

**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

Wednesday

December 15, 2021

6:30 p.m.

ASSEMBLY BILL NO. 361

These meetings will be conducted pursuant to Government Code § 54953(e) as implemented by City Council Resolution.

Accordingly, Councilmembers will be provided with electronic meeting login information; they will not be physically present at Council Chambers.

Pursuant to City Council resolution, the public may provide public comment utilizing the methods set forth below.

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

MISSION STATEMENT

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

GENERAL INFORMATION

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

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

PUBLIC PARTICIPATION

In accordance with Government Code § 54953(e) and City Council resolution, remote public participation is allowed in the following ways:

Via Email (Written Communications)

Public comment will be accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov. Written communications (if any) will be briefly summarized and include the name of each individual that submitted a comment; the summary will be read via prerecorded video and played during the Public Comment section of the City Council meeting. To view the full text of written

Monterey Park City Council and Successor Agency Agenda, December 15, 2021 - Page 2

communications, please visit www.montereypark.ca.gov/AgendaCenter. All written communications are provided to the City Council and filed as part of the City's administrative record.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling **(888) 788-0099 or (877) 853-5247** and entering Zoom Meeting ID: **289 222 5995** then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter **"*9"** then the Clerk's office will be notified, and you will be in the rotation to make a public comment. Press **"*6"** to unmute yourself when called upon to speak. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer

When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

CALL TO ORDER Mayor

FLAG SALUTE Mayor

ROLL CALL Peter Chan, Hans Liang, Henry Lo, Fred Sornoso, Yvonne Yiu

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS:

While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

STAFF COMMUNICATIONS: NONE.

[1.] PRESENTATION – NONE.

[2.] OLD BUSINESS – NONE.

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

3-A. MINUTES

It is recommended that the City Council consider:

- (1) Approving the minutes from the regular meetings of November 3, 2021 and November 17, 2021; and
- (2) Taking such additional, related, action that may be desirable.

3-B. MONTHLY INVESTMENT REPORT – NOVEMBER 2021

It is recommended that the City Council consider:

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

3-C. [SA] RESOLUTION ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR JULY 1, 2022 – JUNE 30, 2023

It is recommended that the City Council consider:

- (1) Adopting a resolution approving the Recognized Obligation Payment Schedule (ROPS 22-23 A&B) for the period between July 1, 2022 – June 30, 2023;
- (2) Approving the Successor Agency Administrative Budget for July 1, 2022 – June 30, 2023;
- (3) Directing staff to post and transmit the ROPS and Administrative Budget to the appropriate public agencies; and
- (4) Taking such additional, related, action that may be desirable.

3-D. WAIVE FURTHER READING AND ADOPTING DISTRICT MAPS FOR THE CITY OF MONTEREY PARK'S BY-DISTRICT ELECTIONS

It is recommended that the City Council consider:

- (1) Waiving the second reading and adopting the proposed ordinance; and/or
- (2) Taking such additional, related, action that may be desirable.

3-E. ADOPT A RESOLUTION RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER REGARDING COVID-19 PANDEMIC; CONTINUE TO EXTEND THE EXISTENCE OF A LOCAL EMERGENCY; AND AUTHORIZE PUBLIC MEETINGS VIA TELECONFERENCING

It is recommended that the City Council consider:

- (1) Adopting a resolution ratifying certain actions completed by the City Manager regarding COVID-19 Pandemic, continue to extend the existence of a local emergency and authorize public meetings via teleconferencing; and
- (2) Taking such additional, related, action that may be desirable.

California Environmental Quality Act (CEQA)

The Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

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

3-F. FISCAL YEAR 2021 ASSISTANCE TO FIREFIGHTERS GRANTS (AFG) PROGRAM

It is recommended that the City Council consider:

- (1) Approving the Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program for consideration of AFG funding;
- (2) Authorizing the City's Management Services Department to allocate \$8,210.19 from the City budget to fund the required applicant match if the grant is awarded;
- (3) Adopting a resolution authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Fiscal Year 2021 Assistance to Firefighters Grants Program; and
- (4) Taking such additional, related, action that may be desirable.

3-G. 2019 STATE HOMELAND SECURITY GRANT PROGRAM – COST SAVINGS PROJECTS

It is recommended that the City Council consider:

- (1) Receiving and Filing Report; and
- (2) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING – NONE.

[5.] NEW BUSINESS

5-A. AUTHORIZE CITY MANAGER TO AMEND AGREEMENT NO. 1925-A WITH CARNIVAL MIDWAY ATTRACTIONS AND PROVIDE DIRECTION REGARDING THE PLAY DAYS PARADE

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute an amendment to Agreement No. 1925-A to extend the term for two years, in a form approved by the City Attorney, with Carnival Midway Attractions to provide carnival services for the Happy Birthday Monterey Park Play Days carnival on dates to be determined by the City;
- (2) Provide direction regarding the annual Happy Birthday Monterey Park Play Days Parade; and
- (3) Taking such additional, related, action that may be desirable.

[6.] CITY COMMUNICATIONS (CITY COUNCIL)

[7.] FUTURE AGENDA ITEMS

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

ADJOURN



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: Consent Calendar No. 3A

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: Minutes

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving the minutes from the regular meetings of November 3, 2021 and November 17, 2021; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Prepared by:

A blue ink signature of Vincent D. Chang, written in a cursive style.

Vincent D. Chang
City Clerk

A blue ink signature of Viridiana Martinez, written in a cursive style.

Viridiana Martinez
Senior Clerk Typist

Approved By:

A blue ink signature of Ron Bow, written in a cursive style.

Ron Bow
City Manager

ATTACHMENT(S):

1. Draft Minutes

ATTACHMENT 1

Draft Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
NOVEMBER 3, 2021**

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA) and the Geologic Hazard Abatement District (GHAD) of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, November 3, 2021 at 6:30 p.m. The regular meeting was conducted pursuant to Government Code § 54953(e), as implemented by City Council Resolution. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

In accordance with Government Code § 54953 (e) and guidance from the California Department of Public Health on gatherings, remote public participation was allowed in the following ways:

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for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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CALL TO ORDER:

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

FLAG SALUTE:

Mayor Yiu led the Flag Salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Treasurer Joseph Leon, City Manager Ron Bow, City Attorney Karl Berger, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, Police Chief Kelly Gordon, City Librarian Diana Garcia, Director of Human Resources & Risk Management Christine Tomikawa, Director of Recreation & Community Services Robert Aguirre, Director of Public Works Frank Lopez, Director of Management Services Martha Garcia, Interim Director of Community & Economic Development Steve Sizemore, Economic Development Manager Joseph Torres, Deputy City Clerk Cindy Trang, Assistant Deputy City Clerk Helena Cho, Community Communications Coordinator Randy Ishino, Senior Clerk Typist Viridiana Martinez

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Attorney Berger requested that Agenda Item No. 4A be continued to January 18, 2022.

PUBLIC COMMUNICATIONS

Public Speaker Disclaimer: Meetings are held virtually and the information listed for the speakers may or may not reflect the correct spelling of their respective name.

- Arthur Fong, resident, inquired about considering the reopening of El Encanto or the Chamber of Commerce building for Veterans.

STAFF COMMUNICATIONS

- Director of Recreation & Community Services Aguirre thanked everyone that participated in the Community Alter for Dia De Los Muertos and in the 2021 Monster Mash. He also thanked UCLA Health Corps for hosting a free community health care and provided an update on upcoming City events.
- Fire Chief Hallock gave a reminder on free COVID-19 vaccinations and flu vaccinations at Barnes Park, November 3rd, 5th, and 9th from 9:00 am to 12:00 pm.
- Police Chief Gordon invited the community to the Coffee with a Cop event at Williams Donuts on Thursday, November 18th, from 8:30 am to 10:30 am.

1. **PRESENTATION** – None.

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

2. **OLD BUSINESS**

2A. **MAYORAL ROTATION**

In response to California law, the City Council amended the Monterey Park Municipal Code by changing the regular municipal election date to November of even-numbered years beginning in 2022. As a result, terms for all elected officials were extended by eight months pursuant to Elections Code § 10403.5. The mayoral rotation schedule was amended to reflect the November 2022 election and is attached to the staff report for reference.

On October 20, 2021, the City Council directed the mayoral rotation schedule be placed onto the agenda for consideration. The City Council may choose to modify the schedule, if desired.

Public Speakers:

- Arthur Fong shared his opinions on the mayoral rotation schedule.

Recommendation: It is recommended that the City Council consider if desirable, changing the mayoral rotation schedule; and taking such additional, related, action that may be desirable.

Action Taken: Motion to consider changing the mayoral rotation schedule was moved by Mayor Yiu and there being no second, the motion failed.

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

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

Action Taken: The City Council approved and adopted Agenda Item No. 3A on Consent Calendar, excluding Agenda Items Nos. 3B, 3C, and 3D which were pulled for discussion and separate motion, reading resolutions and ordinances by the title only and waiving further reading thereof.

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

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

3A. MINUTES

Approve the minutes from the regular and special meetings of October 6, 2021.

Action Taken: The City Council approved the minutes from the regular and special meetings of October 6, 2021 on Consent Calendar.

3B. CALIFORNIA STATE LIBRARY STRONGER TOGETHER MOBILE LIBRARY GRANT

The California State Library's Stronger Together: Improving Library Access grant is a state-funded opportunity that provides competitive grants between \$50,000 and \$250,000 to local libraries to acquire community outreach vehicles and offer mobile library programs that improve library access and program delivery. The purpose of the grant is to help libraries eliminate barriers and implement new ways to bring literacy, technology and other services to those who face challenges visiting their local public library.

If adopted, the proposed resolution would authorize the City Manager, or designee, to apply for the Stronger Together grant and implement a budget amendment to purchase a mobile outreach vehicle for the Library, if the City is awarded funds. The deadline to apply is November 15, 2021, funds will be awarded starting January 2022 and the project completion date is March 31, 2024.

Action Taken: The City Council adopted Resolution No. 12277 authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the California State Library's Stronger Together Mobile Library Grant.

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

Ayes:	Council Members:	Chan, Liang, Sornoso, Lo, Yiu
Noes:	Council Members:	None

Absent: Council Members: None
Abstain: Council Members: None

Resolution No. 12277, entitled:

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE GRANT FUNDS FOR THE CALIFORNIA STATE LIBRARY'S STRONGER TOGETHER MOBILE LIBRARY GRANT

3C. CALIFORNIA LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL DAY

The Monterey Park Police Department is celebrating California Law Enforcement Records and Support Personnel Day on Tuesday November 9th, 2021. This day, sponsored by the California Law Enforcement Association of Records Supervisors (CLEARS) is celebrated annually. It honors the thousands of men and women who are depended upon by law enforcement and the public for their vital role that they play to the law enforcement system. The Police Department is enlisting City Council's support in the form of a resolution to honor these men and women for the work they do every day to protect the residents of Monterey Park.

Action Taken: The City Council adopted Resolution No. 12278 declaring Tuesday, November 9th, 2021 as Law Enforcement Records and Support Personnel Day.

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

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

Resolution No. 12278, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA DECLARING TUESDAY NOVEMBER 9TH, 2021 LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL DAY IN MONTEREY PARK

3D. PURCHASE AND CONVERSION OF POLICE DEPARTMENT VEHICLES

The Police Department has numerous aging high-mileage vehicles that have exceeded their useful life and need replacement. Staff researched available vehicles and options and determined the attached proposed list of vehicles (Attachment #1 to the staff report) is the best replacement choice for the Police Department's needs. As such, staff recommends the purchase of the proposed attached list (Attachment #1 to the staff report) totally approximately \$1,100,000.

Action Taken: The City Council waived bidding requirements pursuant to Monterey Park Municipal Code §3.20.050(5) and authorized the Police Department to amend a contract (Agreement # 1855-A) with 72 Hour LLC dba National Auto Fleet Group for the purchase of Police Department Vehicles through 72 Hour LLC dba National Auto Fleet Group; and authorized the Police Department to amend the contract (Agreement 1967-AC) with West Coast Lights and Siren for the conversion/up-fitting of Police Department Vehicles through West Coast Lights and Siren.

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

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

4. PUBLIC HEARING

4A. MONTEREY PARK GEOLOGIC HAZARD ABATEMENT DISTRICT (“MPK GHAD”)

Following formation of the GHAD on September 15, 2021, the GHAD Board of Directors adopted a Resolution setting the date for a public hearing to determine whether the assessment identified in the Engineer’s Report may be imposed upon the GHAD’s jurisdiction. November 3rd is the public hearing date for that determination.

CEQA (California Environmental Quality Act):

The Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “ CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Resolution does not constitute a “ project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

Recommendation: It is recommended that the City Council consider (1) opening the public hearing; (2) receiving documentary and testimonial evidence; (3) closing the public hearing; (4) adopting a Resolution levying assessments within the District (Attachment 1 to the staff report); and (5) taking such additional, related action that may be desirable.

Discussion: City Attorney Berger advised the City Council to continue the public hearing to January 18, 2022.

Action Taken: The City Council opened the public hearing at 8:18 p.m.; and continued the public hearing to the January 18, 2022 City Council meeting.

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

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

Item was heard again after Agenda Item No. 4C

Action Taken: The City Council reconsidered previous motion to correct the date of the public hearing to January 19, 2022 City Council meeting.

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

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

4B. A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT (CU-21-XX) FOR CONSTRUCTION OF A DRIVE-THROUGH FACILITY AT THE MARKET PLACE DEVELOPMENT

The Applicant is seeking a conditional use permit (CUP) for a new drive-through restaurant at the Market Place development. If approved, the CUP would allow for a fourth drive-through restaurant at that location. The previous three drive throughs (In-N-Out, Chick-Fil-A, and Ono Hawaiian Grill) were ministerially approved in accordance with the Market Place Precise Plan adopted in 2012. That Precise Plan allowed for a total of three drive throughs be approved without a CUP; subsequent drive-throughs require a discretionary permit.

