

**CITY COUNCIL OF MONTEREY PARK
AND THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE
FORMER REDEVELOPMENT AGENCY
AGENDA**

**REGULAR MEETING
Monterey Park City Hall Council Chambers
320 W. Newmark Avenue, Monterey Park, CA 91754**

**WEDNESDAY
May 17, 2017
7:00 PM**

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.**

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 www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers.

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

This Agenda includes 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.

CALL TO ORDER **Mayor**

FLAG SALUTE **The Monterey Park Police Explorers**

ROLL CALL **Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, Teresa Real Sebastian**

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS (Related to Items NOT on the Agenda). 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.

ORAL AND WRITTEN COMMUNICATIONS

[1.] PRESENTATION

1-A. INTRODUCTION OF INTERNATIONAL INTERN NIDAL BAKLOUTI

1-B. DEMONSTRATION GARDEN AND RIBBON CUTTING DAY

[2.] SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (SA)

NEW BUSINESS

2-A. SUCCESSOR AGENCY MONTHLY INVESTMENT REPORT – APRIL 30, 2017

It is recommended that the City Council (acting on behalf of the Successor Agency):

- (1) Receive and file the Monthly Investment Report; and
- (2) Take such additional, related, action that may be desirable.

2-B. SUCCESSOR AGENCY (SA) MINUTES

It is recommended that the City Council (acting on behalf of the Successor Agency):

- (1) Approve the minutes from the regular meeting of April 19, 2017 and the special meetings of April 19, 2017; and
- (2) Take such additional, related, action that may be desirable.

[3.] CITY OF MONTEREY PARK- CONSENT CALENDAR - None.

[4.] PUBLIC HEARING

4-A. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE DRAFT 2017-2018 ANNUAL ACTION PLAN AS REQUIRED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP ACT (HOME) PROGRAMS

It is recommended that the City Council:

- (1) Open the public hearing and continue the public hearing to the June 7, 2017 City Council meeting; and
- (2) Take such additional, related, action that may be desirable.

4-B. ADOPT AN ORDINANCE AMENDING SPECIFIC SECTIONS OF TITLE 21 (ZONING REGULATIONS) OF THE MONTEREY PARK MUNICIPAL CODE RELATING TO WIRELESS TELECOMMUNICATION FACILITIES

It is recommended that the City Council:

- (1) Opening the public hearing;
- (2) Taking documentary and testimonial evidence;
- (3) Closing the public hearing and considering the draft ordinance;
- (4) Introducing and waiving first reading of the ordinance and schedule second reading and adoption for June 7, 2017; and
- (5) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The proposed ordinance is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because the ordinance constitutes only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to ensure the maintenance, protection and enhancement of the environment. The ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

[5.] OLD BUSINESS

5-A. CENTRALIZED GROUNDWATER TREATMENT SYSTEM – APPROVAL OF DESIGN

It is recommended that the City Council consider:

- (1) Adopting a resolution approving the design for the Centralized Groundwater Treatment System project;
- (2) Issuing the Design-Build Team a Notice to Proceed for Construction; and
- (3) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The project is categorically exempt from the California Environment Quality Act (CEQA) per CEQA Guidelines § 15302, "Replacement or Reconstruction." The project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

A Notice of Exemptions was filed with the Los Angeles County Clerk on February 28, 2017 and no objection or legal action has been received to challenge the CEQA filing for the project.

5-B. ADOPTION OF RESOLUTIONS OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA APPROVING AND ADOPTING THE MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK POLICE CAPTAINS ASSOCIATION (MPPCA) AND THE MONTEREY PARK POLICE OFFICERS' MID-MANAGEMENT ASSOCIATION (MPPOMMA); FIXING THE RATE OF COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES FOR THE TERM JULY 1, 2016 TO JUNE 30, 2018.

It is recommended that the City Council:

- (1) Adopt the Resolutions approving implementation of the Memoranda of Understanding (MOU) between the City of Monterey Park and the Monterey Park Police Captains Association (MPPCA) and the Monterey Park Police Officers' Mid-Management Association (MPPOMMA);
- (2) Authorize the expenditure of \$190,778 (\$22,278 for MPPCA and \$168,500 for the MPPOMMA) for the 2016-2017 fiscal year, and amend the 2016-2017 Budget accordingly; and
- (3) Take such additional, related, action that may be desirable.

[6.] NEW BUSINESS

6-A. WARRANT REGISTER FOR THE CITY OF MONTEREY PARK OF MAY 17, 2017

It is recommended that the City Council:

- (1) Approve payment of warrants and adopt a Resolution allowing certain claims and demands per Warrant Register dated May 17, 2017 totaling \$661,337.70 specifying the funds out of which the same are to be paid; and
- (2) Take such additional, related, action that may be desirable.

6-B. MONTHLY INVESTMENT REPORT – APRIL 2017

It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

6-C. CITY COUNCIL MINUTES

It is recommended that the City Council:

- (1) Approve the minutes from the regular meeting of April 19, 2017 and the special meetings of April 19, 2017 ; and
- (2) Take such additional, related, action that may be desirable.

6-D. AUTHORIZE CONTRACT FOR PROFESSIONAL SERVICES AND DATA MIGRATION

It is recommended that the City Council consider:

- (1) Authorizing the Interim City Manager to enter into an agreement, in a form approved by the City Attorney, with West Coast Technology in the amount of \$10,000, to provide data migration services; and
- (2) Take such additional, related, action that may be desirable.

6-E. PAVEMENT MANAGEMENT REPORT FUNDING UPDATE

It is recommended that the City Council consider:

- (1) Receiving and filing this informational report;
- (2) Directing staff to explore potential funding sources to address the City's street maintenance and rehabilitation needs; and
- (3) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The Pavement Management Program 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 the project is the preparation of a plan. The Pavement Management Program does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment and will not result in direct or indirect physical changes in the environment.

6-F. TRANSIT CENTER PHASE II IMPROVEMENTS – AUTHORIZATION TO ADVERTISE

It is recommended that the City Council consider:

- (1) Adopting a resolution authorizing staff to advertise the Transit Center Phase II Improvements; and
- (2) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

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

6-G. 2017 VARIOUS STREET RESURFACING – AUTHORIZATION TO ADVERTISE

It is recommended that the City Council consider:

- (1) Adopting a resolution authorizing staff to advertise the 2017 Various Street Resurfacing project; and
- (2) Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

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

6-H. PURCHASE OF A 2017 ONE TON DUAL REAR WHEEL CAB CHASSIS

It is recommended that the City Council consider:

- (1) Authorizing the Interim City Manager to purchase a 2017 Ford F350 dual rear wheel cab chassis truck from Downtown Ford Sales at a cost of \$31,918; and
- (2) Take such additional, related, action that may be desirable.

6-I. 2017 SIDEWALK REPAIRS – AWARD OF CONTRACT

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a contract, in a form approved by the City Attorney, with FS Contractors, in the amount of \$150,831.00 for the 2017 Sidewalk Repairs;
- (2) Authorizing the Interim Director of Public Works to approve change orders up to \$15,083.00 (up to 10% of contract amount) for this project;
- (3) Allocating an additional \$50,914 in Measure R funds to cover the contract amount and 10% contingency;
- (4) Authorizing the Interim City Manager to execute a three year maintenance services agreement, in a form approved by the City Attorney, with FS Contractors, not to exceed \$90,000, for on-call sidewalk maintenance work; and
- (5) Take such additional, related, action that may be desirable.

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).

6-J. FOOD TRUCK OVERVIEW – REQUEST BY THE PLANNING COMMISSION

It is recommended that the City Council consider:

- (1) Receiving and filing this report;
- (2) If appropriate, provide direction to the City Manager regarding providing draft regulations affecting food trucks; and
- (3) Take such additional, related, action that may be desirable.

6-K. ADOPT A RESOLUTION ESTABLISHING THE FEE FOR A PERMIT FOR ALCOHOL CONSUMPTION ON PUBLIC PREMISES AFTER FINDING THAT SUCH ACTIVITY WILL NOT BE DETRIMENTAL TO PUBLIC HEALTH & SAFETY

It is recommended that the City Council:

- (1) Adopt a Resolution, in a form approved by the City Attorney, establishing the fee of \$100 for a permit for alcohol consumption on public premises after finding that such activity will not be detrimental to public health & safety; and
- (2) Take such additional, related, action that may be desirable.

[7.] COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

7-A. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING JUNE 14, 2017 AS THE DAY OF RECOGNITION FOR THE 242nd BIRTHDAY OF THE UNITED STATES ARMY

It is recommended that the City Council:

- (1) Adopt a Resolution declaring June 14th, 2017 as the day of recognition for the 242nd birthday of the U.S. Army; and
- (2) Take such additional, related, action that may be desirable.

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

ADJOURN

ORAL AND WRITTEN COMMUNICATIONS

PRESENTATION



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: (SA) New Business
Agenda Item 2-A.

TO: The Honorable Mayor and City Council
FROM: Annie Yaung, CPFO, Controller
SUBJECT: Successor Agency Monthly Investment Report – April 30 2017

RECOMMENDATION: It is recommended that the City Council:

- (1) Receive and file the Monthly Investment Report; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

As of April 30, 2017 invested funds for the Successor Agency of the City of Monterey Park is as follows:

• Successor Agency (SA) Checking	90,733.21
• Successor Agency (SA) RORF	<u>196,190.00</u>
Total	<u>\$ 286,923.21</u>

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.

Respectfully submitted and prepared by:

Approved by:


Annie Yaung, CPFO
Controller


Ron Bow
Interim City Manager



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: (SA) New Business
Agenda Item 2-B.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: Successor Agency (SA) Minutes

RECOMMENDATION:

It is recommended that the City Council (acting on behalf of the Successor Agency)

- (1) Approve the minutes from the regular meeting of April 19, 2017 and the special meeting of April 19, 2017; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,

Prepared by:



Vincent D. Chang
City Clerk



Timothy Huynh
Minutes Clerk

Approved By:



Ron Bow
Interim City Manager

Attachments: April 19, 2017 special meeting minutes
April 19, 2017 regular meeting minutes

ATTACHMENT 1

Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
APRIL 19, 2017**

The City Council of the City of Monterey Park held a Special Meeting of the Council in Room 266, Second Floor of City Hall, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, April 19, 2017 at 5:45 p.m.

