer hours and developed a legacy of community service.

FISCAL IMPACT:

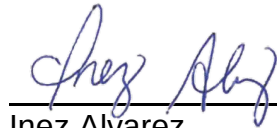
The Tree Memorial plaque and ceremony cost approximately \$300, and funding is included in the FY 23-24 adopted budget in the Community Participation Division fund, account no. 1016508-5242.

Respectfully submitted by:



Robert Aguirre
Director of Recreation & Community Services

Approved by:



Inez Alvarez
City Manager

Reviewed by:



Ephraim S. Margolin
Deputy City Attorney

ATTACHMENTS:

- A. Resolutions 10485 and 11484

ATTACHMENT 1

Resolutions 10485 and 11484

RESOLUTION NO. 10485

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA TO ESTABLISH A TREE MEMORIAL NOMINATION AND AWARD

WHEREAS, the City of Monterey Park would like to acknowledge important and distinguished members of the City, by recognizing them with the dedication of a tree in their honor; and,

WHEREAS, on August 18, 1999 the City Council of Monterey Park directed staff to form a Committee, consisting of 2 members of the Recreation and Parks Commission and 2 members from the Historical Heritage Commission, to establish guidelines regarding an individual being considered for a Tree Memorial; and,

WHEREAS, members of the above mentioned Commissions have met and have submitted their recommendations to the City; and,

WHEREAS, City has incorporated these recommendations into a nomination process and award to honor such individuals; and,

WHEREAS, each February a committee of 3 members of the Historical Heritage Commission and 2 members of the Recreation and Parks Commission will be assembled as a Nomination Committee to accept applications for nominations; and,

WHEREAS, the Nomination Committee, will review nominations for an honor based on the submission of proper documentation and requirements, and, follow guidelines as set forth by the Tree Memorial Committee, and subsequent alternatives as recommended by staff; and,

WHEREAS, the Nomination Committee will make their recommendations to the City Council in April, with a dedication ceremony to be held in May, close to the anniversary of the City's Incorporation.

NOW, THEREFORE, BE IT RESOLVED that the City of Monterey Park hereby adopts the establishment of the Tree Memorial Nomination and Award, and designates staff to authorize a nomination committee as specified above to accept, review and nominate distinguished individuals as indicated in the following sections.

SECTION 1

MEMORIAL PLAQUE / TREE

Plaques to be consistent with plaques that are existing in front of City Hall. Trees that are to be purchased will be of similar type as existing. Cost for the plaques will be charged to the person or group who nominates the individual (\$500.00) City Council may waive fees at its discretion.

SECTION II

QUALIFICATIONS

The consideration for selection must include a substantial history of Community Service. For Example:

- A. Individual should have been a long term resident (10 years or more) in the City of Monterey Park, and should have provided a service benefit to the entire Community, in one or more of the following ways:
 - 1. Served on a City elected or appointed position for at least two terms or 5 years, whichever is greater;
 - 2. Voluntarily served the City as an officer, or board member of, one or more City recognized Service Clubs, volunteer community based organizations or other City service and charitable service organizations, which provide a direct service to Monterey Park residents;
 - 3. A long term community business leader who has served the Community through his/her financial or voluntary efforts to one or more service and charitable service organization or non profit organization in the City of Monterey Park for a period of no less than 10 years.
 - 4. An individual, resident or non resident, who has made a significant or cumulative and positive impact on the Community.
- B. The term "served" means that the individual must demonstrate an active role in providing a benefit to the Monterey Park Community, in addition to service to City service and charitable service organizations.
- C. Special consideration without regard to the above mentioned qualifications, should be given to an individual, resident or non resident, who has deceased while performing service to our community.

SECTION III

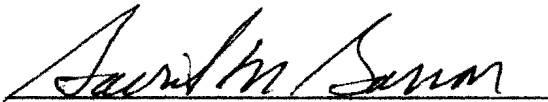
NOMINATION PROCESS

- A. Nominations to be submitted, accepted and considered only one time per year. No limit as to the number of years nominated. No limits imposed on the nomination committee as to how many individuals are recommended each year.
- B. Interested parties will be required to fill out an application which will require detailed justification for consideration, provide a picture and other suitable materials deemed necessary. In order to further determine merit, and to add significance to the prestige of the memorial, any individual whose name is put forth should be supported by at least three letters of reference by community members indicating the contribution made and significance, in their opinion.
- C. A nomination committee consisting of 5 members from the two Commissions, 3 Historical Heritage and 2 Recreation and Parks, shall be assigned to review the application and consider the qualifications.
- D. The time period for nominations are in February, with a selection and ceremony to be held in May, close to the anniversary of the City's incorporation.

PASSED AND APPROVED AND ADOPTED this 15th day of March, 2000.


Rita Valenzuela, Mayor
City of Monterey Park
California

ATTEST:

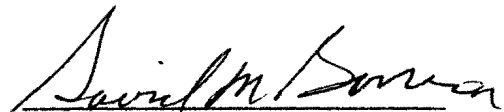

David M. Barron, City Clerk
City of Monterey Park,
California

State of California)
County of Los Angeles) ss.
City of Monterey Park)

I, David Barron, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No.10485 Was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 15 day of March , 2000, by the following vote:

AYES:	COUNCILMEMBERS:	CHU, BALDERRAMA, ALONSO, VENTI, VALENZUELA
NAES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE

Dated this 15th day of March , 2000.