CEQA (California Environmental Quality Act):

CEQA Guidelines § 15168(c)(2) states that if a project is proposed which has been the subject of a prior certified EIR, and “[i]f the [City] finds that pursuant to Section 15162, no new effects could occur or new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the ... EIR, and no new environmental document would be required.”

On December 19, 2012, the City Council adopted Resolution No. 11548 and certified a Supplemental EIR for the project.

Approval of the Project will not result in any new or increased environmental effects, and no new mitigation measures are required; therefore, pursuant to CEQA Guidelines §15168(c)(2), no new environmental documentation is required for approval of the Project.

Public Speakers:

- Joe Morris, representative of M&M Realty, was available for questions.

Action Taken: The City Council (1) opened the public hearing at 8:20 p.m.; (2) received documentary and testimonial evidence; (3) closed the public hearing at 8:22 p.m.; (4) and adopted Resolution No. 12279 approving a Conditional Use Permit (CU-21-XX), subject to conditions of approval.

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

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

Resolution No. 12279, entitled:

A RESOLUTION APPROVING CONDITIONAL USE PERMIT (CUP-21-07) TO ALLOW THE CONSTRUCTION OF A NEW RETAIL EATING ESTABLISHMENT WITH A DRIVE-THROUGH AT THE MARKETPLACE

4C. CONTINUATION OF PUBLIC HEARING REGARDING MODIFYING PRECISE PLAN (PP-14-02) CONDITIONS OF APPROVAL FOR A HOTEL LOCATED AT 555 N. ATLANTIC BOULEVARD.

The Applicant seeks to modify its Precise Plan ("PP-14-02") for the Courtyard at Marriott hotel. Specifically, the application seeks to amend Conditions of Approval Nos. 37 and No. 39 of Planning Commission Resolution No. 06-15. At this time, staff is requesting that the item be continued to December 15, 2021.

Action Taken: The City Council continued the public hearing originally noticed for August 18, 2021 to December 15, 2021.

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

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

5. **NEW BUSINESS** – None.

6. **CITY COMMUNICATIONS (CITY COUNCIL)**

Council Member Chan reported that he attended the San Gabriel Valley Council of Governments (COG) meeting, the Asian Youth Center's Annual dinner, the 150th Anniversary of the Chinese Massacre of 1871 that was hosted by the Chinese American Museum, and Police Chief Gordon's swearing in ceremony. Council Member Chan recognized resident Lilian Kawaratani for receiving an award from the Business and Professional Women. He mentioned that he attended the Monterey Park golf tournament hosted by the Police Department alongside Council Member Liang. Council Member Chan reminded the Community that the Metro Youth Council is still accepting applications for members and anyone interested can call (213)922-2852 for any information.

Council Member Liang reiterated that he attended the same events as Council Member Chan and wished everyone a great night.

Council Member Sornoso recognized and congratulated City Manager Bow and Mayor Pro Tem Lo for running the LA Marathon on November 7th. He also thanked City Librarian Diana Garcia for assisting his family and himself in acquiring their current crime novel reads. He reminded the Community that the Veteran's Day Ceremony is going to be held November 11th and he hopes to be able to bring along his 97 year old, WWII Veteran uncle, who was interviewed by a historian. Council Member Sornoso asked Fire Chief Hallock for an update on Station 62. He also reminded the Community that on November 6th, there will be a community Pickleball event at the Barnes Park tennis court.

Mayor Pro Tem Lo reported that he attended the Chinese American Museum's 150th Chinese Massacre of 1871 event, as well as, the City's Monster Mash. Mayor Pro Tem Lo announced that he also attended East LA College's unveiling of an updated donor wall and informed the Council that ELAC's 75th Anniversary is approaching. He stated that he participated in the City of Alhambra's Pumpkin Run, which raised funds for the Alhambra School District. He inquired about adjourning tonight's meeting in honor of City of Duarte Mayor, Bryan Urias, who died unexpectedly on October 24th.

Mayor Yiu reported that she attended the City's Monster Mash event. She stated that she was also in attendance for Police Chief Gordon's swearing-in ceremony and congratulated Police Chief Gordon on the ceremony. She announced that she celebrated her 50th birthday at Outback Steakhouse.

7. FUTURE AGENDA ITEMS – None.

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

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 8:51 p.m. in memory of Mayor Bryan Urias, City of Duarte, and in honor of Mayor Yiu's 50th birthday.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
FINANCING AUTHORITY (MPFA)
HOUSING AUTHORITY (MPHA)
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
SUCCESSOR AGENCY (SA)
NOVEMBER 17, 2021**

The City Council, the Financing Authority (MPFA), the Housing Authority (MPHA) and the Geologic Hazard Abatement District (GHAD) of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, November 17, 2021 at 6:30 p.m. The regular meeting was conducted pursuant to Government Code § 54953(e), as implemented by City Council Resolution. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

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

PUBLIC PARTICIPATION

In accordance with Government Code § 54953 (e) and guidance from the California Department of Public Health on gatherings, remote public participation was allowed in the following ways:

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for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

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CALL TO ORDER:

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

FLAG SALUTE:

Mayor Yiu led the Flag Salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

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

Council Members Absent: None

ALSO PRESENT: City Treasurer Joseph Leon, City Manager Ron Bow, City Attorney Karl Berger, Assistant City Manager Inez Alvarez, Fire Chief Matt Hallock, Police Chief Kelly Gordon, City Librarian Diana Garcia, Director of Public Works Frank Lopez, Director of Human Resources & Risk Management Christine Tomikawa, Director of Recreation & Community Services Robert Aguirre, Director of Management Services Martha Garcia, Interim Director of Community & Economic Development Steve Sizemore, Economic Development Manager Joseph Torres, Water Utility Manager Richard Gonzales, Deputy City Clerk Cindy Trang, Community Communications Coordinator Randy Ishino, Senior Clerk Typist Viridiana Martinez

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Manager, Ron Bow, requested to continue Agenda Item No. 3D to a future City Council meeting.

PUBLIC COMMUNICATIONS

Public Speaker Disclaimer: Meetings are held virtually and the information listed for the speakers may or may not reflect the correct spelling of their respective name.

- Joseph Leon, City Treasurer, provided his input on Agenda Item No. 3D.

STAFF COMMUNICATIONS

- City Librarian Garcia introduced Children's Senior Librarian, Kristin Olivarez and Adult Literacy Coordinator, Victor Castellanos, who gave an update on upcoming Library events.

- Director of Recreation & Community Service Aguirre announced that Santa's mailbox will be located at the Langley Senior Center and the Community has until December 3, 2021 to send their letters to Santa.
- Economic Development Manager Torres announced to the Community that the City has launched a new innovative mobile application 'Monterey Park Rewards', that allows you to earn points and support local businesses. He presented two videos of Congresswomen Judy Chu and Supervisor Hilda Solis encouraging the Community to sign up for 'Monterey Park Rewards'.
- Fire Chief Hallock gave an update on the Free Flu Shots & Booster Shots being offered at Barnes Park Amphitheater on November 23rd and November 30th from 8:30 a.m to 12:30 p.m.

1. PRESENTATION

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

1A. SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT PRESENTATION ON DROUGHT

This item was heard after Agenda Item No. 4A.

Board President of the San Gabriel Valley Municipal Water District, Thomas Wong, gave a PowerPoint presentation on the water drought and water conditions in Monterey Park, as well as across the State.

1B. AB 1276 – SINGLE-USE FOODWARE ACCESSORIES AND STANDARD CONDIMENTS

This item was heard after Staff Communications.

Assistant City Manager Alvarez presented a PowerPoint on Assembly Bill 1276, a newly adopted State law on single-use food ware accessories and standard condiments that will begin to be enforced June 1, 2022.

1C. AWARD OF EXCELLENCE BY GFOA

City Manager Bow presented a PowerPoint congratulating the Management Services Department for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). He also recognized Director of Management Services, Martha Garcia, for receiving the Award of Financial Reporting Achievement.

2. OLD BUSINESS – None

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

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

Action Taken: The City Council approved and adopted Agenda Items Nos. 3A, 3B, 3E, 3F, 3G, 3H, and 3I on Consent Calendar, excluding Agenda Item No. 3C which was pulled for discussion and separate motion reading resolutions and ordinances by the title only and waiving further reading thereof. Agenda Item No. 3D was continued to a future City Council meeting.

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

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

3A. MINUTES

Approve the minutes from the regular meeting of October 20, 2021.

Action Taken: The City Council approved the minutes from the regular meeting of October 20, 2021 on Consent Calendar.

3B. MONTHLY INVESTMENT REPORT – OCTOBER 2021

As of October 31, 2021 invested funds for the City of Monterey Park is \$81,239,481.11

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

3C. ADOPT A RESOLUTION TO CONTINUE TO EXTEND THE EXISTENCE OF A LOCAL EMERGENCY AND AUTHORIZE PUBLIC MEETINGS VIA TELECONFERENCING

Assembly Bill (AB) No. 361 became effective on September 16, 2021. In sum, AB 361 amended the Brown Act to extend the circumstances under which teleconferencing open meetings are permitted. In many respects, the Bill effectively extends the teleconferencing procedures authorized by, which the City has been using regularly since the early stages of the COVID-19 pandemic.

The City Council extended the local emergency on October 6, 2021. However, it must reconsider the circumstances of the state of emergency every 30 days and find, by a majority vote, that circumstances continue to necessitate the use of such teleconferencing procedures.

CEQA (California Environmental Quality Act):

The Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

Action Taken: The City Council adopted Resolution No. 12280 to continue to extend the existence of a local emergency and authorize public meetings via teleconferencing.

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

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

Resolution No. 12280, entitled:

A RESOLUTION EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY
AND AUTHORIZING PUBLIC MEETINGS VIA TELECONFERENCING

3D. PROFESSIONAL SERVICES AGREEMENT FOR THE INVESTMENT MANAGEMENT/ADVISORY SERVICES BY CHANDLER ASSET MANAGEMENT

Professional investment management of public funds is a best practice which provides substantial benefits to the City of Monterey Park. These benefits include day-to-day monitoring of investments within the portfolio, including daily analysis of available market yields; re-balancing of the portfolio's duration (average maturity) to take advantage of higher interest when available, daily credit monitoring of investment instruments, security selection and competitive shopping of investments to obtain the best execution of trades. Performance measurement against selected benchmarks and compliance will be monitored daily with the City's investment policy and California Government Code and reported formally to the City as part of its monthly reporting package.

During the September 15, 2021 City Council Meeting, and in compliance with the City's Investment Policy, City Council directed the Treasury Committee to analyze external investment management services. The goal of external management is to maximize the return on investments within the portfolio, while minimizing risk of principal and prioritizing safety of principal and liquidity.

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

Recommendation: It is recommended that the City Council consider (1) authorizing the Mayor to execute an agreement with Chandler Asset Management, in a form approved by the City Attorney, to provide investment management/advisory services for a percentage of the City's investment that will amount to approximately \$30,000 annually (based upon an investment amount not to exceed \$40,000,000); (2.) adopting a Resolution authorizing the City Treasurer to implement the Investment Policy for FY 2021-22; and (3.) taking such additional, related, action that may be desirable.

Action Taken: The City Council continued this item to a future City Council meeting.

3E. CONFIRMATION OF THE CITY'S WITHDRAWAL FROM ICRMA AND DIRECTION TO THE CITY MANAGER REGARDING JOINING A NEW INSURANCE POOL

On June 16, 2021, City Council authorized the City Manager to issue a notice of intent to withdraw from the Independent Cities Risk Management Authority (ICRMA). ICRMA provides excess insurance coverage for the City's property, workers' compensation and general liability programs. Per ICRMA bylaws, the City would need to rescind its withdrawal notice with ICRMA by December 1, 2021.

Staff received insurance quotes from two Joint Powers Authorities (JPAs) that provide coverage similar to that offered by ICRMA. It appears that the quote from PRISM is the overall best option for the City. Staff recommends that the City Council approve negotiating with PRISM to implement the change in JPAs by July 1, 2022.

Action Taken: The City Council (1) confirmed that the City is withdrawing from the ICRMA as set forth in Resolution No. 12252, adopted June 16, 2021; (2) authorized the City Manager to execute an agreement, in a form approved by the City Attorney, with an appropriate third party administrator to oversee processing of City claims including, without limitation, workers compensation claims; and (3) authorized the City Manager to negotiate terms and conditions of an agreement with Public Risk Innovation, Solutions, and Management ("PRISM") for ratification by the City Council at a future agenda on Consent Calendar.

3F. AUTHORIZE A PARTNERSHIP WITH ALHAMBRA EDUCATIONAL FOUNDATION TO HOST A TRIBUTE CONCERT AT THE BARNES PARK AMPHITHEATER IN HONOR OF JOHNNY THOMPSON

On Sunday, January 9, 2022 the Alhambra Educational Foundation and the Johnny Thompson music store will host a tribute concert in honor of the late Johnny Thompson at the Barnes Park Amphitheater from 12:00p.m. to 6:00p.m. The event will consist of performances by live bands throughout the day and memorial speeches between performances. Attendance will be free to the public

and any sponsorships or donations will directly benefit the Alhambra Educational Foundation. During the event a tree memorial located at the Barnes Park Amphitheater will also be dedicated to Mr. Thompson as approved by City Council at the October 20, 2021 meeting.

The recommended action would authorize the City Manager to enter into a sponsorship agreement with the Alhambra Educational Foundation to, among other things, allow use of the Barnes Park Amphitheater without cost; assist with advertisements including social media in accordance with the City's Social Media Policy (Resolution No. 12167); coordination of Recreation & Community Services Department equipment; and one part-time Recreation Leader to assist at the event. This proposed fee waiver is anticipated and authorized pursuant to Monterey Park Municipal Code § 9.57.070(d)(2).