CALL TO ORDER:

Mayor Real Sebastian called the meeting to order at 5:45 p.m.

ROLL CALL:

Interim City Manager Bow called the roll:

Council Members Present: Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, Teresa Real Sebastian

Council Members Absent: None

Also Present: Interim City Manager Ron Bow, Assistant City Attorney Karl Berger, Director of Human Resources and Risk Management Tom Cody

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

ORAL & WRITTEN COMMUNICATIONS

None.

NEW BUSINESS

None.

CLOSED SESSION - The City Council adjourned to Closed Session at 5:45 p.m.

1. CONFERENCE WITH LABOR NEGOTIATORS – GOVERNMENT CODE § 54957.6

City Negotiators: Ron Bow, Interim City Manager, Tom Cody, Director of Human Resources and Risk Management

Employee Organizations: Bargaining Units Monterey Park Police Officers' Association (MPPOA); POA/Captains' Unit, Police Officer's Mid-Management Association (POMMA.)

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

2. CONFERENCE LEGAL COUNSEL, EXISTING LITIGATION – GOVERNMENT CODE § 54956.9 (a) – Number of Cases: one

Jeffrey Ward v City of Monterey Park
Case Numbers: ADJ 9053638; ADJ 9053639
DOI: 5/30/13; 11/2/1978-5/29/2013

3. PUBLIC EMPLOYEE APPOINTMENT / PUBLIC EMPLOYMENT – GOVERNMENT CODE § 54957

Title: City Manager

4. CONFERENCE WITH LABOR NEGOTIATORS – GOVERNMENT CODE § 54957.6

Agency Representative: City Attorney's Office

Unrepresented Employee: City Manager Candidate

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:56 p.m.

Action Taken: No reportable action taken during Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
REGULAR MEETING
APRIL 19, 2017**

The City Council of the City of Monterey Park held a Regular Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, April 19, 2017 at 7:00 p.m.

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.

CALL TO ORDER:

Mayor Real Sebastian called the meeting to order at 7:09 p.m.

FLAG SALUTE:

The Monterey Park Police Explorers led the flag salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang,
Teresa Real Sebastian

Council Members Absent: None

ALSO PRESENT: Interim City Manager Ron Bow, City Treasurer Joseph Leon, Assistant City Attorney Karl Berger, Fire Chief Scott Haberle, Police Chief Jim Smith, Director of Human Resources and Risk Management Tom Cody, Director of Recreation & Community Services Dan Costley, Director of Community & Economic Development Michael Huntley, Controller Annie Young, Interim Public Works Director Tito Haes, Police Captain Kelly Gordon, Police Captain Steven Coday, Recreation Superintendent Robert Aguirre, Deputy City Clerk Cindy Trang

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

ORAL AND WRITTEN COMMUNICATIONS

- Jesus Ortiz, a resident of Monterey Park, invited all residents to the Cinco de Mayo event on May 7, 2017.
- David Barron, resident of Monterey Park, spoke regarding upcoming Chamber of Commerce events and his opposition against the Eve statue proposal by Equitable Vitrines.

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

- Sarkis Antonian, a resident of Monterey Park, announced that this month is Genocide Awareness Month.
- Karl Wong, Shirley Hwong, and Richard Mai, representatives for the Environmental Commission, made an announcement regarding the upcoming Earth Day Bike Ride on April 22, 2017.

1. PRESENTATIONS

None.

2. SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (SA)

NEW BUSINESS

2A. SUCCESSOR AGENCY MONTHLY INVESTMENT REPORT – MARCH 2017

As of March 31, 2017 invested funds for the Successor Agency of the City of Monterey Park is as follows:

• Successor Agency (SA) Checking	90,752.88
• Successor Agency (SA) RORF	<u>196,190.00</u>
Total	<u>\$ 286,942.88</u>

Action Taken: The City Council, acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, approved Item Nos. 2A-2B. The City Council received and filed the monthly investment report.

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

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

2B. SUCCESSOR AGENCY (SA) MINUTES

Approve the minutes from the regular meeting of March 15, 2017 and the special meetings of March 14, 2017, March 15, 2017, and March 20, 2017.

Action Taken: The City Council, acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, approved the minutes from the regular meeting of March 15, 2017 and the special meeting of March 14, 2017, March 15, 2017, and March 20, 2017. Motion taken with Item No. 2A.

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



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: Public Hearing
Agenda Item 4-A.

TO: The Honorable Mayor and City Council
FROM: Michael Huntley, Director of Community & Economic Development
SUBJECT: A public hearing to consider the adoption of the draft 2017-2018 Annual Action Plan as required by the Community Development Block Grant (CDBG) and HOME Investment Partnership Act (HOME) programs

RECOMMENDATION:

It is recommended that the City Council:

- 1) Open the public hearing and continue the public hearing to the June 7, 2017 City Council meeting; and
- 2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City has drafted the 2017-2018 Annual Action Plan which is ready for consideration by the City Council. However, the U.S. Department of Housing and Urban Development has not provided the final allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) funds. Since the adoption of the Annual Action Plan requires a noticed public hearing, staff is requesting that this item be continued to the June 7, 2017 City Council meeting. By that time, the City should have the final fund allocations from HUD.



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: Public Hearing
Agenda Item 4-B.

TO: Honorable Mayor and Members of the City Council

FROM: Michael A. Huntley, Director of Community and Economic Development

SUBJECT: Adopt an ordinance amending specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code relating to Wireless Telecommunication Facilities.

RECOMMENDATION:

It is recommended that the City Council:

- (1) Opening the public hearing;
- (2) Taking documentary and testimonial evidence;
- (3) Closing the public hearing and considering the draft ordinance;
- (4) Introducing and waiving first reading of the ordinance and schedule second reading and adoption for June 7, 2017; and
- (5) Take such additional, related, action that may be desirable.

ENVIRONMENTAL:

The proposed ordinances is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the ordinances being recommended by the resolutions constitute only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The resolutions and ordinances, therefore, do not have the potential to cause significant effects on the environment. Consequently, they are categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

EXECUTIVE SUMMARY:

This amendment was considered by the City Council at its October 5, 2016 meeting. A copy of the October 5th staff report is included for reference; its analysis continues to be applicable to the City Council's current considerations.

At that time, the main issue of discussion was whether the City Council should be primarily responsible (rather than the Planning Commission) for issuing wireless permits. Ultimately, the City Council declined to remove the Planning Commission from the permit process and did not take action to introduce the draft ordinance.

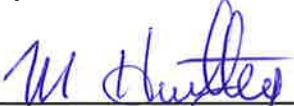
The draft ordinance, however, contains additional regulations that reflect changes in federal and state law regarding wireless telecommunication permits. Accordingly, the draft ordinance is being brought back for City Council consideration; the only change between the October 2016 version and the current version is to restore the Planning Commission's role in issuing wireless facility permits.

An analysis regarding the regulations proposed by the draft ordinance is set forth in the October 5th staff report and incorporated by reference.

FISCAL IMPACT:

There is no identifiable fiscal impact associated with the proposed code amendments.
Respectfully submitted:

By:



Michael Huntley
Director of Community and
Economic Development

Prepared by:



Samantha Tewasart
Senior Planner

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment 1: Draft Ordinance
- Attachment 2: October 5, 2016 staff report
- Attachment 3: City Council Minutes, October 5, 2016

ATTACHMENT 1

Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE
CHAPTER 21.34 REGULATING WIRELESS TELECOMMUNICATIONS
FACILITIES WITHIN THE CITY OF MONTEREY PARK**

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: *Findings.* The City Council finds and determines as follows:

- A. That the proposed amendments are consistent with the goals, policies and objectives of the General Plan because it is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park's commercial districts. The proposed code amendments are minor changes intended to ensure that the wireless telecommunication facilities regulations are consistent with federal and state laws. The proposed code amendment is intended to clarify existing definitions and code provisions relative to wireless telecommunication facilities;
- B. That the proposed amendments will not adversely affect surrounding properties because the proposed amendments encourages collocations and wireless facilities that blend with the existing surroundings and not adversely impact the environment, properties and other local values; and
- C. That the proposed amendments promote public health, safety and general welfare and serves the goals and purposes of the Zoning regulations because the proposed amendments serve to accommodate new wireless technologies and continued improvements to existing wireless communications facilities while minimizing any visual, structural, and safety impacts.

SECTION 2: A new § 21.34.015 is added to the Monterey Municipal Code ("MPMC") to read as follows:

"21.34.015 Definitions.

Unless otherwise specifically defined within this chapter, the defined terms in 47 U.S.C. § 1455, 47 CFR § 1.400001(b)(5), and Government Code 65964.1, and any amendments to such sections, are used in this chapter."

SECTION 3: MPMC § 1.34.020 is amended to read as follows:

"21.34.020 Wireless Telecommunications Facilities on Private Property.

(A) No person may erect, construct, install, operate, or maintain any Wireless Telecommunications Facility in, on, under, over or above private

property (including public property not in the public right-of-way), except as authorized pursuant to this code.

(B) A Wireless Telecommunications Facility permit is required for any Wireless Telecommunications Facility. Consideration of a Wireless Telecommunications Facility permit application will be conducted by the City Planner or the Planning Commission. Wireless Telecommunications Facility permit applications will be processed based upon, and the review authority for the application based upon, the ~~classification of Antennas~~ **Classes defined in Chapter 21.04 of this code**. Although classifications are assigned at the time of submission of the application, a re-evaluation of Antenna classifications may occur at any point in the application review process, including at the time of review by the City Planner, ~~Planning Commission~~ or City Council.

(1) Residential Zones: Class 1, Class 4, Class 5, Class 6 and Class 7 Antennas, **as defined by Chapter 21.04 of this code**, must be presented to the Planning Commission. Class 3 Antennas, as defined, may be presented to the City Planner.

(2) Non-Residential Zones: Class 1, Class 3, and Class 4 Antennas, **as defined by Chapter 21.04 of this code**, may be presented to the City Planner. Class 5, Class 6 and Class 7 Antennas, as defined, must be presented to the Planning Commission.