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

RESOLUTION NO. 11484

A RESOLUTION AMENDING RESOLUTION NO. 10485 REGULATING THE PROCEDURES FOR NOMINATIONS AND ERECTING TREE MEMORIALS.

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

SECTION 1: The City Council finds as follows:

- A. In 2000, the Monterey Park City Council adopted a resolution to honor community members whose contributions have made a significant impact on the City of Monterey Park by establishing a Tree Memorial Program, and
- B. The City Council believes the display of the these trees and plaques enhances City facilities and inspires citizens to contribute to their community; and
- C. It is in the public interest for persons recognized with a Tree Memorial to be so honored without the need for paying a fee.

SECTION 2: *Amendments.* Resolution No. 10485 is amended as follows:

- A. Section 1 is amended in its entirety to read as follows: "Plaques to be consistent with plaques that are existing in front of City Hall. Similar existing trees at Garvey Ranch Park will be used."
- B. Subsection A of Section 3 is amended in its entirety to read as follows: "Nominations may be submitted, accepted, and considered only once per year. There is no limit to the number of years in which a person may be nominated. Only three nominations will be recommended to the City Council per year. A person may only receive this honor once."

SECTION 3: *City Manager Authorization.* The city manager is authorized to promulgate administrative policies and procedures to implement and facilitate the directives set forth in this Resolution.

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

PASSED AND ADOPTED this 2nd day of May, 2012.



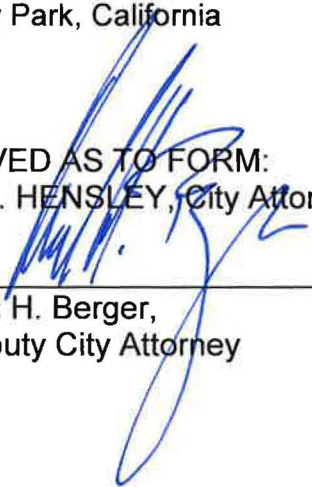
David Lau, Mayor
Monterey Park, California

ATTEST:



David Barron, CMC, City Clerk
Monterey Park, California

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

By: 

Karl H. Berger,
Deputy City Attorney

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

I, DAVID M. BARRON, CMC, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 11484 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 2nd day of May, 2012, by the following vote:

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

Dated this 2nd day of May 2012.



David Barron, CMC, City Clerk
Monterey Park, California

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA, DECLARING AND RECOGNIZING THE MONTH OF FEBRUARY 2024 AS NATIONAL BLACK HISTORY MONTH

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

SECTION 1: The City Council finds as follows:

- A. As early as the 17th century, Africans were forcibly brought to American shores to be enslaved, and Black Americans have subsequently faced systemic injustices of lynch mobs, segregation, racist attacks, discrimination, and denial of basic, fundamental rights.
- B. Black Americans, despite said injustices that continue to exist today, have made significant contributions to the economic, educational, political, artistic, literary, scientific, and technological advancements of the United States.
- C. In 1915, Dr. Carter G. Woodson founded the Association for the Study of Negro Life and History (presently known as the Association for the Study of African American Life and History), and in 1926, established “Negro History Week” to honor the history of African Americans and their contributions to American Life.
- D. In 1976, the Association for the Study of African American Life and History influenced the week-long observance to a month in honor of the Nation’s bicentennial. It has remained a month-long commemoration ever since.
- E. National Black History Month in February celebrates the legacy of Black and African Americans whose power to lead, overcome, and expand the meaning and practice of American democracy has helped the Nation become a more fair and just society.
- F. Since the mid-1970s, every United States President, regardless of political party, has issued messages and proclamations recognizing the significance of National Black History Month by urging all Americans to recognize the important contributions made by Black Americans to American life and culture.
- G. The United States Congress has also passed laws and adopted resolutions recognizing the significance and contributions made by Black Americans since 1986.
- H. The Library of Congress, National Archives and Records Administration, National Endowment for the Humanities, National Gallery of Art, National Park Service, Smithsonian Institution, and the United States Holocaust Memorial Museum pay tribute to the generations of African Americans who struggled with adversity to achieve full citizenship in American society.

- I. The theme for National Black History Month 2024 focuses on “African Americans and the Arts” and is infused with African, Caribbean, and Black American lived experiences. African American influence has been felt globally in literature, fashion, language, film, music, and other forms of cultural expression.
- J. In celebrating the entire history of African Americans and the arts, the Association for the Study of African American Life and History (the founding agency that designates its annual theme) puts into the national spotlight the greatness of the past and present with an eye toward what the rest of the twenty-first century will bring.
- K. The City Council of the City of Monterey Park is committed to valuing diversity. Equity, respect, and justice are essential to the well-being of our community and are critical elements to the overall health of our democracy.
- L. The City Council of the City of Monterey Park encourages all residents to continue their collective journey of honoring and deepening their knowledge of the history and contributions of Black Americans and people of African descent and hereby proclaim the month of February 2024 as National Black History Month.

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.
(Mayor signature and attestation must be on the same page.)

PASSED AND ADOPTED this ____ day of _____, 2024.

Jose Sanchez, Mayor

Attest:

Maychelle Yee, City Clerk