Action Taken: The City Council authorized the City Manager to execute a sponsorship agreement, in a form approved by the City Attorney, with the Alhambra Educational Foundation to host a tribute concert at the Barnes Park Amphitheater in honor of Johnny Thompson on Consent Calendar.

3G. FIRST AMENDMENT TO AGREEMENT NO. 2241-AB WITH TRANSTECH ENGINEERS, INC., FOR STAFF AUGMENTATION SERVICES – BUILDING OFFICIAL

Agreement No. 2241-AB with Transtech Engineers, Inc., (Transtech) for the City's Building Official is set to expire on December 31, 2021. This agreement was approved by the City Manager for a term of 8 months and in an amount not to exceed \$60,000. Due to the continued vacancy of the building official position and recent vacancies of building and safety personnel, staff is requesting that the City Council extend the contract term with Transtech for one year from December 31, 2021 to December 31, 2022, with an option to extend an additional year, if needed, and increase the agreement amount from \$60,000 to \$300,000 annually. Transtech has provided exceptional services to the City in this capacity for several months. There is no impact to the General Fund as the agreement is funded by salary savings from the vacant positions.

Action Taken: The City Council authorized the City Manager to execute a 1-year amendment, in a form approved by the City Attorney, to Agreement No. 2241-AB with Transtech Engineers, Inc., for Staff Augmentation Services – Building Official to extend the agreement and include additional services on Consent Calendar.

3H. TASK ORDER TO PUBLIC WORKS ON-CALL AGREEMENT WITH HAMPTON TEDDER ELECTRIC COMPANY FOR URGENT REPAIRS TO UNDERGROUND DUCT BANK

On November 4, 2020, the City Council authorized an On-Call agreement with Hampton Tedder Electric Company for on-call electrical services. Staff is requesting approval of a Task Order to this Agreement for emergency repairs to the underground duct bank at a cost not to exceed \$163,000.

CEQA (California Environmental Quality Act):

The proposed work involves minor alterations to existing public facilities and therefore is Class 1 Categorically Exempt pursuant to the California Environmental Quality Act (CEQA).

Action Taken: The City Council authorized the City Manager to execute a Task Order, in a form approved by the City Attorney, with Hampton Tedder Electric Company for an amount not to exceed \$163,000 for emergency repairs to the Underground Duct Bank at the Delta Plant Facility; and appropriated \$163,000 in City Water Operations funds for the project on Consent Calendar.

3I. PROFESSIONAL SERVICES AGREEMENT - LABELLE MARVIN, INC. FOR PAVEMENT STUDY SERVICES

The City Council directed staff, at the July 7, 2021 meeting, to provide a financing mechanism to fund expediting the implementation of the City's Pavement Management Program (PMP) in an effort improve the City's overall roadway condition. The result of this effort was the issuance of Sales Tax Revenue Bonds, Series 2021 (Bonds) by the Monterey Park Financing Authority. Proceeds from the Bonds will be used for roadway rehabilitation and must be expended within three years of issuance. To move forward quickly, Public Works staff recommends executing the professional services agreement with LaBelle Marvin, Inc., to begin roadway testing and analysis to develop the appropriate pavement resurfacing design.

CEQA (California Environmental Quality Act):

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

Action Taken: The City Council authorized the City Manager to execute a three-year agreement with Labelle Marvin Inc., in a form approved by the City Attorney, for an amount not to exceed \$280,000 (including 10% contingency) to provide testing, analysis, and pavement rehabilitation design for street segments in Years 1-3 Street Resurfacing and Slurry Seal projects funded by the recent street bonds; and appropriated \$280,000 from the Sales Tax Revenue Bonds on Consent Calendar.

4. PUBLIC HEARING

4A. PUBLIC HEARING TO RECEIVE TESTIMONY REGARDING REDRAWING COUNCIL DISTRICT BOUNDARIES PURSUANT TO ELECTIONS CODE § 21601

In 2019, the City transitioned to district-based elections. In accordance with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act (Elections Code § 21601-21609), following the federal decennial census every ten years, districts boundaries must be redrawn so that each district is substantially equal in population. It is important in ensuring that each City Councilmember represents about the same number of constituents. The maps must meet certain requirements and has a total deviation of less than 10% difference.

At the second public hearing on October 20, 2021, National Demographics Corporation (NDC) presented the findings from the “Still Balance Analysis” using the 2020 Census adjusted data and concluded that the existing district map meets the FAIR MAPS Act criteria with a deviation of 2.84%.

The City Council received and filed public comments, took action to move forward with the existing map (Option A), and scheduled the third public hearing for November 17, 2021; fourth public hearing and introduction of an ordinance to adopt final map for December 1, 2021; and scheduled December 15, 2021 for adoption of the ordinance and the final map (Note: typographical error on the October 20, 2021 staff report referenced the incorrect date for the adoption of the ordinance on December 22, 2021).

The City Council held the first public hearing on July 21, 2021, second public hearing on October 20, 2021, and the third public meeting being held tonight.

This item was heard promptly at 7:02 P.M. after Agenda Item No. 1B.

Public Speakers:

- Dr. Justin Levitt, Vice President of National Demographic Corporation, gave a presentation and was available for questions.

Recommendation: It is recommended that the City Council consider (1) conducting a Public Hearing to receive testimony on redrawing of council district boundaries pursuant to Elections Code § 21601; (2) providing direction to the City’s demographer regarding redrawing of council district boundaries pursuant to Elections Code § 21601; (3) taking such additional, related, action that may be desirable.

Action Taken: The City Council opened the public hearing at 7:02 p.m., to receive and file testimony on redrawing council district boundaries pursuant to Elections Code § 21601; closed the public hearing at 7:14 p.m. with no registered public

speakers.; and provided no further direction to the City's demographer regarding redrawing of council district boundaries pursuant to Elections Code § 21601.

4B. CONTINUATION OF PUBLIC HEARING REGARDING CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA CONFIRMING THE 2021 ANNUAL REPORT AND THE LEVY OF ASSESSMENTS FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT NO. 1 FOR PROGRAM YEAR 2022

On October 20, 2021, the City Council set the date for a public hearing regarding the assessment of businesses within Business Improvement District No. 1. BID Assessment revenues will fund promotional activities and special events to benefit downtown businesses. Council adopted Resolution No. 12274 but requested to amend the 2021 Annual Report. At this time, staff needs additional time to revise the 2021 Annual Report and is requesting that the item be continued to December 1, 2021.

Action Taken: The City Council continued the public hearing originally scheduled for November 17, 2021 to December 1, 2021.

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

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

5. NEW BUSINESS

5A. ORDINANCE REQUIRING REDUCTION OF ORGANIC WASTE DISPOSAL AND PARTICIPATION IN SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS REGIONAL FOOD RECOVERY PROGRAM

Senate Bill 1383 (SB 1383) requires local jurisdictions to adopt an ordinance to implement the Short-lived Climate Pollutants: Organic Waste Reduction regulations as set forth by the California Department of Resources and Recovery (CalRecycle). SB 1383 requires the State to reduce organic waste, that includes food waste, green waste, and paper products, by 75% by 2025.

The proposed ordinance would add Chapter 6.08.290 to the Monterey Park Municipal Code (MPMC) that provides the requirements for collection and recycling of organic waste to comply with the law.

At this time, staff is also requesting City Council approval to participate in the San Gabriel Valley Council of Governments (SGVCOG) Regional Food Recovery

Program. The food recovery program will assist the City in compliance with SB 1383.

CEQA (California Environmental Quality Act):

The proposed ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procures to clarify existing policies and practices related to waste disposal services; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. The ordinance would be adopted, in part, for protection of the environment. Accordingly, the ordinance does not constitute a “project” that requires environmental review (see *specifically* 14 CCR § 15378(b)(2,5)).

Action Taken: The City Council (1) introduced and waived first reading of an Ordinance amending the Monterey Park Municipal Code (“MPMC”) to add Chapter 6.08.290 that mandates reducing organic waste disposal; (2) authorized the City Manager to execute Amendment 1 to the Agreement with San Gabriel Valley Council of Governments for participation in Tasks 5 and 6 of the Regional Food Recovery Program; and (3) appropriated \$110,800 for the cost of Tasks 5 and 6 of the Food Recovery Program from refuse enterprise fund 421.

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

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

5B. AMENDMENT TO MONTEREY PARK MUNICIPAL CODE CHAPTER 2.28 REGULATING THE PERSONNEL BOARD

In 2020, the COVID-19 emergency provided an opportunity for City staff to evaluate efficiencies for different City boards, commissions and committees. After further review of the Personnel Board's role and responsibilities, City staff recommends modifying responsibilities of the Personnel Board. The changes will allow the Human Resources and Risk Management Director to implement Department's responsibilities with increased efficiencies. The Personnel Board responsibilities affect the non-sworn employees related to appeal processes for discipline and grievances. The proposed amendments to the MPMC better reflect the role and responsibilities of the Personnel Board to ensure employees continue to have an opportunity to appeal disciplinary decisions to an impartial Personnel Board as stated in the applicable memoranda of understandings.

Action Taken: The City Council introduced and waived first reading of an ordinance amending Chapter 2.28 of Monterey Park Municipal Code (“MPMC”) regulating the Personnel Board responsibilities as amended to provide the City Council with an overview on City Commissions and Boards at a future City Council meeting.

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

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

5C. CONSIDERATION OF STAGE 2 DROUGHT EMERGENCY DECLARATION AS DESCRIBED IN MPMC CHAPTER 14.25

At the September 15, 2021 meeting, City Council amended the Monterey Park Municipal Code (“MPMC”) to add Chapter 14.25 imposing water conservation measures. MPMC Chapter 14.25 authorizes the City Council to declare six stages of drought emergency. Staff is recommending that City Council declare a Stage 2 Drought Emergency.

CEQA (California Environmental Quality Act):

The Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated there under (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.²

Action Taken: The City Council adopted Resolution No. 12281 declaring a Stage 2 Drought Emergency per Monterey Park Municipal Code Chapter 14.25, Water Conservation Regulations.

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

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

² CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

Resolution No. 12281, entitled:

A RESOLUTION DECLARING A STAGE 2 DROUGHT EMERGENCY AND DIRECTING THE PUBLIC WORKS DIRECTOR TO IMPLEMENT WATER CONSERVATION RESTRICTIONS IN ACCORDANCE WITH MONTEREY PARK MUNICIPAL CODE CHAPTER 14.25

6. CITY COMMUNICATIONS (CITY COUNCIL)

Council Member Chan reported that he attended the 30th Anniversary of the Toastmasters Club, the Veteran's Day Ceremony on November 11, 2021 at the American Legion Post. He announced that on Tuesday, November 16, 2021, the San Gabriel Valley Council of Government (COG) Committee formally sent a letter to the San Gabriel Valley COG Board regarding the defunding of law enforcement on Metro Transportation Agencies. Council Member Chan reported that he had a meeting with City Manager Ron Bow and Metro CEO Stephanie Wiggins to discuss transportation concerns in Monterey Park.

Council Member Liang reported that he attended the Veteran's Day Ceremony on November 11, 2021 and the press conference for the launch of 'Monterey Park Rewards'. He encouraged the community to download the mobile app.

Council Member Sornoso reported that he attended the Veteran's Day Ceremony at the American Legion Post. He thanked all veterans for their services and sacrifices and thanked the American Legion Post for co-hosting the Veteran's Day Ceremony. Council Member Sornoso reminded the community that on Thursday, November 18, 2021 at 8:30 a.m. the Police Department will be hosting their annual Coffee with a Cop event at Williams Donuts on the corner of Garfield and Newmark Avenues.

Mayor Pro Tem Lo reported that he attended East Los Angeles College (ELAC) 75th Anniversary, the Chinatown Service Center's 50th Anniversary Gala, the Toastmaster Club's 30th Anniversary, and the Veteran's Day Ceremony on November 11th. Mayor Pro Tem Lo announced that City Manager Bow and himself both completed the LA Marathon. He stated that as an alternative representative for the San Gabriel Valley Council of Governments he attended the November 10th meeting. He mentioned that at the meeting there was discussion on concerns regarding the closure of the men's central jail and a conversation on the redistricting and redrawing of LA County's lines. He also reported that he attended the press conference for the launch of the Monterey Park Rewards app. Mayor Pro Tem Lo asked Council to adjourn the meeting in honor of United Against Hate Week. He directed Staff to look into creating a resolution that will recognize November 14th to November 20th as United Against Hate Week.

Mayor Yiu reported that she started using the 'Monterey Park Rewards' mobile and is waiting for her first transaction to show up as rewards on the mobile app. She stated that she hopes to see more businesses participating in the reward program.

Mayor Yiu read a small biography of Roger Chandler, Arcadia City Council Member, who passed away after a battle with cancer.

- 7. FUTURE AGENDA ITEMS – None**
- 8. CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)**
None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:53 p.m. in acknowledgement that November 14-20, 2021 is United Against Hate Week and in memory of the late City of Arcadia Council Member, Roger Chandler.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: Consent Calendar No. 3B

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – November 2021

RECOMMENDATION:

It is recommended that the City Council consider:

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

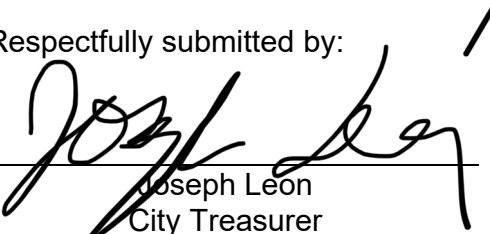
EXECUTIVE SUMMARY:

As of November 30, 2021 invested funds for the City of Monterey Park is \$79,239,481.11.