(3) Class 2 Antennas (Co-Located Antennas), **as defined by Chapter 21.04 of this code**, ~~must be presented to the same body that initially reviewed the underlying base Wireless Telecommunications Facility upon which the Co-Location is proposed. Co-Located facilities are deemed a permitted use if the underlying base facility was subject to a discretionary permit and was subject to either an EIR, mitigated negative declaration or a Negative Declaration~~ **they meet all of the requirements established by pursuant to California Government Code Section 65850.6, and, as such, may be presented to the City Planner for approval. However, those Class 2 Antennas that do not meet the requirements of Government Code Section 65850.6 must be presented to the City Council.** Such Co-Located facilities require a Wireless Telecommunications Facilities permit, with modified review pursuant to this chapter.

(4) All Antenna applications requesting heights exceeding the height limitation of the requested zone must be presented to the Planning Commission.

(5) Antennas other than Classes 1 through 7 must be submitted to the Planning Commission and must obtain a Variance.

(C) The ~~Community Development Director~~ **City Planner** may approve a permit for placement of a Temporary Emergency Use Antenna. The permit

must contain conditions for removal of the Temporary Emergency Use Antenna as soon as possible after the conclusion of the emergency.

(D) For Wireless Telecommunications Facilities applications subject to review by the City Planner, a Wireless Telecommunications Facility permit may be granted pursuant to the procedure provided in Section 21.32.080, so long as all application requirements have been fulfilled and all of the findings required by this chapter have been made.

(E) The review authority will consider all competent evidence presented for and against the Wireless Telecommunications Facility application. The standards required by this chapter will be imposed as conditions of approval for all Wireless Telecommunications Facility permits granted by the review authority. Further conditions of approval of Wireless Telecommunications Facility permits may be imposed as are necessary to minimize environmental, aesthetic, and public safety impacts. The review authority must make findings of fact and determinations in writing. A copy of the findings of fact and determinations must be mailed to the applicant, and any persons expressing an interest in the application who submitted their correct mailing addresses. A decision of the ~~review authority~~**City Planner** will become final fifteen (15) days following the date of the decision, unless an appeal to the Planning Commission or the City Council is filed as provided in Chapter 21.32 Permit Procedures. **Any decision of the City Council is final.**

(F) Except for Class 2 Co-Located facilities on which the base facility meets the requirements of California Government Code Section 65850.6, and Class 3 Temporary Antenna Facilities, prior to the issuance of a Wireless Telecommunications Facility permit, the review authority must make all of the following findings:

- (1) To the maximum extent reasonably feasible, the proposed Wireless Telecommunications Facility has been designed to achieve compatibility with the community;
- (2) Alternative configurations will not increase community compatibility or are not reasonably feasible;
- (3) Alternative locations on the site will not increase community compatibility or are not reasonably feasible;
- (4) The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible;
- (5) The facility is necessary to close a significant gap in coverage;
- (6) The applicant has submitted a statement of its willingness to allow other carriers to Co-Locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and where Co-Location would not harm community compatibility;

(7) Noise generated by the facility will be in compliance with Chapter 9.53; and

(8) The facility complies with all of the requirements of State and federal laws, regulations and orders.

(G) If the application is denied by the review authority, the review authority must issue a written denial to the applicant containing an explanation of reason(s) for such denial which cites to substantial evidence contained in the written record of the hearing or administrative record.

(H) Requests for Wireless Telecommunications Facilities permits must be made on forms prescribed by the City Planner and submitted to the Community and Economic Development Department. The City Planner may amend application requirements from time to time, as necessary to comply with applicable laws and regulations, or to otherwise ensure the provision of information necessary and useful to the evaluation of Wireless Telecommunications Facility permit applications. In addition to the application submittal requirements for permits set forth in this chapter, the supplemental information listed below is also required at the time a Wireless Telecommunications Facility permit application is submitted to the Community and Economic Development Department.

(1) Applications for all proposed locations must include:

(a) An accurate map, compatible with the City's latest version of GIS mapping software, indicating the proposed site and detailing existing Wireless Telecommunications Facility locations owned and operated by the applicant within the City on the date of application submittal.

(b) An engineering certification demonstrating planned compliance with all existing federal radio frequency emissions standards, and providing technical data sufficient to justify the proposed height of the proposed Wireless Telecommunication Facility.

(c) An alternative configuration analysis, as deemed necessary by the City Planner, assessing the feasibility of alternative Wireless Telecommunications Facility construction configurations, both at the proposed site and in the surrounding vicinity, which would result in a more visually compatible Antenna(s). This analysis must include an explanation of why other Wireless Telecommunications Facility construction configurations were not selected by the applicant.

(d) A projection of the applicant's anticipated future Wireless Telecommunications Facility siting needs within the City, which information may be used by the City as part of a master planning effort designed to ensure a more planned, integrated and organized approach to Wireless Telecommunications Facility siting.

(e) An identification of the geographic service area for the subject installation, including a map showing all of the applicant's existing sites in the local Service Network associated with the coverage gap the Wireless

Telecommunications Facility is meant to close, and describing how the coverage gap will be filled by the proposed installation.

(f) An accurate visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for the Wireless Telecommunications Facility. The analysis must include photo simulations and other information as necessary to determine the visual impact of the Wireless Telecommunications Facility. A map depicting where the photos were taken must be included. The analysis must include a written description of efforts to blend the Wireless Telecommunications Facility with the surrounding area.

(g) The height and diameter of the facility, together with evidence that demonstrates that the proposed Wireless Telecommunications Facility has been designed to the minimum height and diameter required from a technological standpoint for the proposed site. If the facility will exceed the maximum permitted height limit, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary must be provided.

(h) A description of the maintenance and monitoring program for the Wireless Telecommunications Facility and associated landscaping.

(i) A written statement of the applicant's willingness to allow other carriers to Co-Locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and aesthetically desirable.

(j) A written description of any good faith efforts to Co-Locate the proposed Wireless Telecommunications Facility on another site or building, including a GIS compatible map of the sites and engineering information or letters from the owners of the site describing why Co-Location would not be feasible.

(k) An alternative site analysis, assessing the feasibility of alternative sites, including the potential for Co-Location, in the vicinity of the proposed site, as deemed necessary by the City Planner. Said alternative site analysis must specifically include an evaluation of the availability and feasibility of potential alternative sites located outside a Residential Zone. The alternative site analysis must include a map that shows other potential stand alone locations for the proposed Wireless Telecommunications Facility that have been explored, and must describe why the proposed location is superior to other potential locations. Factors that must be considered in the alternative site analysis include, without restriction, cost, visual benefits and detriments of alternative sites, and proximity to dwellings.

(l) A written description of all Accessory Wireless Equipment for the Wireless Telecommunications Facility, including a description of the

function of the accessory equipment and the need to locate the accessory equipment on or near the Wireless Telecommunications Facility.

(m) A written description of any requested exceptions to the standards set forth in this chapter, and the reasons for the request.

(n) Noise/acoustical information derived from the manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.

(o) A conceptual landscape plan as determined necessary by the City Planner. The plan must show all existing trees and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site as determined by the City Planner.

(p) The City Planner may require additional information related to topography, including slopes, contours and proposed grading.

(q) Any other information determined necessary by the City Planner may be required through the City's Wireless Telecommunications Facility permit application form.

(2) Applications requiring Planning Commission review must also include certified public notice mailing labels for all owners of real property as shown on the latest equalized assessment roll within a five hundred (500) foot radius of the exterior boundaries of the real property that is the subject of the hearing, except that if such property is owned by the applicant, the owners of contiguous real property to that owned by the applicant must also be given notice, as well as any parties who have requested notice of applications for the installation of such facilities, and such additional persons or parties as the City may determine appropriate based on the specific location and character of the proposed Wireless Telecommunications Facility. A notification, three feet in height and four feet in width, must also be posted by the applicant for thirty (30) days at the site where the Wireless Telecommunications Facility is proposed for installation and notice must be mailed to all required property owners and parties at least thirty (30) days before the hearing. A property ownership map keyed to the mailing labels must be included. If additional mailed notice is required, it is the responsibility of the applicant to provide certified public notice mailing labels for all owners of real property as shown on the latest equalized assessment roll within an area determined by the ~~Community Development Director~~ **City Planner** to be directly affected by the request and to provide a property ownership map keyed to the mailing labels.

(3) All notices must provide a brief description of the proposed Wireless Telecommunications Facility, a map indicating the proposed installation site, information describing the Wireless Telecommunications Facility

permit review process, and the name and telephone number of a person who will be available during business hours to respond to questions from the public. During the notification period, interested persons may contact the Community **and Economic** Development Department to review the proposed location of the facility and express any comments or concerns related to the application.

(I) If the City Planner determines the need to hire an independent, qualified consultant to evaluate technical and other aspects of the application, the applicant must provide the City with written authorization for the hiring. The authorization must include a written agreement by the applicant to advance or promptly reimburse the City for all reasonable costs associated with the consultation. In the alternative, the City Planner may require the applicant to submit a cash deposit for the estimated cost of such consultation, and to replenish the deposit if consumed by reasonable costs associated with the consultation. The consultation is intended to be a site-specific review of technical aspects of the proposed Wireless Telecommunications Facility and may address any or all of those aspects, not limited to the following:

- (1) Compliance with applicable Radio Frequency emission standards;
- (2) Height analysis;
- (3) Configuration;
- (4) The appropriateness of granting any requested exceptions;
- (5) The accuracy and completeness of submissions;
- (6) The applicability of analysis techniques and methodologies;
- (7) The validity of conclusions reached;
- (8) Any specific technical issues designated by the city.

(J) If a permittee proposes any modifications to any Wireless Telecommunications Facility permit after the permit is granted, the permittee must submit an application to the Community **and Economic** Development Department for consideration by the approval body specified in this chapter. The City and the approval body may not accept or process a modification application until the permittee first (i) demonstrates the existing Wireless Telecommunications Facility's compliance with all applicable local requirements; and (ii) certifies that the existing Wireless Telecommunications Facility complies with all applicable State, and federal requirements.

(K) The City Planner must approve any request for a modification of a Wireless Telecommunications Facility submitted pursuant to subsection (J) if it does not substantially change the physical dimensions of the existing Wireless Telecommunications Facility, does not increase the height or bulk of the Wireless Telecommunications Facility or Accessory

Wireless Equipment, and does not change the location of such equipment or facilities.

(L) Unless otherwise required by California Government Code section 65964(b), and as that section may be hereafter amended, a Wireless Telecommunications Facility permit may not have a duration longer than ten (10) years.

(M) In addition to any other permit fees required by this code, each applicant must pay a nonrefundable Wireless Telecommunication Facility application processing fee, in an amount set by resolution of City Council, to defray the City's direct and indirect costs for review of the application. An annual nonrefundable renewal fee will also be charged to defray associated costs of investigation, inspection and enforcement.

(N) Any Wireless Telecommunications Facility that is lawfully constructed, erected, or approved prior to the effective date of the ordinance adopting this section, in compliance with all applicable laws, and which facility conforms to the requirements of this chapter, will be accepted and allowed as a legal nonconforming use. Such facilities must comply at all times with the laws, ordinances, and regulations in effect at the time the application for the facility was deemed complete, and any applicable federal and State laws as they may be amended or enacted, and must at all times comply with any conditions of approval. Any legal nonconforming facility that fails to comply with applicable laws, ordinances, regulations, or the conditions of approval; increases or expands the use of the Wireless Telecommunications Facility; or ceases use of the Wireless Telecommunications Facility for more than ninety (90) days will become an illegal nonconforming Wireless Telecommunications Facility and will be subject removal as set forth in this code.

(O) Application Review.

(1) The timeframe for the City's review of an application begins to run when the application is submitted, but is tolled if the City finds the application incomplete and timely requests the applicant submit additional information to complete the application. The City must make such requests within 30 days of the initial submission of the application. After the applicant submits the additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to complete the application, in which case, the City's timeframe for review remains tolled until the application is deemed complete.

(2) The time limits for processing Wireless Telecommunications Applications must comply with federal and state laws including, without limitation, Section 1455 of Title 47 of the U.S. Code, Section 1.40001(b)(5) of Title 47 of the Code of Federal Regulations, Chapter

1. Subchapter A, Part 1, Subpart CC, and Section 69564.1 of the Government Code. A city council resolution memorializing the processing time periods set forth in applicable law may be adopted to ensure timely compliance

(3) If the City denies a wireless telecommunication facility application, the City will notify the applicant of the denial in writing of the reasons for the denial.”

SECTION 4: Environmental Review. The City Council finds that this ordinance does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ordinance amends the Monterey Park Municipal Code to codify existing state and federal regulations relating to the processing of applications for wireless telecommunications facilities in the City. The ordinance does not portend 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. In addition to the foregoing general exemption, the following categorical exemptions apply: 14 Cal. Code Regs. § 15307 (actions taken for protection of natural resources) and § 15308 (actions taken for protection of the environment).

SECTION 5: Construction. This *Ordinance* must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: Enforceability. Repeal of any provision of the Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Municipal Code or other city ordinance by this Ordinance will be rendered void and cause such previous Municipal Code provision or other the city ordinance to remain in full force and effect for all purposes.

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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the city of Monterey Park’s book of original

ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10: This Ordinance will take effect on the 31st day following its final passage and adoption.

SIGNED AND APPROVED this ____th day of _____, 2017.

Teresa Real Sebastian, Mayor

ATTEST:

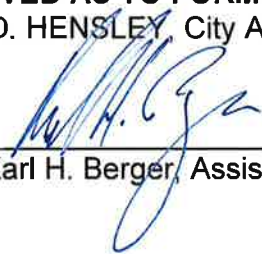
Vincent D. Chang, City Clerk

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Monterey Park City Council at its regular meeting held on the ____th day of _____, 2016, by the following vote, to wit:

AYES;
NOES;
ABSENT:

Vincent D. Chang, City Clerk

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

By: 
Karl H. Berger, Assistant City Attorney

ATTACHMENT 2

October 5, 2016 staff report



City Council Staff Report

DATE: October 5, 2016

AGENDA ITEM NO: Public Hearing
Agenda Item 4-B.

TO: Honorable Mayor and Members of the City Council
FROM: Michael A. Huntley, Director of Community and Economic Development
SUBJECT: Consider the proposed code amendments to the Monterey Park Municipal Code (MPMC) relating to Wireless Telecommunication Facilities, Assembly Uses, and Nonconforming Uses.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Opening the public hearing;
2. Taking documentary and testimonial evidence;
3. Closing the public hearing and considering the draft ordinances;
4. Introducing and waiving first reading of three ordinances and schedule a second reading and adoption for October 19, 2016; and
5. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

There are three code amendments being considered by the City Council related to the City's wireless telecommunication facilities, assembly uses and nonconforming uses. Two of the amendments being considered implement changes required by federal and state laws. These amendments are specifically related to the City's wireless telecommunication facilities and assembly use regulations. Additionally, the City Council directed staff to include an amendment that all decisions regarding telecommunications facilities be rendered by the City Council. Lastly, staff has also initiated changes to the City's nonconforming regulations designed to clean up provisions that are not readily understandable or pose concern regarding reasonable use of private property.

These code amendments were considered by the Planning Commission at its September 13, 2016 meeting. The Planning Commission adopted a resolution recommending that the City Council approve the proposed code amendments as identified below.

ANALYSIS:

Chapter 21.04 Definitions and Chapter 21.34 Wireless Telecommunication Facilities

On May 4, 2016, the Council directed staff to prepare a code amendment to modify the Wireless Telecommunication Facility Chapter of the Monterey Park Municipal Code ("MPMC"). Specifically, the Council requested that all wireless telecommunication facility applications that are currently reviewed by the Planning Commission to be considered instead by the City Council. That change is reflected in the table below.

Monterey Park Antenna Classes and Approval Authority
(MPMC Sections 21.04.074, 21.34.010)

	Current Code	Proposed Ordinance
Class 1 Antenna mounted on building, behind screen	<i>Residential zones:</i> Reviewed by Planning Commission	Reviewed by City Council
	<i>Non-residential zones:</i> Reviewed by Planner	No change
Class 2 Collocated on an approved existing wireless telecommunication facility	Reviewed by same body that approved underlying facility	Reviewed by either Planner or City Council, depending on whether use is "by right" or discretionary
Class 3 Temporary antenna	Reviewed by Planner	No change
Class 4 Monopole antenna mounted on an existing light, tower	<i>Residential zones:</i> Reviewed by Planning Commission	Reviewed by City Council
	<i>Non-residential zones:</i> Reviewed by Planner	No change
Class 5 Within cylinder or flagpole	Reviewed by Planning Commission	Reviewed by City Council
Class 6 Partially visible antennas mounted on building	Reviewed by Planning Commission	Reviewed by City Council
Class 7 Antenna inside freestanding structure built to house wireless telecommunication facility	Reviewed by Planning Commission	Reviewed by City Council

In addition, changes in state and federal regulations require amendments to the MPMC. These changes add regulations regarding 'shot clock' requirements and new definitions. This will be discussed more in depth below.

Background regarding Wireless Telecommunication Facilities.

Wireless Telecommunications facilities are regulated by federal, state, and local laws. Federal law significantly restricts the City's ability to regulate wireless telecommunications facilities. Under federal law, a local agency's decision cannot have the effect of prohibiting the provision of wireless service or unreasonably discriminating among wireless service providers. Also, under federal law, the City may not regulate the placement, construction or modification of wireless telecommunications facilities on the basis of the environmental effects of radio frequency (RF) emissions, as long as the facilities comply with the FCC regulations concerning such emissions.

Despite federal limitations, cities historically have retained the ability to regulate aesthetics issues related to telecommunications facilities, including factors such as height and property line setbacks. However, federal law continues to erode that ability.

Since 1990, wireless telecommunication facilities were allowed in Monterey Park subject to a conditional use permit. Between 1990 and 1996, the City granted seven permits. In 1996, the wireless telecommunication industry was growing tremendously due to the consumer demand for wireless communications devices. Proportionately, there was such an increase in the number of wireless telecommunication facility (cell sites) applications that on August 7, 1996, the City Council adopted Urgency Ordinance No. 1911 establishing a moratorium on the granting of approvals and directed staff to develop guidelines or regulations for the review of wireless telecommunication facilities. On November 6, 1996, the City Council approved Resolution No. 10106 establishing guidelines for the review of wireless telecommunication facilities.

Until 2013, the criteria for reviewing and approving wireless telecommunication facilities were merely guidelines. As part of the 2013 Zoning Ordinance Update, Chapter 21.34 Wireless Telecommunications Facilities was established to provide regulations for the wireless telecommunications facilities and to have the City's zoning regulations be in compliance with federal and state laws.

Since 1990, the establishment of a wireless telecommunication facility requires the review and approval of a permit by the Planning Commission. Pursuant to Chapter 21.34, the Planning Commission is the approving authority of certain applications for wireless telecommunication facilities and the Planning Commission's decision on such applications is final unless it is appealed to the City Council. However, per City Council direction, the proposed code amendment being considered by the Planning Commission would amend the Code so that the City Council would review such applications.

Federal and State Laws – 'Shot Clock.'

The proposed Ordinance also acknowledges legal developments relating to the City's deadlines for reviewing wireless telecommunications facilities applications.

Federal law governing wireless telecommunication facilities was adopted in 2012 as part of the 2012 Middle Class Tax Act. This federal legislation includes 112 P.L. 96, Section 6409 (codified at 47 U.S.C. § 1455), which was intended to facilitate the

telecommunication industry's rapid deployment of wireless infrastructure by requiring local government to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility.

Section 6409 provides that the City "may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Section 6409 defines "eligible facilities request" as "any request for modification of an existing wireless tower or base station that involves:

- (a) Collocation of new transmission equipment;
- (b) Removal of transmission equipment; or
- (c) Replacement of transmission equipment."