BACKGROUND:

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

Respectfully submitted by:



Joseph Leon
City Treasurer

Prepared by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Attachment 1

Monthly Investment Report

**CITY OF MONTEREY PARK
INVESTMENT REPORT
NOVEMBER 30, 2021**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 11/30/2021 **\$ 79,239,481.11**

INVESTMENT COMPOSITION

(1) <u>LA COUNTY POOLED INVESTMENT FUND</u> (See Schedule A for LA County Pool Composition)	ON DEMAND	0.520%	<u>\$ 37,738,626.14</u>
(2) <u>LOCAL AGENCY INVESTMENT FUND</u>	ON DEMAND	0.200%	<u>\$ 38,800,854.97</u>

	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
(3) <u>CERTIFICATES OF DEPOSIT</u>				
1 PREFERRED BANK	09/03/21	09/03/22	0.51%	100,000
2 PREFERRED BANK	09/08/21	09/08/22	0.51%	150,000
3 MORGAN STANLEY BANK	02/27/20	02/28/22	1.70%	245,000
4 MORGAN STANLEY PRIVATE BANK	02/27/20	02/28/22	1.70%	245,000
5 AMERICAN FIRST CREDIT UNION	03/06/20	03/07/22	1.60%	245,000
6 SALLIE MAE BANK	08/11/21	08/12/24	0.70%	245,000
7 GOLDMAN SACHS BANK	08/11/21	08/12/24	0.60%	245,000
8 TOYOTA FINANCIAL SAVINGS BANK	09/16/21	09/16/24	0.65%	245,000
9 BMW BANK NORTH AMERICA	09/17/21	09/17/24	0.65%	245,000
10 SYNCHRONY BANK	09/17/21	09/17/24	0.65%	245,000
11 UBS BANK USA	09/22/21	09/23/24	0.65%	245,000
12 STATE BANK OF INDIA	10/18/21	10/18/24	0.70%	245,000
<i>Total CDs (12)</i>			0.885%	<u>\$ 2,700,000.00</u>

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ **\$ 4,491,227.58**

AVERAGE MATURITY DAYS **24**

AVERAGE INTEREST RATE FOR THE MONTH **0.377%**

THE CITY'S INVESTMENT HAS SUFFICIENT LIQUIDITY TO MEET THE CITY'S EXPENDITURE REQUIREMENTS FOR THE NEXT 180 DAYS. THE 180-DAY LIQUIDITY DISCLOSURE IS REQUIRED PER GOVERNMENT CODE 53646.

INTEREST EARNINGS FOR 1ST QUARTER 2021-2022 **\$80,497**

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

(1) Bank balance is maintained to cover outstanding warrants, payroll checks and on-going operating costs.

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS
AS OF SEPTEMBER 30, 2021

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 09/30/21		
At Cost	\$ 37,408,106,184	\$ 117,081,527
At Market	\$ 37,125,771,633	\$ 117,101,682
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	3.88%	0.00%
United States Government and Agency Obligations	68.13%	62.70%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	27.69%	0.00%
Municipal Obligations	0.08%	2.73%
Corporate and Deposit Notes	0.22%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	34.57%
1-60 days	43.87%	0.00%
61 days-1 year	17.29%	34.57%
Over 1 year	38.84%	65.43%
Weighted Average Days to Maturity	1,052	



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: Consent Calendar No. 3C

TO: The Honorable Mayor and City Council
FROM: Martha Garcia, Director of Management Services
SUBJECT: Resolution Adopting the Recognized Obligation Payment Schedule and Administrative Budget for July 1, 2022 – June 30, 2023

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution approving the Recognized Obligation Payment Schedule (ROPS 22-23 A&B) for the period between July 1, 2022 – June 30, 2023;
2. Approving the Successor Agency Administrative Budget for July 1, 2022 – June 30, 2023;
3. Directing staff to post and transmit the ROPS and Administrative Budget to the appropriate public agencies; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Existing law requires the Monterey Park Successor Agency (SA) to formulate Recognized Obligation Payment Schedules (ROPS) under which the SA makes payments for eligible obligations of the former Redevelopment Agency. The ROPS are considered by the Successor Agency Board, proposed to the Oversight Board (OB) and, if approved by the OB, provided to the California Department of Finance for review.

The ROPS is required to be prepared for an entire 12 months. Staff requests that the City Council, acting on behalf of the SA for the former Monterey Park Redevelopment Agency, consider and adopt the ROPS 22-23 A&B and the related administrative budget for the period covering July 1, 2022 – June 30, 2023.

BACKGROUND:

ROPS 22-23 A&B has no new line items and requests an amount of \$2,401,677 including an administrative budget of \$190,000 for the period of July 1, 2022 through June 30, 2023.

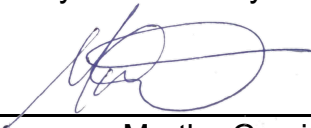
To meet the deadlines for disbursement of funds from the County of Los Angeles, both the SA and the OB must approve the ROPS and submit it to the Department of Finance by January 31, 2022.

The First District Consolidated Oversight Board is scheduled on January 10, 2022 to review the ROPS as well as the administrative budget after the SA's approval. The deadline for the Successor Agency to the First District Consolidated Oversight Board is December 20, 2021.

FISCAL IMPACT:

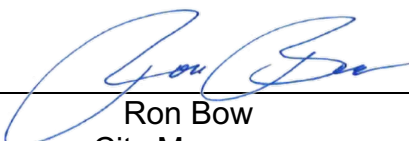
All monies received from the request made on the ROPS go into the account of the Successor Agency for obligations of the former Redevelopment Agency.

Respectfully submitted by:



Martha Garcia
Management Services Director

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Resolution ROPS 22-23 A&B

ATTACHMENT 1
Resolution ROPS 22-23 A&B

RESOLUTION NO. SA- ____

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE
MONTEREY PARK REDEVELOPMENT AGENCY ADOPTING
RECOGNIZED OBLIGATION PAYMENT SCHEDULES PURSUANT
TO HEALTH AND SAFETY CODE § 34177.**

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

Section 1. The City council finds and declares that:

- A. On June 29, 2011, AB 1X 26 and AB 1 X 27 became effective, requiring that each redevelopment agency within California be dissolved unless the community that created it enacts an ordinance committing it to making certain payments;
- B. On December 29, 2011, the California Supreme Court issued a decision in *California Redevelopment Association v. Matosantos* (2011) 53 Cal. 4th 231 largely upholding AB 1 X 26, invalidating AB 1X 27 as unconstitutional, and holding that AB 1X 26 may be severed from AB 1X 27 and enforced independently;
- C. As a result of the Supreme Court's decision, the Monterey Park Redevelopment Agency (the "redevelopment agency"), created pursuant to the Community Redevelopment Law, was dissolved pursuant to AB 1X 26 on February 1, 2012;
- D. By its Resolution No. 11455 adopted on January 11, 2012, the City Council of the City of Monterey Park chose to act on behalf of the successor agency for the Redevelopment Agency (the "Successor Agency"); and
- E. In adopting this Resolution for the Successor Agency, the City Council approves the Recognized Obligation Payment Schedule (designated as ROPS 22-23 A&B by the California Department of Finance) on behalf of the Successor Agency for the period from July 1, 2022 through June 30, 2023.

Section 2. *Recognized Obligation Payment Schedules.* The City Council adopts ROPS 22-23 A&B attached as Exhibit "A" to this Resolution and incorporated by reference. The City Council also adopts the Administrative Budget attached as Exhibit "B" to this Resolution and incorporated by reference.

Section 3. Authorization. The City Manager, or designee, acting on behalf of the Successor Agency is authorized and directed, jointly and severally, to implement this Resolution including, without limitation, providing documents associated with the ROPS 22-23 A&B to the Oversight Board, City Council, Department of Finance, county Controller and (if applicable) State Controller. The City Manager, or designee, is the official whom the Department of Finance may make requests for review in connection with the ROPS 22-23 A&B.

Section 4. Amendment. The ROPS may be amended from time-to-time at any public meeting of the City Council acting on behalf of the Successor Agency.

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

Section 6. Reliance on Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Successor Agency and applicable law. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Section 7. Summaries of Information. All summaries of information in the findings, which precede this Section, are based on the substantial evidence in the record including, without limitation, verbal and documentary evidence submitted to the Successor Agency. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

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

Section 9. The Secretary is directed to certify the adoption of this Resolution; record this Resolution in the book of the SA’s original resolutions; and make a minute of the adoption of the resolution in the Successor Agency’s records and the minutes of this meeting.

Section 10. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED, AND ADOPTED this 15th day of December 2021.

Yvonne Yiu, Mayor
Monterey Park, California

ATTEST:

Vincent D. Chang, City Clerk
Monterey Park, California

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, hereby certify that the above foregoing Resolution No. SA-____ was duly passed and adopted by the City Council acting on behalf of the Successor Agency to the former Redevelopment Agency at a regular meeting held on the 15th day of December, 2021 by the following vote:

AYES:	Council Members:
NOES:	Council Members:
ABSTAIN:	Council Members:
ABSENT:	Council Members:

Dated this 15th day of December, 2021

Vincent D. Chang, City Clerk
City of Monterey Park

Monterey Park
ROPS 2022-23 Annual

Requested Funding for Obligations		22-23A Total	22-23B Total	ROPS Total
A	Obligations Funded as Follows (B+C+D)	0	0	0
B	Bond Proceeds	0	0	0
C	Reserve Balance	0	0	0
D	Other Funds	0	0	0
E	Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	1,216,776	1,184,901	2,401,677
F	RPTTF	1,121,776	1,089,901	2,211,677
G	Administrative RPTTF	95,000	95,000	190,000
H	Current Period Obligations (A+E)	1,216,776	1,184,901	2,401,677

Monterey Park ROPS 2022-23 Annual									
Item #	Obligation Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Total Outstanding Obligation	Total Requested Funding	Notes
1	Successor Agency Administration Costs	Admin Costs	1/1/2014	7/12/2034	Successor Agency	Successor Agency Administration Costs - labor and overhead	36,086,622	190,000	
28	Housing Fund Repayment of SERAF Loan	LMIHF Loans	8/4/2010	6/30/2016	Housing Successor Agency	Housing Fund Repayment of SERAF Loan	1,102,348	137,342	
29	Repayment of Housing Loan Obligation	LMIHF Loans	5/19/1997	6/30/2039	Housing Successor Agency	Housing Fund Repayment for Outstanding Loan	1,186,222	-	
31	Atlantic-Garvey Tax Allocation Refunding Bonds, 2013A	Bonds Issued On or Before 12/31/10	12/24/2013	9/1/2026	US Bank	Bonds issued to advance refund the 2002 Tax Allocation Bonds	6,103,314	1,412,755	
32	Trustee Fees for Merged Tax Allocation Refunding Bonds, 2013B	Bonds Issued On or Before 12/31/10	12/24/2013	9/1/2028	US Bank	Fees for Trustee of Refunding Bonds	23,250	1,000	
33	Trustee Fees for Atlantic-Garvey Tax Allocation Refunding Bonds, 2013A	Bonds Issued On or Before 12/31/10	12/24/2013	9/1/2026	US Bank	Fees for Trustee of Refunding Bonds	24,620	1,000	
36	Merged Tax Allocation Refunding Bonds, 2013B	Bonds Issued After 12/31/10	12/24/2013	9/1/2028	US Bank	Bonds issued to advance refund the 1998 Tax Allocation Bonds	4,260,302	659,580	
								2,401,677	

Monterey Park Recognized Obligation Payment Schedule (ROPS 22-23) - Report of Cash Balances
July 1, 2019 through June 30, 2020
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [Cash Balance Tips](#).

A	B	C	D	E	F	G	H
		Fund Sources					
		Bond Proceeds	Reserve Balance	Other Funds	RPTTF		
	ROPS 19-20 Cash Balances (07/01/19 - 06/30/20)	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, Grants, Interest, etc.	Non-Admin and Admin	Comments
1	Beginning Available Cash Balance (Actual 07/01/19) RPTTF amount should exclude "A" period distribution amount					0	
2	Revenue/Income (Actual 06/30/20) RPTTF amount should tie to the ROPS 19-20 total distribution from the County Auditor-Controller					2,435,056	
3	Expenditures for ROPS 19-20 Enforceable Obligations (Actual 06/30/20)					2,435,056	
4	Retention of Available Cash Balance (Actual 06/30/20) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						
5	ROPS 19-20 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 19-20 PPA form submitted to the CAC	No entry required					
6	Ending Actual Available Cash Balance (06/30/20) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	

**City of Monterey Park
Successor Agency Administrative Costs
7/1/2022 - 6/30/2023**

			ROPS 22-23 A&B 12-Month Period
Object	ROPS Item #	Name	Total
<i>Successor Agency</i>			
5103	1	Salaries & Benefits:	
		Accountant	25,000
		Director of Mgmt Services	35,000
		City Manager	30,000
		<i>Sub-total for Salaries and Benefits</i>	90,000
5111/5121		General Liability / Insurance / Separation Benefits	22,000
5122		OPEB Obligations	12,000
5308		Office Supplies (paper/toners/ink)	1,000
5303		Postage / Messenger Service / Telephone	1,000
5227		Attorney Services	5,000
5210		SA Audit and Annual Financial Statement	22,000
5211		Other Professional Services	15,000
5260		Duplicating Equipment Rental	5,000
5254		Repairs and Maintenance (Space)	17,000
<i>Administration Budget - Total</i>			\$ 190,000



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: Consent Calendar No. 3D

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Waive further reading and adopting district maps for the City of Monterey Park's by-district elections

RECOMMENDATION:

It is recommended that the City Council consider:

1. Waiving the second reading and adopting the proposed ordinance; and/or
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The Ordinance was introduced and received first reading at the December 1, 2021 City Council meeting. The original staff report (from December 1, 2021) is attached for reference. Second reading and adoption of this Ordinance is recommended. If adopted, the Ordinance will take effect in 30 days.