If the project falls within the definition of an eligible facilities request, the City must act on it within 60 days from the date an application is submitted, unless the City determines the request is not covered by the Spectrum Act. The 60-day time frame may be tolled by the City for incomplete applications, within 30 days of submittal. The timeframe begins again when the applicant resubmits materials and the City then has 10 days to respond. Failure of the City to act within the allowed timeframe results in the automatic approval of such applications.

The proposed ordinance amends the MPMC to implement the time limitations upon wireless facility applications and provides that the City Council may adopt a resolution confirming such deadlines.

Chapters 21.10 Commercial Zones and 21.22 Off-Street Parking Regulations

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) protects religious institutions against unduly burdensome and discriminatory land use regulations. It can be described as having three basic components. First, RLUIPA prohibits the government from imposing or implementing a land use regulation that imposes a "substantial burden" on religious exercise unless the government demonstrates that it furthers a compelling governmental interest through the least restrictive means.¹

Second, the Act forbids the government from imposing or implementing a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.² This so-called "equal terms" provision is violated when the government treats a religious use on "less than equal terms with a secular comparator similarly situated with respect to accepted zoning criteria."³

¹ 42 U.S.C. § 2000cc(a)(1).

² 42 U.S.C. § 2000cc(b)(1).

³ A religious institution cannot be treated less than equally compared to a nonreligious institution if the two institutions cannot be distinguished on the basis of accepted zoning criteria that define the zone. Accepted zoning criteria are the objective characteristics of a particular use that determine whether a use

Third, RLUIPA includes a blanket nondiscrimination provision that prohibits the government from imposing or implementing a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.⁴ The nondiscrimination provision also expressly forbids the government from imposing or implementing a land use regulation that (a) totally excludes religious assemblies from a jurisdiction, or (b) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.⁵

Most local zoning schemes in existence predate RLUIPA and very few of them treat all types of public assembly uses (whether religious or secular) identically. Rather, religious uses are generally listed separately and afforded differing treatment in various zones. In some zones, religious uses are given preferential treatment as compared with other, secular, public assembly uses. In other zones, secular uses tend to be preferred. While RLUIPA does not prohibit the government from treating religious assembly uses *better* than secular assembly uses, it does not allow religious uses to be treated on less than equal terms with comparable secular uses unless the government can demonstrate that the disparate terms are on account of a legitimate regulatory purpose (e.g., a neutral restriction on the size of an assembly use may be justified by a parking concern).

The proposed code amendments will update Table 21.10(A) in MPMC Chapter 21.10 Commercial Zones and Table 21.22(C) in MPMC Chapter 21.22 Off-Street Parking Regulations to allow religious institutions similar to other comparable land uses, such as assembly halls, and the parking requirements to be similar to other comparable land uses.

Chapters 21.30 Nonconforming Uses

In the day-to-day implementation of the MPMC, staff discovered that a section of Chapter 21.30 (Nonconforming Uses, Buildings and Structures) was not clear and readily understandable. Specifically, Section 21.30.050 (A) relates to the change of one nonconforming use to another nonconforming use. Generally speaking, it is the intent of the zoning regulations to facilitate abatement of nonconforming uses thereby minimizing or reducing the effects that such use may have on the surrounding area. Although in theory that may be the intent, there may be special circumstances that would warrant a nonconforming use or similar nonconforming use to remain since such effects may be minimal to its surroundings. As such, it would be appropriate to allow a change from one nonconforming use to another, subject to the review and approval of the Planning Commission.

should be excluded from a zone, given the purpose for which the zone was established. Courts considering "equal terms" challenges under RLUIPA ask what characteristics the underlying zone is meant to preserve and what characteristic of the use would justify its exclusion from the zone. RLUIPA requires the courts to compare the excluded use with any secular comparator permitted in the zone, not excluded from the zone. *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma* (9th Cir. 2011) 651 F.3d 1163, 1169, 1173.

⁴ 42 U.S.C. § 2000cc(b)(2).

⁵ 42 U.S.C. § 2000cc(b)(3).

Subsequent to the Planning Commission's review of the code amendment related to the nonconforming chapter, a similarly related issue arose related to the change of a nonconforming use. Specifically, this deals with the change from a more intensive nonconforming use to a less intensive nonconforming use. Subsequent to a discussion with the City Attorney, staff has included this related amendment into the code amendments being considered by the City Council.

ENVIRONMENTAL:

The proposed resolutions and ordinances are exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the ordinances being recommended by the resolutions constitute only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The resolutions and ordinances, therefore, do not have the potential to cause significant effects on the environment. Consequently, they are categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

FISCAL IMPACT:

There is no fiscal impact to the General Fund related to the proposed code amendments.

Respectfully submitted,

By:



Michael Huntley
Director of Community and
Economic Development

Approved by:



Paul L. Talbot
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

- Attachment A: Draft Ordinances
 A-1 Wireless Telecommunications
 A-2 Assembly Uses
 A-3 Nonconforming Uses
- Attachment B: Planning Commission staff reports, resolution and minutes

ATTACHMENT A

Draft Ordinance

ATTACHMENT A-1
Wireless Telecommunication Facilities Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE
CHAPTER 21.34 REGULATING WIRELESS TELECOMMUNICATIONS
FACILITIES WITHIN THE CITY OF MONTEREY PARK**

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: *Findings.* The City Council finds and determines as follows:

- A. That the proposed amendments are consistent with the goals, policies and objectives of the General Plan because it is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park's commercial districts. The proposed code amendments are minor changes intended to ensure that the wireless telecommunication facilities regulations are consistent with federal and state laws. The proposed code amendment is intended to clarify existing definitions and code provisions relative to wireless telecommunication facilities;
- B. That the proposed amendments will not adversely affect surrounding properties because the proposed amendments encourages collocations and wireless facilities that blend with the existing surroundings and not adversely impact the environment, properties and other local values; and
- C. That the proposed amendments promote public health, safety and general welfare and serves the goals and purposes of the Zoning regulations because the proposed amendments serve to accommodate new wireless technologies and continued improvements to existing wireless communications facilities while minimizing any visual, structural, and safety impacts.

SECTION 2: A new § 21.34.015 is added to the Monterey Municipal Code ("MPMC") to read as follows:

"21.34.015 Definitions.

Unless otherwise specifically defined within this chapter, the defined terms in 47 U.S.C. § 1455, 47 CFR § 1.400001(b)(5), and Government Code 65964.1, and any amendments to such sections, are used in this chapter."

SECTION 3: MPMC § 1.34.020 is amended to read as follows:

"21.34.020 Wireless Telecommunications Facilities on Private Property.

(A) No person may erect, construct, install, operate, or maintain any Wireless Telecommunications Facility in, on, under, over or above private

property (including public property not in the public right-of-way), except as authorized pursuant to this code.

(B) A Wireless Telecommunications Facility permit is required for any Wireless Telecommunications Facility. Consideration of a Wireless Telecommunications Facility permit application will be conducted by the City Planner or the ~~Planning Commission~~City Council. Wireless Telecommunications Facility permit applications will be processed based upon, and the review authority for the application based upon, the ~~classification of Antennas~~ **Classes defined in Chapter 21.04 of this code.** Although classifications are assigned at the time of submission of the application, a re-evaluation of Antenna classifications may occur at any point in the application review process, including at the time of review by the City Planner, ~~Planning Commission~~ or City Council.

(1) Residential Zones: Class 1, Class 4, Class 5, Class 6 and Class 7 Antennas, **as defined by Chapter 21.04 of this code,** must be presented to the ~~Planning Commission~~City Council. Class 3 Antennas, as defined, may be presented to the City Planner.

(2) Non-Residential Zones: Class 1, Class 3, and Class 4 Antennas, **as defined by Chapter 21.04 of this code,** may be presented to the City Planner. Class 5, Class 6 and Class 7 Antennas, as defined, must be presented to the ~~Planning Commission~~City Council.

(3) Class 2 Antennas (Co-Located Antennas), **as defined by Chapter 21.04 of this code,** must be presented to the same body that initially reviewed the underlying base Wireless Telecommunications Facility upon which the Co-Location is proposed. Co-Located facilities are deemed a permitted use if the underlying base facility was subject to a discretionary permit and was subject to either an EIR, mitigated negative declaration or a Negative Declaration **they meet all of the requirements established by pursuant to California Government Code Section 65850.6: and, as such, may be presented to the City Planner for approval. However, those Class 2 Antennas that do not meet the requirements of Government Code Section 65850.6 must be presented to the City Council.** Such Co-Located facilities require a Wireless Telecommunications Facilities permit, with modified review pursuant to this chapter.

(4) All Antenna applications requesting heights exceeding the height limitation of the requested zone must be presented to the ~~Planning Commission~~City Council.

(5) Antennas other than Classes 1 through 7 must be submitted to the ~~Planning Commission~~City Council and must obtain a Variance.

(C) The ~~Community Development Director~~ City Planner may approve a permit for placement of a Temporary Emergency Use Antenna. The permit must contain conditions for removal of the Temporary Emergency Use Antenna as soon as possible after the conclusion of the emergency.

(D) For Wireless Telecommunications Facilities applications subject to review by the City Planner, a Wireless Telecommunications Facility permit may be granted pursuant to the procedure provided in Section 21.32.080, so long as all application requirements have been fulfilled and all of the findings required by this chapter have been made.

(E) The review authority will consider all competent evidence presented for and against the Wireless Telecommunications Facility application. The standards required by this chapter will be imposed as conditions of approval for all Wireless Telecommunications Facility permits granted by the review authority. Further conditions of approval of Wireless Telecommunications Facility permits may be imposed as are necessary to minimize environmental, aesthetic, and public safety impacts. The review authority must make findings of fact and determinations in writing. A copy of the findings of fact and determinations must be mailed to the applicant, and any persons expressing an interest in the application who submitted their correct mailing addresses. A decision of the ~~review authority~~**City Planner** will become final fifteen (15) days following the date of the decision, unless an appeal to the ~~Planning Commission~~ or the City Council is filed as provided in Chapter 21.32 Permit Procedures. **Any decision of the City Council is final.**

(F) Except for Class 2 Co-Located facilities on which the base facility meets the requirements of California Government Code Section 65850.6, and Class 3 Temporary Antenna Facilities, prior to the issuance of a Wireless Telecommunications Facility permit, the review authority must make all of the following findings:

- (1) To the maximum extent reasonably feasible, the proposed Wireless Telecommunications Facility has been designed to achieve compatibility with the community;
- (2) Alternative configurations will not increase community compatibility or are not reasonably feasible;
- (3) Alternative locations on the site will not increase community compatibility or are not reasonably feasible;
- (4) The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible;
- (5) The facility is necessary to close a significant gap in coverage;
- (6) The applicant has submitted a statement of its willingness to allow other carriers to Co-Locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and where Co-Location would not harm community compatibility;
- (7) Noise generated by the facility will be in compliance with Chapter 9.53; and

(8) The facility complies with all of the requirements of State and federal laws, regulations and orders.

(G) If the application is denied by the review authority, the review authority must issue a written denial to the applicant containing an explanation of reason(s) for such denial which cites to substantial evidence contained in the written record of the hearing or administrative record.

(H) Requests for Wireless Telecommunications Facilities permits must be made on forms prescribed by the City Planner and submitted to the Community and Economic Development Department. The City Planner may amend application requirements from time to time, as necessary to comply with applicable laws and regulations, or to otherwise ensure the provision of information necessary and useful to the evaluation of Wireless Telecommunications Facility permit applications. In addition to the application submittal requirements for permits set forth in this chapter, the supplemental information listed below is also required at the time a Wireless Telecommunications Facility permit application is submitted to the Community and Economic Development Department.

(1) Applications for all proposed locations must include:

(a) An accurate map, compatible with the City's latest version of GIS mapping software, indicating the proposed site and detailing existing Wireless Telecommunications Facility locations owned and operated by the applicant within the City on the date of application submittal.

(b) An engineering certification demonstrating planned compliance with all existing federal radio frequency emissions standards, and providing technical data sufficient to justify the proposed height of the proposed Wireless Telecommunication Facility.

(c) An alternative configuration analysis, as deemed necessary by the City Planner, assessing the feasibility of alternative Wireless Telecommunications Facility construction configurations, both at the proposed site and in the surrounding vicinity, which would result in a more visually compatible Antenna(s). This analysis must include an explanation of why other Wireless Telecommunications Facility construction configurations were not selected by the applicant.

(d) A projection of the applicant's anticipated future Wireless Telecommunications Facility siting needs within the City, which information may be used by the City as part of a master planning effort designed to ensure a more planned, integrated and organized approach to Wireless Telecommunications Facility siting.

(e) An identification of the geographic service area for the subject installation, including a map showing all of the applicant's existing sites in the local Service Network associated with the coverage gap the Wireless Telecommunications Facility is meant to close, and describing how the coverage gap will be filled by the proposed installation.

(f) An accurate visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for the Wireless Telecommunications Facility. The analysis must include photo simulations and other information as necessary to determine the visual impact of the Wireless Telecommunications Facility. A map depicting where the photos were taken must be included. The analysis must include a written description of efforts to blend the Wireless Telecommunications Facility with the surrounding area.

(g) The height and diameter of the facility, together with evidence that demonstrates that the proposed Wireless Telecommunications Facility has been designed to the minimum height and diameter required from a technological standpoint for the proposed site. If the facility will exceed the maximum permitted height limit, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary must be provided.

(h) A description of the maintenance and monitoring program for the Wireless Telecommunications Facility and associated landscaping.

(i) A written statement of the applicant's willingness to allow other carriers to Co-Locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and aesthetically desirable.

(j) A written description of any good faith efforts to Co-Locate the proposed Wireless Telecommunications Facility on another site or building, including a GIS compatible map of the sites and engineering information or letters from the owners of the site describing why Co-Location would not be feasible.

(k) An alternative site analysis, assessing the feasibility of alternative sites, including the potential for Co-Location, in the vicinity of the proposed site, as deemed necessary by the City Planner. Said alternative site analysis must specifically include an evaluation of the availability and feasibility of potential alternative sites located outside a Residential Zone. The alternative site analysis must include a map that shows other potential stand alone locations for the proposed Wireless Telecommunications Facility that have been explored, and must describe why the proposed location is superior to other potential locations. Factors that must be considered in the alternative site analysis include, without restriction, cost, visual benefits and detriments of alternative sites, and proximity to dwellings.

(l) A written description of all Accessory Wireless Equipment for the Wireless Telecommunications Facility, including a description of the function of the accessory equipment and the need to locate the accessory equipment on or near the Wireless Telecommunications Facility.

(m) A written description of any requested exceptions to the standards set forth in this chapter, and the reasons for the request.

(n) Noise/acoustical information derived from the manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.

(o) A conceptual landscape plan as determined necessary by the City Planner. The plan must show all existing trees and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site as determined by the City Planner.

(p) The City Planner may require additional information related to topography, including slopes, contours and proposed grading.

(q) Any other information determined necessary by the City Planner may be required through the City's Wireless Telecommunications Facility permit application form.

(2) Applications requiring ~~Planning Commission~~ **City Council** review must also include certified public notice mailing labels for all owners of real property as shown on the latest equalized assessment roll within a five hundred (500) foot radius of the exterior boundaries of the real property that is the subject of the hearing, except that if such property is owned by the applicant, the owners of contiguous real property to that owned by the applicant must also be given notice, as well as any parties who have requested notice of applications for the installation of such facilities, and such additional persons or parties as the City may determine appropriate based on the specific location and character of the proposed Wireless Telecommunications Facility. A notification, three feet in height and four feet in width, must also be posted by the applicant for thirty (30) days at the site where the Wireless Telecommunications Facility is proposed for installation and notice must be mailed to all required property owners and parties at least thirty (30) days before the hearing. A property ownership map keyed to the mailing labels must be included. If additional mailed notice is required, it is the responsibility of the applicant to provide certified public notice mailing labels for all owners of real property as shown on the latest equalized assessment roll within an area determined by the ~~Community Development Director~~ **City Planner** to be directly affected by the request and to provide a property ownership map keyed to the mailing labels.

(3) All notices must provide a brief description of the proposed Wireless Telecommunications Facility, a map indicating the proposed installation site, information describing the Wireless Telecommunications Facility permit review process, and the name and telephone number of a person who will be available during business hours to respond to questions from the public. During the notification period, interested persons may contact the Community **and Economic** Development Department to review the proposed location of the facility and express any comments or concerns related to the application.

(I) If the City Planner determines the need to hire an independent, qualified consultant to evaluate technical and other aspects of the application, the applicant must provide the City with written authorization for the hiring. The authorization must include a written agreement by the applicant to advance or promptly reimburse the City for all reasonable costs associated with the consultation. In the alternative, the City Planner may require the applicant to submit a cash deposit for the estimated cost of such consultation, and to replenish the deposit if consumed by reasonable costs associated with the consultation. The consultation is intended to be a site-specific review of technical aspects of the proposed Wireless Telecommunications Facility and may address any or all of those aspects, not limited to the following:

- (1) Compliance with applicable Radio Frequency emission standards;
- (2) Height analysis;
- (3) Configuration;
- (4) The appropriateness of granting any requested exceptions;
- (5) The accuracy and completeness of submissions;
- (6) The applicability of analysis techniques and methodologies;
- (7) The validity of conclusions reached;
- (8) Any specific technical issues designated by the city.

(J) If a permittee proposes any modifications to any Wireless Telecommunications Facility permit after the permit is granted, the permittee must submit an application to the Community **and Economic** Development Department for consideration by the approval body specified in this chapter. The City and the approval body may not accept or process a modification application until the permittee first (i) demonstrates the existing Wireless Telecommunications Facility's compliance with all applicable local requirements; and (ii) certifies that the existing Wireless Telecommunications Facility complies with all applicable State, and federal requirements.

(K) The City Planner must approve any request for a modification of a Wireless Telecommunications Facility submitted pursuant to subsection (J) if it does not substantially change the physical dimensions of the existing Wireless Telecommunications Facility, does not increase the height or bulk of the Wireless Telecommunications Facility or Accessory Wireless Equipment, and does not change the location of such equipment or facilities.

(L) Unless otherwise required by California Government Code section 65964(b), and as that section may be hereafter amended, a Wireless Telecommunications Facility permit may not have a duration longer than ten (10) years.

(M) In addition to any other permit fees required by this code, each applicant must pay a nonrefundable Wireless Telecommunication Facility application processing fee, in an amount set by resolution of City Council, to defray the City's direct and indirect costs for review of the application. An annual nonrefundable renewal fee will also be charged to defray associated costs of investigation, inspection and enforcement.

(N) Any Wireless Telecommunications Facility that is lawfully constructed, erected, or approved prior to the effective date of the ordinance adopting this section, in compliance with all applicable laws, and which facility conforms to the requirements of this chapter, will be accepted and allowed as a legal nonconforming use. Such facilities must comply at all times with the laws, ordinances, and regulations in effect at the time the application for the facility was deemed complete, and any applicable federal and State laws as they may be amended or enacted, and must at all times comply with any conditions of approval. Any legal nonconforming facility that fails to comply with applicable laws, ordinances, regulations, or the conditions of approval; increases or expands the use of the Wireless Telecommunications Facility; or ceases use of the Wireless Telecommunications Facility for more than ninety (90) days will become an illegal nonconforming Wireless Telecommunications Facility and will be subject removal as set forth in this code.

(O) Application Review.

(1) The timeframe for the City's review of an application begins to run when the application is submitted, but is tolled if the City finds the application incomplete and timely requests the applicant submit additional information to complete the application. The City must make such requests within 30 days of the initial submission of the application. After the applicant submits the additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to complete the application, in which case, the City's timeframe for review remains tolled until the application is deemed complete.

(2) The time limits for processing Wireless Telecommunications Applications must comply with federal and state laws including, without limitation, Section 1455 of Title 47 of the U.S. Code, Section 1.40001(b)(5) of Title 47 of the Code of Federal Regulations, Chapter 1, Subchapter A, Part 1, Subpart CC, and Section 69564.1 of the Government Code. A city council resolution memorializing the processing time periods set forth in applicable law may be adopted to ensure timely compliance

(3) If the City denies a wireless telecommunication facility application, the City will notify the applicant of the denial in writing of the reasons for the denial.