Respectfully submitted by:

A blue ink signature of Vincent D. Chang, written in a cursive style.

Vincent D. Chang
City Clerk

Prepared by:

A blue ink signature of Cindy H. Trang, written in a cursive style.

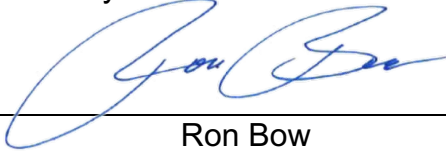
Cindy H. Trang
Deputy City Clerk

Reviewed by:

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

Inez Alvarez
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS:

1. Draft Ordinance
2. December 1, 2021 Staff Report (without attachments)

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING DISTRICT MAPS FOR THE CITY OF
MONTEREY PARK'S BY-DISTRICT ELECTIONS.**

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

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

- A. A Public Hearing was held on July 21, 2021 to receive public input regarding the composition of the City's voting districts before any draft maps were drawn;
- B. Public Hearings were then held on October 20, 2021 and November 17, 2021 where the public was invited to provide input regarding the content of the draft maps;
- C. On December 1, 2021, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth in this Ordinance; and
- D. This Ordinance is adopted to provide for election of members of the City Council of the City of Monterey Park by-district in five single-member districts as reflected in Exhibit A to this Ordinance to implement the purposes of the California Voting Rights Act of 2001 (Elections Code § 14025, *et seq.*) and protect the guarantees of the California Constitution.

SECTION 2: Council District Map; Implementation.

- A. A map showing the Council Districts is attached as Exhibit "A," and incorporated by reference.
- B. The City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk must consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 3: *Environmental Assessment.* The City Council finds that the Ordinance is not subject to review under the California Environmental Quality Act ("CEQA") under

CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Adopting this Ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings. This Ordinance would not result in any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

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

SECTION 5: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 6: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7: *Preservation.* Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Ordinance are severable.

SECTION 9: *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 10: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within ten (10) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11: This Ordinance will take effect on the 30th day following its final passage and adoption.

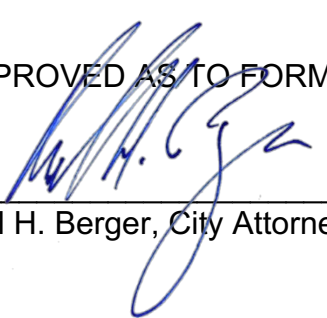
PASSED, APPROVED, AND ADOPTED DECEMBER 15, 2021.

Yvonne Yiu, Mayor

ATTEST:

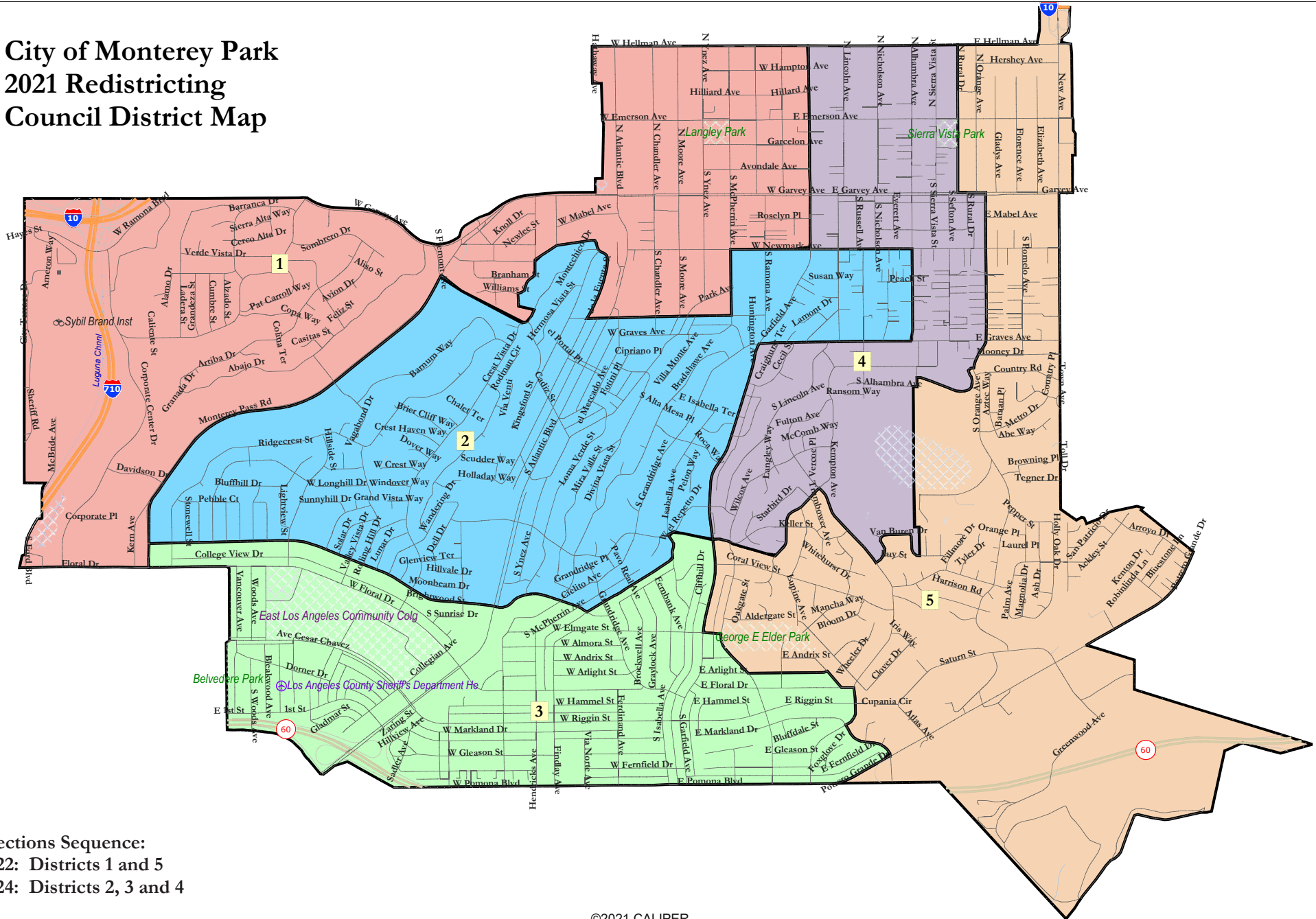
Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

City of Monterey Park 2021 Redistricting Council District Map



Elections Sequence:
2022: Districts 1 and 5
2024: Districts 2, 3 and 4

ATTACHMENT 2
December 1, 2021 Staff Report
(without attachments)



City Council Staff Report

DATE: December 1, 2021

AGENDA ITEM NO: Public Hearing No. 4A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Public Hearing to receive testimony regarding redrawing council district boundaries pursuant to Elections Code § 21601.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Conducting a Public Hearing to receive testimony on redrawing of council district boundaries pursuant to Elections Code § 21601;
2. Introduce and waive first reading an Ordinance maintaining the existing City Council District boundaries;
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In 2019, the City transitioned to district-based elections. In accordance with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act (Elections Code § 21601-21609), following the federal decennial census every ten years, districts boundaries must be redrawn so that each district is substantially equal in population. It is important in ensuring that each City Councilmember represents about the same number of constituents. The maps must meet certain requirements and has a total deviation of less than 10% difference.

At the second public hearing on October 20, 2021, National Demographics Corporation (NDC) presented the findings from the "Still Balance Analysis" using the 2020 Census adjusted data and concluded that the existing district map meets the FAIR MAPS Act criteria with a deviation of 2.84%.

The City Council received and filed public comments, took action to move forward with the existing map (Option A), and scheduled the third public hearing for November 17, 2021; fourth public hearing and introduction of an ordinance to adopt final map for December 1, 2021; and scheduled December 15, 2021 for adoption of the ordinance and the final map.

The City Council held the first public hearing on July 21, 2021, second public hearing on October 20, 2021, and the third public on November 17, 2021, and the fourth public hearing meeting is being held tonight.

BACKGROUND:

Following each decennial federal census, the City Council must adopt boundaries for all council districts so that the districts will be substantially equal in population. According to the FAIR MAPS Act, districts must meet the following requirements:

District Map Criteria

- Comply with federal requirements of equal population and the Voting Rights Act
- Areas that are geographically contiguous (connected).
- Keeping the geographic integrity by minimizing division of community interest of social and economic interests.
- Areas easily identifiable bonded by natural and artificial barriers, streets, and boundaries.
- Encourages geographical compactness where nearby areas of population are not bypassed in favor of more distant populations.
- Do not favor or discriminate against a political party.

Public Hearings

- Hold a minimum of four public hearings, one pre-draft maps hearing, two post-draft maps hearings, and one additional pre/post-draft maps hearing.
- Post-draft maps hearings must be held after a 21-day (waiting period) following the release of the State-Adjusted census data.
- Hearings must start at a fixed time or after completion of previous agenda item.
- At least one hearing must be held after 6:00 p.m. or on the weekend.

Notices

- Dedicated webpage (www.MontereyPark.ca.gov/Redistricting2021) with explanation of redistricting and public comment process, calendar of hearings, notices and agendas, recordings or written summaries, draft maps considered by the City Council, and adopted map.
- Notices contain date, time and location of hearings and must be posted online five days in advance.
- All materials related to the redistricting must be kept online until 2031.

Outreach

- Encourage public participation including a good faith effort to provide information to local media, provide information through “good government, civil rights, civic engagement, and community groups or organizations.”
- Interested persons may subscribe to receive notices about public meetings.

- Post information on redistricting and comment process online including applicable non-English languages in accordance with the Secretary of State's determination of Chinese and Spanish as the required languages.

Translation

- Provide information on redistricting and comment process in applicable non-English languages in accordance with the Secretary of State's determination.
- Requires providing live translation, if the request was made 72 hours in advance or 48 hours if the notice was posted five days before the hearings.

Timeline for Submittal of Adopted Map

- 205 days before the next regular election. Los Angeles County's deadline for submittal of final map for November 8, 2022, election is May 12, 2022.

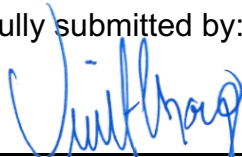
Next Steps and Tentative Timelines

- Schedule the second reading and adoption of an ordinance adopting the final map for December 17, 2021. In accordance to Elections Code 21601, the proposed final map was published on the City's website at www.MontereyPark.ca.gov/Redistricting2021, on November 18, 2021, at least seven days prior to adoption.

FISCAL IMPACT:

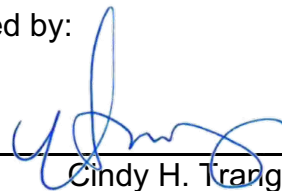
The costs of redistricting process of \$55,000 have been appropriated in the FY 21-22 budget.

Respectfully submitted by:



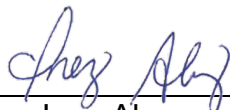
Vincent D. Chang
City Clerk

Prepared by:



Cindy H. Trang
Deputy City Clerk

Reviewed by:



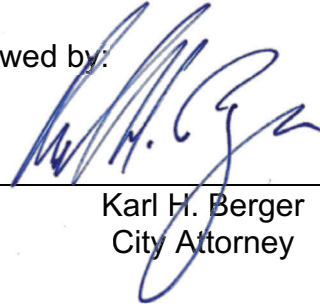
Inez Alvarez
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENTS:

1. Proposed Final Map
2. Draft Ordinance



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: Consent Calendar No. 3E

TO: The Honorable Mayor and City Council

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

SUBJECT: Adopt a Resolution ratifying certain actions completed by the City Manager regarding COVID-19 Pandemic; continue to extend the existence of a local emergency; and authorize public meetings via teleconferencing.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution ratifying certain actions completed by the City Manager regarding COVID-19 Pandemic, continue to extend the existence of a local emergency and authorize public meetings via teleconferencing; and
2. Taking such additional, related, action that may be desirable.

ENVIRONMENTAL ASSESSMENT:

The Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

EXECUTIVE SUMMARY:

As the City Council was previously informed, Assembly Bill (AB) No. 361 became effective on September 16, 2021. It amends the Brown Act in several ways but also allows the City to extend its virtual meetings for 30 day increments if a state or local emergency requires social distancing. The City Council previously adopted resolutions on October 6, 2021 and November 17, 2021 which allow for the ongoing use of videoconferencing for public meetings.

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

BACKGROUND:

To continue utilizing videoconferencing, the City Council must undertake the following:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist:
 - i) The state of emergency continues to directly impact the ability of members to meet safely in person.
 - ii) State or local officials continue to impose or recommend social distancing measures.

On November 10, 2021, the Governor extended the COVID-19 statewide emergency to March 31, 2022. Based upon that declaration – and the most recent Orders from the Los Angeles County Health Department – it is apparent that the local emergency will continue well into 2022. Accordingly, it appears that the continued use of videoconferencing is in the public's best interest. City Council meetings will continue to be conducted pursuant to Government Code § 54953(e) as implemented by City Council Resolution.

The draft resolution, if adopted, would also ratify certain actions taken by the City Manager utilizing his emergency powers under the Monterey Park Municipal Code. A listing of those actions is included as an exhibit to the resolution.

FISCAL IMPACT:

The final fiscal impacts are unknown at this time. The City Manager will provide a final report when the City Council takes action to end the emergency.

Respectfully Submitted by:



Ron Bow
City Manager

Reviewed by:



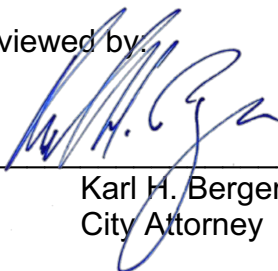
Kelly Gordon
Police Chief

Reviewed by:



Matt Hallock
Fire Chief

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Draft Resolution

ATTACHMENT 1

Draft Resolution

RESOLUTION NO.