SECTION 4: Environmental Review. The City Council finds that this ordinance does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ordinance amends the Monterey Park Municipal Code to codify existing state and federal regulations relating to the processing of applications for wireless telecommunications facilities in the City. The ordinance does not portend 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. In addition to the foregoing general exemption, the following categorical exemptions apply: 14 Cal. Code Regs. § 15307 (actions taken for protection of natural resources) and § 15308 (actions taken for protection of the environment).

SECTION 5: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6: Enforceability. Repeal of any provision of the Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7: Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Municipal Code or other city ordinance by this Ordinance will be rendered void and cause such previous Municipal Code provision or other the city ordinance to remain in full force and effect for all purposes.

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 provisions or applications and, to this end, the provisions of this Ordinance are severable.

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

SECTION 10: This Ordinance will take effect on the 31st day following its final passage and adoption.

SIGNED AND APPROVED this ____th day of _____, 2016.

Mitchell Ing, Mayor

ATTEST:

Vincent D. Chang, City Clerk

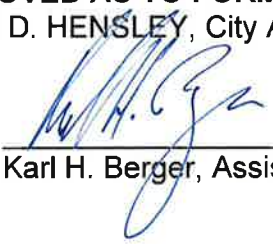
I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Monterey Park City Council at its regular meeting held on the ____th day of _____, 2016, by the following vote, to wit:

AYES;
NOES;
ABSENT:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

MARK D. HENSLEY, City Attorney

By: 

Karl H. Berger, Assistant City Attorney

ATTACHMENT A-2
Assembly Use Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 21 OF THE MONTEREY PARK MUNICIPAL CODE REGARDING REGULATION OF ASSEMBLY-TYPE USES

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: *Findings.* The City Council finds and determines as follows:

- A. On September 22, 2010, the United States Department of Justice issued a statement summarizing the history and purpose of the land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA). The Statement reads, in pertinent part, as follows:

“The Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc et seq., is a civil rights law that protects individuals and religious institutions from discriminatory and unduly burdensome land use regulations. After hearings in which Congress found that religious assemblies and institutions were disproportionately affected, and in fact often were actively discriminated against, in local land use decisions, Congress passed RLUIPA unanimously in 2000. President Clinton signed RLUIPA into law on September 22, 2000.”

- B. Congress found that zoning authorities were frequently placing excessive or unreasonable burdens on the ability of congregations and individuals to exercise their faith with little to no justification and in violation of the Constitution. Congress further found that religious institutions often faced both subtle and overt discrimination in zoning, particularly minority, newer, smaller, or unfamiliar religious groups and denominations.
- C. Congress also found that, as a whole, religious institutions were treated worse than comparable secular institutions by zoning regulations of the MPPCs and zoning authorities. As RLUIPA’s Senate sponsors, Senator Hatch and the late Senator Kennedy, said in their joint statement issued upon the bill’s passage: ‘zoning regulations of the MPPCs frequently exclude churches in places where they permit theaters, meetings halls, and other places where large groups of people assemble for secular purposes.... Churches have been denied the right to meet in rented storefronts, in abandoned schools, in converted funeral homes, theaters, and skating rinks—in all sorts of buildings that were permitted when they generated traffic for secular purposes.’
- D. Congress further found that zoning authorities frequently were placing excessive burdens on the ability of congregations and individuals to

exercise their faiths without sufficient justification, in violation of the Constitution.

- E. RLUIPA provides a number of important protections for the religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions, including:
1. Protection against substantial burdens on religious exercise: Section 2(a) of RLUIPA prohibits the implementation of any land use regulation that imposes a 'substantial burden' on the religious exercise of a person or institution except where justified by a 'compelling governmental interest' that the government pursues in the least restrictive way possible.
 2. Protection against unequal treatment for religious assemblies and institutions: Section 2(b)(1) of RLUIPA provides that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions.
 3. Protection against religious or denominational discrimination: Section 2(b)(2) of RLUIPA prohibits discrimination 'against any assembly or institution on the basis of religion or religious denomination.'
 4. Protection against total exclusion of religious assemblies: Section 2(b)(3)(A) of RLUIPA provides that governments must not totally exclude religious assemblies from a jurisdiction.
 5. Protection against unreasonable limitation of religious assemblies: Section 2(b)(3)(B) of RLUIPA provides that government must not unreasonably limit 'religious assemblies, institutions, or structures within a jurisdiction.'"
- F. Under RLUIPA, a religious assembly use cannot be treated on a less-than-equal basis as compared to a non-religious use in the same zone if the two uses cannot be distinguished on the basis of accepted zoning criteria that define the zone. Accepted zoning criteria are the objective characteristics of a particular use that determine whether a use should be excluded from a zone, given the purpose for which the zone was established.

SECTION 2: Zoning Regulation Findings. Based on the facts and evidence set forth herein, in the accompanying staff report, and in the record as a whole, the City Council finds as follows:

- A. In light of RLUIPA and several published judicial opinions related thereto,

minor amendments to the City's zoning regulations are necessary to ensure that religious assemblies and institutions are not treated on less than equal terms with secular assemblies and institutions in the same zoning district;

- B. This proposed Ordinance will not adversely affect any property in the City as to value or precedent, and will not be detrimental to any area of the City; and
- C. This Ordinance promotes public health, safety and general welfare.

SECTION 3: Pursuant to Monterey Park Municipal Code ("MPMC") § 21.38.050, the City Council finds as follows:

- A. This Ordinance is consistent with the goals, policies and objectives of the General Plan. According to the General Plan Land Use Element, religious institutions are considered appropriate uses in Mixed-Use I and II land use areas and the proposed code amendment will allow religious institutions to be treated similar to other comparable land uses allowed in the Mixed-Use I and II land use areas.
- B. This Ordinance will not adversely affect surrounding properties. The proposed code amendment will allow religious institutions to be treated similar to comparable uses and not be more restrictive.
- C. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the zoning regulations of the MPPC. As amended, the regulations set forth in the Municipal Code will continue to promote the public health, safety, and general welfare while serving the goals and purposes of the zoning regulations of the MPPC. The proposed code amendment is a minor update to the zoning regulations of the MPPC to treat religious institutions similar to comparable uses. The zoning regulations of the MPPC currently provides regulations for religious institutions; the proposed code amendment further clarifies the regulations for religious institutions.

SECTION 4: MPMC Table 21.10(A) (Permitted Uses in Commercial Zones) is amended in its entirety as set forth in attached Exhibit A, which is incorporated by reference.

SECTION 5: MPMC § 21.10.040(CC) repealed and the remaining subparagraphs in that section are to be renumbered accordingly.

SECTION 6: MPMC Table 21.22(C) (Nonresidential Parking Standards) is amended in its entirety as set forth in attached Exhibit A, which is incorporated by reference.

SECTION 7: *Environmental Review.* The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq. ("CEQA")) for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)), (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3), and (3) the ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

SECTION 8: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: *Enforceability.* Repeal of any provision of the Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Municipal Code or other city ordinance by this Ordinance will be rendered void and cause such previous Municipal Code provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 11: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12: The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the city of Monterey Park's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13: This Ordinance will take effect on the 31st day following its final passage and adoption.

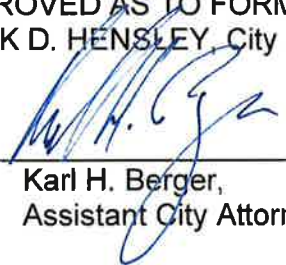
PASSED AND ADOPTED this _____ day of _____, 2016

Mitchell Ing, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM
MARK D. HENSLEY, City Attorney

By: 

Karl H. Berger,
Assistant City Attorney

ATTACHMENT A-3

Nonconforming Use Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE CHAPTER 21.30 REGULATING NONCONFORMING USES AND CHAPTER 21.10.130 REGULATING ALCOHOL SALES AND USE WITHIN THE CITY OF MONTEREY PARK

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: *Findings.* The City Council finds and declares as follows:

- A. The City's ability to exercise its powers in accordance with Article XI, § 7 of the California Constitution to regulate land use is well-established. This ordinance is intended to regulate aesthetics, traffic, parking, public peace, and other, similar, matters related to public health, safety, and welfare;
- B. An ongoing review of the Monterey Park Municipal Code ("MPMC") demonstrates that amendments are needed to bring the City's land use regulations into conformance with the City Council's intent as expressed during the comprehensive zoning update in 2013;
- C. Adopting this Ordinance is in the public interest because it is designed to protect public health and safety while also promoting public welfare;
- D. The Planning Commission adopted Resolution No. 20-16 recommending the City Council amend specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code;
- E. This Ordinance promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC; and
- F. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its October 5, 2016 public hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: MPMC § 21.30.50 is amended to read as follows:

"21.30.050 Conditional Use Permit.

(A) A use that is **nonconforming use cannot be altered or enlarged unless a conditional use permit is first obtained.** ~~because it lacks a conditional use permit may continue only to the extent that it previously existed. Any change to such use requires a conditional use permit.~~ **There cannot be an expansion of a nonconforming use or the building that houses a nonconforming use onto an adjacent or abutting lot or parcel of land.**

(B) A nonconforming use previously allowed by a conditional use permit but is no longer permitted by this code within the applicable zoning district can continue in operation, but only in compliance with all provisions of the original conditional use permit.”

SECTION 3: MPMC § 21.10.230 is amended to read as follows:

“21.30.070 Allowable Changes.

(A) Enlargement or Expansion. A nonconforming use cannot be expanded or increased to occupy a greater floor area or portion of the site that it lawfully occupied before becoming a nonconforming use. Alterations which do not increase or expand a nonconforming use may be approved.

(B) Extended Hours. The hours of business for a nonconforming use may be expanded to operate under extended business hours with a conditional use permit.

(C) ~~No~~ A nonconforming use can be changed to a less restrictive intensive nonconforming use.”

SECTION 4: MPMC § 21.08.080(W) is amended to read as follows:

“21.10.230 Alcohol Sales and Use.

The regulations and criteria for the consideration and issuance of conditional use permits for on-sale and off-sale alcoholic beverage use are set out in this section.