A RESOLUTION RATIFYING CERTAIN ACTIONS COMPLETED BY THE CITY MANAGER; EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY; AND AUTHORIZING PUBLIC MEETINGS VIA TELECONFERENCING.

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

SECTION 1: The City Council finds as follows:

- A. On March 18, 2020, the City Council adopted Resolution No. 12142 which confirmed the existence of a local emergency related to the COVID-19 Pandemic (the "COVID-19 Pandemic"). Section 4 of Resolution No. 12142 authorizes the City Manager to undertake all actions needed to preserve public health and safety in accordance with applicable law.
- B. The Governor's March 4, 2020 Proclamation of Emergency (see paragraph 8) suspended the reporting and extension requirements of Government Code § 8630 for the duration of the COVID-19 Pandemic.
- C. Notwithstanding the Governor's Proclamation of Emergency, however, the City Council regularly reviewed and ratified actions undertaken by the City Manager when exercising his emergency powers. Accordingly, the City Council adopted a series of resolutions ratifying the City Manager's actions and extending the existence of a local emergency prompted by the COVID-19 Pandemic.
- D. Responses to the COVID-19 Pandemic continue to occur on nearly a daily basis since the City Council last considered this local emergency. As a result, the City Manager undertook a number of actions that are listed in attached Exhibit "A," which is incorporated by reference ("Approved Actions").
- E. Effective September 16, 2021, Assembly Bill No. 361 took effect which (among other things) amends certain provisions of the Ralph M. Brown Act governing open meetings and imposes a requirement to consider teleconferencing of meetings every 30 days.
- F. Effective November 10, 2021, the Governor extended the statewide COVID-19 emergency until March 31, 2022 (via Executive Order N-21-21).
- G. Government Code § 54953(e) allows the City to continue utilizing teleconferencing (which includes internet based video conferencing) to conduct public meetings under certain circumstances.

SECTION 2: Ratification; Continuation of Local Emergency. The City Council reviewed the state of the community and continues to extend the COVID-19 Pandemic emergency. The Approved Actions are ratified and approved. Based upon the verbal and written reports of the City Manager regarding the COVID-19 Pandemic, the City Council is satisfied that the local emergency will continue for the foreseeable future.

SECTION 3: Teleconferencing.

A. Pursuant to Government Code § 54953(e), the City Council finds as follows:

1. The state of California continues to be in a declared state of emergency pursuant to Government Code § 8625 (the California Emergency Services Act; see Government Code § 54953(e)(3); see also Governor's Proclamation dated March 4, 2020 and Executive Order N-21-21 dated November 10, 2021); and
2. Based upon the recommendations of the Police Chief, Fire Chief, and City Manager, along with the most recent Order of the Health Officer for County of Los Angeles Department of Public Health, masks and social distancing continue to be necessary to curb the spread of the COVID-19 virus (Government Code § 54953(e)(3)(B)(ii)).

B. Accordingly, to protect public health and safety the City Council finds that it is in the public interest to conduct public meetings of its legislative bodies via teleconference as defined by Government Code § 54953.

C. The City will adhere to all requirements of Government Code § 54953 governing teleconferencing during the emergency including, without limitation, posting agendas; allowing for real-time public comment via either call-in or internet-based; allowing for written communications that will be either read or summarized into the record during the meeting as determined by the City Council; and protecting the statutory and constitutional rights of all persons appearing before the legislative body. No physical location will be provided for persons wishing to provide real-time public comment.

SECTION 4: Reporting. Every 30 days following adoption of this Resolution, the City Council will reconsider the extension of the teleconferencing method of public meetings in accordance with Government Code § 54953(e)(3). Such determinations may take the form of a minute order and be placed on the consent calendar.

SECTION 5: Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

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

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

PASSED AND ADOPTED this 15th day of December, 2021.

Yvonne Yiu, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

Attachments:

Exhibit A: Approved Actions

**APPROVED ACTIONS
SINCE OCTOBER 2021**

- City Manager authorized an update to employee COVID-19 Prevention Program and added a provision requiring new employees to have the COVID-19 vaccine as a condition of employment.



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: Consent Calendar No. 3F

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: Fiscal Year 2021 Assistance to Firefighters Grants (AFG) Program

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approving the Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program for consideration of AFG funding;
2. Authorizing the City's Management Services Department to allocate \$8,210.19 from the City budget to fund the required applicant match if the grant is awarded;
3. Adopting a resolution authorizing the City Manager, or designee, to apply for, receive, and appropriate grant funds for the Fiscal Year 2021 Assistance to Firefighters Grants Program; and
4. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park Fire Department received Notice of Funding Opportunity (NOFO) from Federal Emergency Management Agency (FEMA) regarding a formal invitation to submit a full application for consideration of AFG funds. If the City is offered a grant award, the total proposed budget request is \$90,312.07, which includes a federal share request of \$82,101.88 and a required applicant match of \$8,210.19. The application Activity Title is Modification to Facility: Vehicle Exhaust Systems Upgrade.

Staff seeks City Council consideration and approval of the City of Monterey Park's AFG application. The application due date is December 17, 2021. When the grant award decision is made and if the grant award is received, staff will inform City Council.

BACKGROUND:

The Assistance to Firefighters Grants (AFG) was established under FEMA in 2001 as a funding resource for firefighters and first responders to obtain the necessary tools, equipment, and other critical resources needed to safely perform job duties while protecting the public.

The Fire Department (Department) seeks funding to update the vehicle exhaust system in Fire Station 61. The current system is over 20 years old and minimally performs its function, which is to extract harmful fumes from the vehicles located in the station, which include the Quint, a rescue ambulance, one engine, and the Office of Emergency Services (OES) engine.

The vehicle exhaust system (system) consists of four hoses strategically placed throughout the various bays. The purpose of the system is to capture harmful 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, polluting the air, and exposing staff to harmful exhaust chemicals.

Staff seeks to update the system, which will include longer hoses and tracks; allowing firefighters to connect the hoses to the apparatuses prior to entering the station. Therefore, the system will capture more exhaust and diminish exposure to harmful air particles, which according to the U.S. Department of Transportation can cause lung cancer among other serious health issues.

If the City of Monterey Park is offered a grant award, the total proposed budget request is \$90,312.07, which includes a federal share request of \$82,101.88 and a required applicant match of \$8,210.19. Per AFG, the required applicant match is factored in accordance with the size of the applicant's jurisdiction. For jurisdictions with a population of 20,000 but less than 1,000,000, a ten percent match is required. The cost estimate includes materials, extraction of the legacy system and installation of the new system.

Staff seeks City Council consideration and approval of the City of Monterey Park's AFG application, which also includes the authorization of funding the required applicant match. The due date to submit the application and required documents is December 17, 2021. The application period of performance will not exceed 24 months. If the grant award is offered, the City of Monterey Park will complete the update before the timeframe. When the grant award decision is made and if the grant award is received, staff will inform City Council.

FISCAL IMPACT:

Potential impact to the City's adopted fiscal year budget would be contingent upon whether the application is approved and if the grant award is received. If the City is offered a grant award, the total proposed budget request is \$90,312.07, which includes a Federal Share Request of \$82,101.88 and a Required Applicant Match of \$8,210.19. A budget appropriation of \$8,210.19 from the General Fund is requested for the required application match.

Respectfully submitted by:



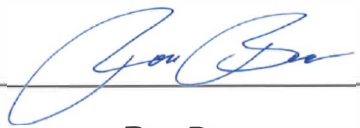
Matthew Hallock
Fire Chief

Reviewed by:



Martha Garcia
Director of Management Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT(S):

1. Assistance to Firefighters Grant Program: Cost Share Calculator 2019-2020
2. Air Exchange, Inc. Quote
3. Assistance to Firefighters Grant Resolution

ATTACHMENT 1
**Assistance to Firefighters Grant Program: Cost
Share Calculator 2019-2020**

Assistance to Firefighters Grant Program (AFG)



FEMA

Cost Share Calculator 2019-2020

Calculating Federal Share and Local Cost Share for AFG Grants

In order to assist you with determining your organization's Local Cost Share for AFG Grants, a calculator and explanation of the formula is provided below. All applicants should ensure they are familiar with FEMA's administration of cost sharing requirements. Recipients are not required to have their cost share available when submitting the application. For additional information, refer to the Cost Share and Maintenance of Effort Requirements section of the Notice of Funding Opportunity (NOFO).

Determine the Organization's Local Cost Share Percentage

Cost share requirements for AFG Grants are based on population. An eligible applicant seeking a grant to carry out an activity is required to provide non-federal funds to carry out the activity. In order to determine the Local Cost Share Percentage, use the guide below:

- 15% =** When serving a jurisdiction of more than 1,000,000 residents, the applicant shall agree to provide non-federal funds in an amount equal to and not less than 15 percent of the grant awarded.
- 10% =** When serving a jurisdiction of more than 20,000 residents, but not more than 1,000,000 residents, the applicant shall agree to provide non-federal funds in an amount equal to and not less than 10 percent of the grant awarded.
- 5% =** When serving a jurisdiction of 20,000 residents or fewer, the applicant shall agree to provide non-federal funds in an amount equal to and not less than 5 percent of the grant awarded.

Once you have determined your Organization's Local Cost Share Percentage, use the formula below to determine the Organization's Local Cost Share.

Example Cost Share Calculation

Total Project Cost:	\$100,000.00
Local Cost Share Percentage:	15%
Federal Funding Assistance:	\$86,956.52
Local Cost Share:	\$13,043.48

Example Cost Share Formula

X = Federal Funding Assistance
Y = Total Project Cost
P = Local Cost Share Percentage
 $X + (P)(X) = Y$

X = Federal Funding Assistance
Y = \$100,000
P = 15%
 $X + (P)(X) = Y$
 $X = Y/1.15$

X = Federal Funding Assistance
Y = \$100,000
P = 15%
 $X = \$100,000/1.15$
X = \$86,956
Local Cost Share = \$13,044

Use the Calculator Below to Determine the Local Cost Share for your Organization

Total Project Cost:	\$ 90,312.07
Local Cost Share Percentage:	10%
Example: For 15% enter .15 into the calculator, for 10% enter .10, for 5% enter .05	
Federal Funding Assistance:	\$ 82,101.88
Local Cost Share:	\$ 8,210.19

ATTACHMENT 2

Air Exchange, Inc. Quote

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

Customer Contact Name: Captain Adam Malouf

Contact Phone Number:

Contact Email: Amalouf@montereypark.ca.gov

Submitted By: Steve.Harris
Regional Manager
Steve.Harris@AirExchange.com
PH: 909.923.7952 C:909-973-8211

Date: 11/17/2021

Fire/EMS Station(s) Monterey Park Station 61

and/or Project Name: Plymovent upgrade AFG

Proposal Valid Until: 6/30/2021

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	NEW	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
2	NEW	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
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
				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 to 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 3

Assistance to Firefighters Grant Resolution

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR
DESIGNEE, TO APPLY FOR, RECEIVE, AND APPROPRIATE
GRANT FUNDS FOR THE FISCAL YEAR 2021-22 ASSISTANCE
TO FIREFIGHTERS GRANTS PROGRAM — MODIFICATION OF
FACILITY, FIRE STATION 61.**

The City Council does resolve as follows:

SECTION 1: The City Council finds as follows:

- A. The City plans to apply for the Assistance to Firefighters Grants Program (“AFG”) from the Department of Homeland Security Federal Emergency Management Agency (“DHS FEMA”). The City plans to apply funding to update existing source capture exhaust system in Fire Station 61;
- B. The primary goal of AFG is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical service organizations. Since 2001, AFG helped firefighters and other first responders obtain equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards;
- C. The City plans to apply for AFG before the December 17, 2021 deadline for a federal award amount of \$90,312.07. If the grant is awarded, the City Council believes that it is in the public interest to accept these grant monies and match the grant with \$8,210.19 in City funds.

SECTION 2: The City Manager, or designee, is authorized to apply for a grant, with a City cost share match of \$8,210.19, from the City funds to be used for the modification of Fire Station 61.

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

SECTION 4: The City Manager, or designee, is authorized to accept and spend the grant monies identified in this Resolution for the purposes set forth herein.

SECTION 5: The City Council amends or supplements the City’s Budget for fiscal year 2021-2022 to appropriate the monies identified by this Resolution to pay for the cost share match plan proposed by the City in support of its grant application. The City Manager, or designee, is authorized to implement the purpose of this section.

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

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

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

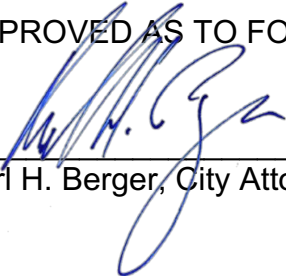
PASSED AND ADOPTED this 15th day of December, 2021.

Yvonne Yiu, 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. _____ was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 15th day of December 2021, by the following vote:

Ayes:	Council Members:
Nays:	Council Members:
Absent:	Council Members:
Abstain:	Council Members:

Dated this 15th day of December, 2021.

Vincent D. Chang, City Clerk
Monterey Park, California



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: Consent Calendar No. 3G

TO: The Honorable Mayor and City Council
FROM: Matthew Hallock, Fire Chief
SUBJECT: 2019 State Homeland Security Grant Program – Cost Savings Projects

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and Filing Report; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park Fire Department was notified that the City would receive an increase of \$50,000 for the 2019 State Homeland Security Grant Program (SHSP 2019 Grant). As per Resolution No. 11740 adopted by the City Council on May 6, 2015, staff is reporting to the City Council the type of money obtained and the project details.

BACKGROUND:

On November 30, 2021, the Fire Department was notified that the City would receive an increase of \$50,000 for the SHSP 2019 Grant. The Fire Department submitted a project list for Urban Search and Rescue ("USAR") Equipment. These monies are required to be spent and reimbursement claims to be submitted to the County of Los Angeles per the grant agreement. The original grant agreement amount was \$56,444 for USAR Equipment, USAR Training, CERT Equipment, and a MOBEX Exercise. The Fire Department received approval of the budget modification to increase Monterey Park Fire Department's SHSP 2019 Grant allocation in the amount of \$50,000 for Equipment Projects. The updated total for Monterey Park Fire Department's SHSP 2019 Grant allocation is \$106,444.

FISCAL IMPACT:

There is no matching requirement for the SHSP 2019 Grant.

Approved by:



Ron Bow
City Manager

Respectfully submitted by:



Matthew Hallock
Fire Chief

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. City of Monterey Park 2019 SHSP Projects

ATTACHMENT 1

City of Monterey Park 2019 SHSP Projects

City of Monterey Park
2019 SHSP Projects

Project #	Project Title	Funding Source	Discipline	Solution Area	Total Budgeted
018	US&R Equipment	HSGP-SHSP	FS	Equipment	\$ 21,900.00
021	US&R Training	HSGP-SHSP	FS	Training	\$ 13,294.00
045	CERT Equipment for Cities of Downey, La Habra Heights, Los Angeles, Long Beach, Monterey Park, and San Gabriel	HSGP-SHSP	FS	Equipment	\$ 20,000.00
068	LAAFA MOBEX	HSGP-SHSP	FS	Exercise	\$ 1,250.00
Totals					\$ 56,444

COST SAVINGS PROJECT

Project #	Project Title	Funding Source	Discipline	Solution Area	Total Budgeted
018	US&R Equipment	HSGP-SHSP	FS	Equipment	\$ 50,000.00
Totals					\$ 50,000

2019 SHSP TOTAL: \$ 106,444



City Council Staff Report

DATE: December 15, 2021

AGENDA ITEM NO: New Business No. 5A

TO: The Honorable Mayor and City Council
FROM: Robert Aguirre, Director of Recreation & Community Services
SUBJECT: Authorize City Manager to Amend Agreement No. 1925-A with Carnival Midway Attractions and provide direction regarding the Play Days parade.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute an amendment to Agreement No. 1925-A to extend the term for two years, in a form approved by the City Attorney, with Carnival Midway Attractions to provide carnival services for the Happy Birthday Monterey Park Play Days carnival on dates to be determined by the City;
2. Provide direction regarding the annual Happy Birthday Monterey Park Play Days Parade; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City of Monterey Park traditionally celebrates its "birthday" each May with a four-day celebration in Barnes Park, "*Happy Birthday Monterey Park, Play Days*." As part of the festivities, the City contracts with an amusement contractor to provide rides, game booths, and concessions at Barnes Park. In addition to the carnival, the four-day event includes live entertainment, food trucks, and the annual Play Days Parade.

Agreement No. 1925-A between the City of Monterey Park and Carnival Midway Attractions allowed for services to be provided at the annual Happy Birthday Monterey Park Play Days carnival held in 2019, 2020, and 2021.

However, due to the COVID-19 pandemic, the 2020 and 2021 Play Days festivities were cancelled. Carnival Midway Attractions has requested that the City consider an amendment to Agreement No. 1925-A to extend the term since the 2020 and 2021 events were cancelled. If approved, Agreement No. 1925-A would be amended to allow for a two-year extension for carnivals to be held in 2022 and 2023.

The annual Play Days parade is partially funded by revenue generated at the Play Days carnival. Any additional funds needed for the operation of the parade and the carnival directly impact city department budgets, which include Recreation and Community

Services, Police, and Public Works. Over the years the costs associated with the parade have increased and the number of spectators at the parade has decreased.

BACKGROUND:

Carnival Midway Attractions pays the City on average, approximately \$13,500 annually based on the agreed revenue structure:

Revenue	Attraction
30% of Pre-Sale	Carnival Ride Tickets
25% of Onsite Sales	Carnival Ride Tickets
\$125 per Each	Game Booth (min. of 8)
\$300 per Each	Food Booth
\$200 per Each	Additional Attraction

Traditionally revenue generated from the carnival has assisted in paying the costs and services associated with the Play Days parade. The City contracts with Pageantry Parades to coordinate parade operations for approximately \$14,000 annually. Additional costs associated with the parade include portable restrooms along the parade route, parade reception, promotional giveaways, safety barrier rentals, and staff time from the Police, Public Works, and Recreation & Community Services Departments.

Planning for the parade begins months in advance and includes City staff coordinating street closures, contacting special guests, and noticing residents and businesses about the upcoming event. Residents and businesses along the parade route are heavily impacted with no vehicular access to their homes or parking lots until after the parade route has been completely cleared and all barriers are removed. The residents and businesses surrounding the parade route are impacted by the increased traffic as a result of street closure and detours. They also experience a decrease in the amount of available street parking as many residents/businesses from inside the parade route move vehicles outside the route to have access should they need to leave their home or business.

For the 2019 event, the parade route was changed to help address a decrease in available personnel needed to safely manage the parade operations and with the hope of increasing residential attendance. The Police Department has indicated that if there is a 2022 parade there will be an anticipated shortfall of volunteer staff (Reserves and Citizen Patrol) to supplement staff needed to adequately supervise the parade route; bringing in off-duty staff for the parade would incur approximately \$12,000 in additional overtime cost. Additionally, to help maintain safety during the parade, various barriers are distributed along the parade route by the City's Public Works Department, while the City's Police Department directs traffic at intersections. The Public Works Department would incur a cost of approximately \$6000 in overtime for the parade and \$2500 in equipment rentals. The Recreation & Community Services Department would also incur approximately \$5,000 in overtime to manage the parade reception and assist with

parade coordination including promotional giveaways and spectator experiences. The total expense for the annual parade including the parade contractor and associated costs plus City staff overtime and equipment dedicated to the operation of the parade is approximately \$41,000.

Over the last 20 years, City Staff has worked to address the decrease in attendance by increasing marketing, providing free giveaways to the crowd, developing a Senior Citizen VIP experience, and having celebrity Grand Marshals. The attempts to increase parade attendance have had limited success. Staff has seen an increase in attendance at the carnival with the addition of more live entertainment and food trucks. The anticipated revenue for the Play Days carnival is approximately \$13,500 per year.

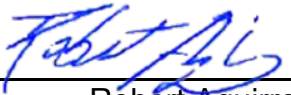
A possible alternative is utilizing the revenue generated at the carnival to further enhance the Happy Birthday Monterey Park celebration at Barnes Park by offering high caliber entertainment, contests and celebratory activities. City Council could also make future recommendations for a birthday parade to celebrate milestone years. In addition, the revenue generated could help support community activities that have been very well attended such as the 4th of July Celebration, Monster Mash, Holiday Snow Village, and the Cherry Blossom events. These events have continued to grow over the years in attendance and the revenue generated could help to support these activities throughout the year further conserving the City's general fund.

Event	Total Event Expense	Event Attendance
Cherry Blossom	\$35,000	5,000
4th of July	\$30,000	10,000
Play Days Parade	\$41,000	300
Play Days Carnival	\$10,000	5,000
Monster Mash	\$5,000	3,000
Holiday Snow Village	\$10,000	2,000

FISCAL IMPACT:

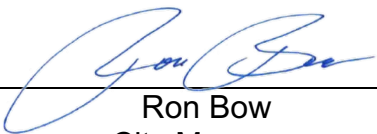
Depending on City Council's direction, the City is requesting a budget augmentation of \$13,500 to the General Fund Revenue and \$27,600 from the General Fund for the anticipated additional overtime and parade related expenses.

Respectfully submitted by:



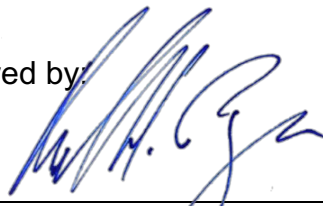
Robert Aguirre
Director of Recreation &
Community Services

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

ATTACHMENT:

1. Agreement No. 1925-A

ATTACHMENT 1

Agreement No. 1925-A

**AGREEMENT BETWEEN THE
CITY OF MONTEREY PARK AND
CARNIVAL MIDWAY ATTRACTIONS**

THIS LICENSE is made and executed this 21st day of November, 2018, between the CITY OF MONTEREY PARK, a general law city and municipal corporation ("CITY"), and CARNIVAL MIDWAY ATTRACTIONS ("LICENSEE").

1. LICENSE; DESCRIPTION OF PROPERTY. CITY licenses LICENSEE to use, on the terms and conditions in this License, real property located at the location set forth in attached Exhibit "A," which is incorporated by this reference ("Property"). CITY's action is not, and should not be construed to be, a conveyance of a property interest or a lease; it is a license to use property only.

2. USE OF PROPERTY.

- A. LICENSEE may temporarily use the Property for the purpose of conducting a Carnival, subject to the responsibilities set forth in attached Exhibit "B," which is incorporated by this reference.
- B. The day and time of the Carnival is subject to approval by CITY.
- C. CITY may change, amend, or terminate LICENSEE's use of Property at any time, and in its sole discretion, verbally or in writing.

3. TERM. Except as provided in Section 4, the term of this license will begin on November 21, 2018 and end on May 12, 2021. Upon mutual written agreement between the parties, this License may be renewed for an additional two (2) terms of one (1) year each.

4. TERMINATION.

- A. As stated above, CITY may terminate this License at any time with or without cause, upon 30 days written notice of termination.
- B. LICENSEE may terminate this License at any time in writing at least thirty (30) days before the effective termination date.
- C. By executing this document, LICENSEE waives any and all claims for damages that might otherwise arise from CITY's termination under this Section.
- D. Upon termination, LICENSEE will remove all personal property from Property within two (2) days. Property will be left in a clean and orderly fashion.

5. **CONDEMNATION.** If all or part of Property is acquired by eminent domain or purchase in lieu thereof, LICENSEE acknowledges that it will have no claim to any compensation awarded for the taking of Property or any portion thereof or for loss of or damage to LICENSEE's improvements.

6. **RELOCATION BENEFITS.** LICENSEE acknowledges that it has been informed that CITY is a public entity and that Property was previously acquired by CITY for a public purpose. LICENSEE further acknowledges that any rights acquired under this License arose after the date of acquisition of Property and that said rights are subject to termination when Property is needed by CITY. LICENSEE hereby acknowledges that at the time of said termination of this License by CITY, it will not be a "displaced person" entitled to any of the relocation assistance or benefits offered to displaced persons under State or Federal law.

7. **ALTERATIONS.** LICENSEE will not make, or cause to be made, any alterations to Property, or any part thereof, without CITY's prior written consent.

8. **HAZARDOUS/TOXIC WASTE.** CITY has not, nor, to CITY's knowledge, has any third party used, generated, stored or disposed of, or permitted the use, generation, storage or disposal of, any Hazardous Material (as defined below) on, under, about or within Property in violation of any law or regulation. LICENSEE agrees that it will not use, generate, store or dispose of any Hazardous Material (as defined below) on, under, about or within Property in violation of any law or regulation. LICENSEE agrees to defend and indemnify CITY, to the extent stated in Section 11, against any and all losses, liabilities, claims or costs arising from any breach of any warranty or agreement contained in this Section. As used in this Section, "Hazardous Material" means any substance, chemical or waste that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation (including petroleum and asbestos).

9. **SIGNS.** LICENSEE will not place any sign upon Property without CITY's prior written consent. LICENSEE will pay for all costs of any approved signage and comply with all applicable sign codes and ordinances. City will be responsible for signs regarding street closures and restricted parking; the city retains ownership of these signs.

10. **ASSIGNMENT.** LICENSEE will not be permitted to assign this License or any interest therein.

11. INDEMNIFICATION.

- A. **LICENSEE will hold CITY harmless and free from any and all liability arising out of this License, or its performance, except for such loss or damage arising from CITY's sole negligence or willful misconduct. Should CITY be named in any suit, or should any claim be against it, by suit or otherwise, whether the same be groundless or not, arising out of this License, or its performance, pursuant to this License, LICENSEE will defend CITY (at CITY's request and with counsel satisfactory to CITY) and will indemnify it for any judgment rendered against it or any sums paid out in settlement or**

otherwise.

- B. For purposes of this section "CITY" includes CITY's officers, officials, employees, agents, representatives, and certified volunteers.
- C. LICENSEE expressly agrees that this release, waiver, and indemnity agreement is intended to be as broad and inclusive as is permitted by the law of the State of California and that if any portion is held invalid, it is agreed that the balance will, notwithstanding, continue in full legal force and effect.
- D. It is expressly understood and agreed that the foregoing provisions will survive termination of this License.
- E. The requirements as to the types and limits of insurance coverage to be maintained by LICENSEE as required by Section 12 below, and any approval of said insurance by CITY, are not intended to and will not in any manner limit or qualify the liabilities and obligations otherwise assumed by LICENSEE pursuant to this License, including but not limited to the provisions concerning indemnification.

12. INSURANCE.

- A. Before commencing performance under this License, and at all other times this License is effective, LICENSEE will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

<u>Type of Insurance</u>	<u>Limits (combined single)</u>
Commercial general liability:	\$2,000,000/\$2,000,000 aggregate
Workers compensation	Statutory limits

- B. Commercial general liability insurance will meet or exceed the requirements of the most current ISO Forms. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies must be endorsed to name CITY, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by CITY will be excess thereto. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancelable except upon thirty (30) days prior written notice to CITY except for nonpayment of premiums which may be cancelable upon ten (10) day notice.
- C. LICENSEE will furnish to CITY duly authenticated Certificates of Insurance and

Endorsements evidencing maintenance of the insurance required under this License and such other evidence of insurance or copies of policies as may be reasonably required by CITY from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. CONTRACTOR will 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.

- D. Should LICENSEE, for any reason, fail to obtain and maintain the insurance required by this License, CITY may obtain such coverage at LICENSEE's expense and charge the cost of such insurance to LICENSEE under this License or terminate pursuant to Section 4.
- E. All policies required by this Agreement must allow CITY, as additional insured, to satisfy the self-insured retention ("SIR") and deductible of the policy in lieu of LICENSEE (as the named insured) should LICENSEE fail to pay the SIR or deductible requirements. The amount of the SIR or deductible is subject to the approval of the City Attorney and the Finance Director. LICENSEE understands and agrees that satisfaction of this requirement is an express condition precedent to the effectiveness of this Agreement. Failure by LICENSEE as primary insured to pay its SIR or deductible constitutes a material breach of this Agreement. Should CITY pay the SIR or deductible on LICENSEE's behalf upon the LICENSEE's failure or refusal to do so in order to secure defense and indemnification as an additional insured under the policy, CITY may include such amounts as damages in any action against LICENSEE for breach of this Agreement in addition to any other damages incurred by CITY due to the breach.

13. COMPLIANCE WITH LAW. LICENSEE will, at its sole cost and expense, comply with all of the requirements of all federal, state, and local authorities now in force, or which may hereafter be in force, pertaining to Property and will faithfully observe in the use of Property all applicable laws. The judgment of any court of competent jurisdiction, or the admission of LICENSEE in any action or proceeding against LICENSEE, whether CITY be a party thereto or not, that LICENSEE has violated any such ordinance or statute in the use of Property will be conclusive of that fact as between CITY and LICENSEE.

14. BREACH OF AGREEMENT. The violation of any of the provisions of this License will constitute a breach of this License by LICENSEE, and in such event said License will automatically cease and terminate.

15. WAIVER OF BREACH. Any express or implied waiver of a breach of any term of this License will not constitute a waiver of any further breach of the same or other term of this License.

16. ENTRY BY CITY AND PUBLIC. This License does not convey any property interest to LICENSEE. CITY and, except for areas restricted because of safety concerns, the general public will have unrestricted access upon Property for all lawful acts.

17. INSOLVENCY; RECEIVER. Either the appointment of a receiver to take possession of all or substantially all of the assets of LICENSEE, or a general assignment by the LICENSEE for the benefit of creditors, or any action taken or offered by LICENSEE under any insolvency or bankruptcy action, will constitute a breach of this License by LICENSEE, and in such event said License will automatically cease and terminate.

18. NOTICES. Except as otherwise expressly provided by law, all notices or other communications required or permitted by this License or by law to be served on or given to either party to this License by the other party will be in writing and will be deemed served when personally delivered to the party to whom they are directed, or in lieu of the personal service, upon deposit in the United States Mail, certified or registered mail, return receipt requested, postage prepaid, addressed to LICENSEE at:

Carnival Midway Attractions
4122 E. Chapman Ave. #15
Orange, California 92869

or to CITY at:

City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754
Attention: City Manager, Ron Bow

Either party may change its address for the purpose of this Section by giving written notice of the change to the other party.

19. ELECTRONIC SIGNATURES. This License may be executed by the Parties on any number of separate counterparts, and all such counterparts so executed constitute one agreement binding on all the Parties notwithstanding that all the Parties are not signatories to the same counterpart. In accordance with Government Code §16.5, the Parties agree that this License, agreements ancillary to this License, and related documents to be entered into in connection with this License will be considered signed when the signature of a party is delivered by electronic transmission. Such electronic signature will be treated in all respects as having the same effect as an original signature.

20. GOVERNING LAW. This License has been made in and will be construed in accordance with the laws of the State of California and exclusive venue for any action involving this License will be in Los Angeles County.

21. **PARTIAL INVALIDITY.** Should any provision of this License be held by a court of competent jurisdiction to be either invalid or unenforceable, the remaining provisions of this License will remain in effect, unimpaired by the holding.

22. **ENTIRE AGREEMENT.** This instrument and its Attachments constitute the sole agreement between CITY and LICENSEE respecting Property, the use of Property by LICENSEE, and the specified License term, and correctly sets forth the obligations of CITY and LICENSEE. Any agreement or representations respecting Property or its licensing by CITY to LICENSEE not expressly set forth in this instrument are void.

23. **CONSTRUCTION.** The language of each part of this License will be construed simply and according to its fair meaning, and this License will never be construed either for or against either party.

24. **AUTHORITY/MODIFICATION.** The Parties represent and warrant that all necessary action has been taken by the Parties to authorize the undersigned to execute this License and to engage in the actions described herein. This License may be modified by written agreement. CITY's city manager, or designee, may execute any such amendment on behalf of CITY.

25. **COUNTERPARTS.** This License may be executed in any number or counterparts, each of which will be an original, but all of which together will constitute one instrument executed on the same date.

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

CITY OF MONTEREY PARK

LICENSEE


Ron Bow,
City Manager


President

ATTEST


Vincent D. Chang,
City Clerk

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

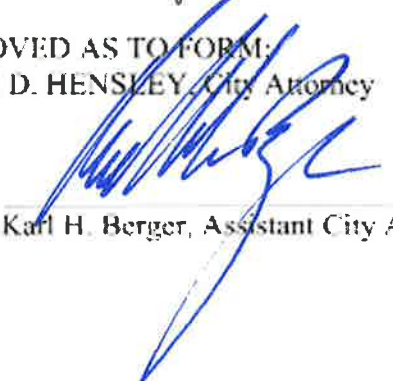
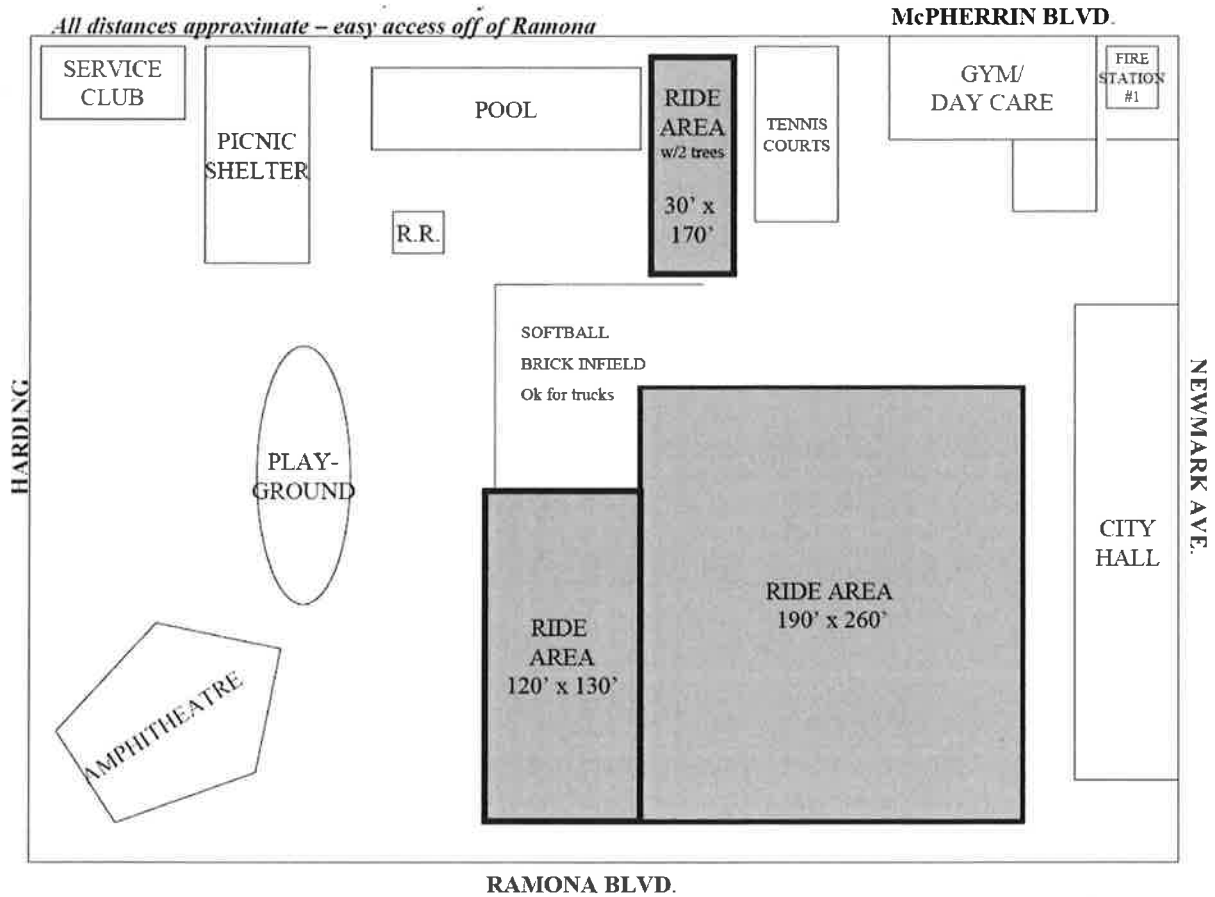
By: 
Karl H. Berger, Assistant City Attorney

Exhibit A
Barnes Park
 350 S. McPherrin Ave, Monterey Park, CA 91754



SCOPE OF SERVICES - EXHIBIT B

Vendor must provide Carnival Services relating to planning, development, coordination, implementation, management and operation of the City of Monterey Park's annual carnival celebration at Barnes Park, 350 S. McPherrin Ave. Monterey Park, CA 91754. (See Exhibit A for site map). Vendor must provide the necessary onsite staff for services during operating hours of service as well as for setup and cleanup times. The Vendor will provide all needed staff to complete and obtain all necessary documentation. The Vendors responsibilities shall include, but not be limited to the following:

❖ **Amusement Rides, Games and Tickets Booths.** Vendor shall provide the following amount of rides, games and ticket booths:

- At least thirteen (13) amusement attractions, including at least five (5) "Kiddie" rides, six (6) medium "Family" rides, and two (2) "Spectaculars"
- At least six (8) professional carnival games
- Vendors shall provide at least two (2) tickets booths and provide all staff for the ticket booths a minimum of 30 minutes before the start of each day and for the duration of the hours of operation.

❖ **Hours of Operation.** The hours of operation for the carnival rides are as follows:

- Thursday from 5:00 p.m. to 10:00 p.m.
- Friday from 5:00 p.m. to 11:00 p.m.
- Saturday from 12:00 p.m. to 11:00 p.m.
- Sunday from 1:00 p.m. to 9:00 p.m.

All tickets sales must stop 30 minutes prior to the schedule carnival closing time.

❖ **Midway Concessions.** Vendor will be allowed midway concessions as follows:

- One (1) food concession truck/trailer for the sale of food and beverages items as mutually agreed upon by Vendor and the City.
- All food, beverages and refreshments sold or kept for sale shall be compliant with all State, County and Municipal laws, ordinances, and regulations. Vendors shall be responsible for obtaining all necessary permits and licenses.
- Alcoholic beverages cannot be sold.

❖ **Vendor Set-up.** Facility set-up by the Vendor shall include the following:

- Obtain, complete and maintain all permits and supporting documentation to satisfy all permitting requirements of Los Angeles County, the State of California, and the City of Monterey Park;
- Provide an Incident Action Plan (IAP) for the Carnival and name the key staffers with their responsibilities
- Ensure trip guards are used with all cables, cords, wires and conduits placed upon or running over ground.
- Provide portable generators and related equipment capable of providing adequate electrical power to light merchant' booths after sundown, as needed.

- Obtain a Temporary Use Permit (TUP) with the Fire Department and Building Division; and schedule appointments with the Fire Department and Building Division for inspections prior to opening of the carnival
- Create a site plan including configuration of all booths, attractions, entrances/exits, and electrical equipment to be approved by the Monterey Park Fire Department and Building Division
- Schedule pre-event and post event inspections with Park maintenance personnel to determine site condition and identify/cover irrigation.
- Vendor's personnel shall be adequate to provide full and complete operations, shall be dressed in uniform and maintain professional behavior, and shall have been screened under "Megan's Law" by the vendor.
- Vendor shall comply with all OSHA and CALOSHA safety procedures and rules.
- Vendor will immediately contact a City representative, on-site, in cases of emergency, accidents or public disorder.
- All attractions shall be in good repair, appearance and in safe and operable condition.

❖ **Vendor Responsibilities.** Vendor is responsible for the following:

- Be registered and maintain proper business licenses and remain in good standing within the State of California and the City of Monterey Park;
- Vendor must, at its own expense, carry and maintain, during the period of performance: California required Worker's Compensation Insurance and Employer's Liability Insurance for its employees with limits of \$2,000,000, per occurrence, or evidence of self-insurance where permitted by law; Comprehensive General Liability Insurance with minimum limits of \$2,000,000 and on which the City of Monterey Park, its Officers, Officials, Employees and Volunteers are named as additional insured;
- Create and implement a marketing and promotional program. Coordinate all promotion of the market, including print, internet, social media outlets, and Monterey Park Television, to make sure the market is well attended;
- Ensure an onsite manager is in attendance from the start of set-up until the end of clean-up to oversee operations and to handle inquiries and problems from customers;
- Ensure that the site is left clean and in a useable condition no later than 12:00 p.m. on the Tuesday following the completion of the carnival; Provide payment of agreed upon compensation in the form of cash, cashier's check, or company check, due to the City no later than 12:00 p.m. on the Monday following the completion of the carnival.

❖ **Revenue to the City**

Revenues	Attraction
30% of Pre-Sale	Carnival Ride Tickets
25% of Onsite Sales	Carnival Ride Tickets
\$125 per Each	Game Booths (min. of 8)
\$300 per Each	Food Booth
\$200 per Each	Each Additional Attraction

❖ **Penalties**

- The parties agree that for each carnival day if a ride is not operational for greater than four (4) hours, a penalty of one thousand dollars (\$1,000) per non operational ride will be imposed.