(A) **Application Processing.** An application must be submitted, fee paid and application processed according to the requirements for a conditional use permit, however, supplemental plans and applications may be submitted as required by the Community Development Department.

(B) **Conditions for Granting Designated.** The Planning Commission cannot grant a conditional use permit for on-sale or off-sale alcohol unless it finds that all of the following are true:

(1) The proposed use complies with all requirements as set forth for the issuance of a conditional use permit.

(2) The proposed use will not present adverse secondary impacts, including, without limitation, loitering, obstruction of pedestrian traffic, vehicular traffic, parking, crime, interference with children on their way to school, interference with shoppers using streets, defacement and damage to structures.

(3) The proposed use is consistent with any nearby commercially-zoned properties for commercial use.

(4) The use does not adversely affect the welfare of area residents or result in undue concentration in the neighborhood of establishments dispensing alcoholic beverages including beer and wine. Consideration must be given regarding whether the proposed use will detrimentally affect nearby residentially-zoned communities, considering distances to residential buildings, churches, schools, hospitals, public playgrounds and other establishments dispensing alcoholic beverages. All distance requirements, as set forth in subsection (G) of this section, must be adhered to.

(5) The applicant bears the burden of proving that the proposed use will not adversely affect the welfare of nearby residents, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby residentially zoned communities.

(C) **Requirements for On-Sale Uses.** All on-sale uses must maintain the following standards:

(1) A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and presented to any authorized City official upon request.

(2) Exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.

(3) The sale of alcoholic beverages for consumption off the premises is prohibited.

(4) Food must be served at all hours that the establishment is open for business.

(5) Special security measures, such as security guards and burglar alarm systems, may be required as recommended by the Chief of Police.

(6) Hours of operation will be established by the Chief of Police.

(7) Seating capacity may be established separately for eating and drinking areas.

(8) All conditions of the Department of Alcoholic Beverage Control must be maintained on the premises at all times and failure to do so will be grounds for revocation proceedings.

(9) Owners may be required, subject to approval of the Chief of Police, to post and maintain, a bond, which may be used to investigate any disturbances or conditional use permit violations.

(10) The quarterly gross sales of alcoholic beverages must be required to not exceed the gross sales of food during the same period.

(11) There cannot be exterior advertising of any type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.

(12) The licensee may be required to institute or participate in a server training program.

(D) **Requirements for On-Sale Uses—Wine Tasting.** Wine tasting is permitted only in conjunction with an approved off-sale license (general or beer and wine license) and subject to the requirements of an on-sale conditional use permit.

(1) On-sale for the sole purpose of wine tasting is exempt from the provisions of subsections (C)(3), (C)(4) and (C)(10) of this section.

(E) **Requirements for Off-Sale Uses.** All off-sale uses must maintain the following standards:

(1) Exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial uses.

(2) Signs must be posted inside the establishment stating that drinking on the premises is prohibited. Wine tasting is exempted from this requirement, subject to approval of an on-sale conditional use permit for wine tasting and a Type 42 license from the Department of Alcoholic Beverage Control.

(3) Special security measures, such as security guards and burglar alarm systems, may be required as recommended by the Chief of Police.

(4) The licensee may be required to institute or participate in a retailer training program.

(5) Litter and trash receptacles must be located at convenient locations inside and outside of establishments and operators of such establishments must remove trash and debris on a daily basis.

(6) Paper or plastic cups cannot be sold in quantities less than their usual customary packaging.

(7) Hours of operation shall be established by the Chief of Police.

(8) Sale of beer may be required to be sold only by the six-pack or larger quantity and the sale of wine coolers by four-pack or larger quantity.

(9) At least one employee over twenty-one (21) years of age must be on duty at all times that the establishment is permitted to sell alcohol.

(10) Fortified wines shall not be sold in sizes less than seven hundred fifty (750) milliliters (fifth of a gallon).

(11) All state requirements must be complied with by the applicant/owner of the establishment.

(F) **Requirements for Off-Sale Uses—Service Station.** All service stations operating with an off-sale use must maintain the following standards:

(1) No beer or wine may be displayed within ten (10) feet of the cash register or the front door unless it is in a permanently affixed cooler.

(2) No advertisement of alcoholic beverages may be displayed at motor fuel islands, buildings or windows.

(3) No sale of alcoholic beverages may be made from a drive-in window.

(4) No display or sale of beer or wine may be made from an ice tub.

(5) At least one employee over the age of twenty-one (21) must be on duty at all times that the establishment is permitted to sell alcohol.

(G) **Distance Requirements.** All on and off-sale uses must maintain the following distance standards:

(1) No on-sale alcoholic beverage establishment, with the exception of on-sale for the sole purpose of wine tasting, which is not in conjunction with a restaurant use, such as bars, private clubs, pool halls and nightclubs, shall be established within five hundred (500) feet of any other such establishment or schools (public and private), churches, hospitals, convalescent homes, public parks or playgrounds nor shall the front entrance of such establishment be within fifty (50) feet of residential property lines.

(2) No off-sale alcoholic beverage establishment shall be maintained within five hundred (500) feet of any other establishment where alcoholic beverages are sold for either off-site or on-site consumption or such consideration points as schools (public and private), established churches or other places of worship, hospitals, convalescent homes, public parks and playgrounds and/or other similar uses nor shall the front entrance of such establishment be within fifty (50) feet of residential property lines.

(H) **Existing Establishments.** Any establishment lawfully existing before the effective date of this section and licensed by the state for the retail sale of alcoholic beverages for on-site or off-site consumption must obtain a conditional use permit when:

(1) The establishment changes its type of liquor license or license classification **to a more intensive license or classification**; or

(2) There is a substantial change in the mode or character of operation. For purposes of this section, substantial change of mode or character of operation includes structural changes which include an addition of square footage or cessation of business on the premises for at least ninety (90) days as determined by records from either City business license records, the California Department of Alcoholic Beverage Control or City Planner observation.

(l) **Revocation of Conditional Use Permit.** A conditional use permit granted under this chapter is subject to revocation in the manner provided by Chapter 21.32, Permit Procedures, if any of the conditions imposed are not complied with and within the timeframe established.”

SECTION 5: Environmental Review. This ordinance is exempt from additional environmental 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 permit operation of existing facilities; consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15305, and 15308.

SECTION 6: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

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

SECTION 8: Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 9: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

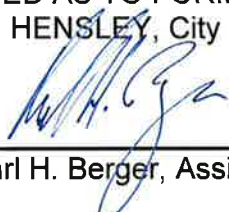
SECTION 10: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and 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 31st day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED this ____ day of June, 2016.

Mitchell Ing, Mayor

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

By: 

Karl H. Berger, Assistant City Attorney

ATTEST:
VINCENT D. CHANG, City Clerk

By: _____

ATTACHMENT B
Planning Commission Action



Planning Commission Staff Report

DATE: September 13, 2016

AGENDA ITEM NO: 3-A

TO: The Planning Commission
FROM: Michael A. Huntley, Director of Community and Economic Development
SUBJECT: Consider the adoption of Resolutions recommending that the City Council amend specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code relating to Assembly Uses, Nonconforming Uses, and Wireless Telecommunication Facilities.

RECOMMENDATION:

It is recommended that the Planning Commission:

- (1) Open the public hearing and, after considering the evidence presented during the public hearing, adopt a Resolution recommending that the City Council adopt an ordinance amending specific sections of Title 21 (zoning regulations) of the Monterey Park Municipal Code relating to Assembly Uses, Nonconforming Uses, and Wireless Telecommunication Facilities; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

There are a number of municipal code amendments being proposed that implement changes required by federal and state laws. These amendments are specifically related to the City's wireless telecommunication facility and assembly use regulations. Additionally, the City Council directed that all decisions regarding telecommunications facilities be rendered by the City Council. A staff initiated change to the City's nonconforming regulations is also desirable.

ANALYSIS:

Chapter 21.04 Definitions and Chapter 21.34 Wireless Telecommunication Facilities

On May 4, 2016, the Council directed staff to prepare a code amendment to modify the Wireless Telecommunication Facility Chapter of the Monterey Park Municipal Code ("MPMC"). Specifically, the Council requested that all wireless telecommunication facility applications that are currently reviewed by the Planning Commission to be considered instead by the City Council. Accordingly, as shown in the table below, the proposed code amendment would modify references to the Planning Commission as the reviewing authority to the City Council.

Monterey Park Antenna Classes and Approval Authority

(MPMC Sections 21.04.074, 21.34.010)

	Current Code	Proposed Ordinance
Class 1 Antenna mounted on building, behind screen	<i>Residential zones:</i> Reviewed by Planning Commission	Reviewed by City Council
	<i>Non-residential zones:</i> Reviewed by Planner	No change
Class 2 Collocated on an approved existing wireless telecommunication facility	Reviewed by same body that approved underlying facility	Reviewed by either Planner or City Council, depending on whether use is "by right" or discretionary
Class 3 Temporary antenna	Reviewed by Planner	No change
Class 4 Monopole antenna mounted on an existing light, tower	<i>Residential zones:</i> Reviewed by Planning Commission	Reviewed by City Council
	<i>Non-residential zones:</i> Reviewed by Planner	No change
Class 5 Within cylinder or flagpole	Reviewed by Planning Commission	Reviewed by City Council
Class 6 Partially visible antennas mounted on building	Reviewed by Planning Commission	Reviewed by City Council
Class 7 Antenna inside freestanding structure built to house wireless telecommunication facility	Reviewed by Planning Commission	Reviewed by City Council

In addition to the requested amendment to the wireless telecommunication facility by the City Council, there have also been changes to both state and federal regulations that must be incorporated into this amendment. These changes add regulations regarding 'shot clock' requirements and new definitions. This will be discussed more in depth below.

Background regarding Wireless Telecommunication Facilities.

Wireless Telecommunications facilities are regulated by federal, state, and local laws. Federal law significantly restricts the City's ability to regulate wireless telecommunications facilities. Under federal law, a local agency's decision cannot have the effect of prohibiting the provision of wireless service or unreasonably discriminating among wireless service providers. Also, under federal law, the City may not regulate the placement, construction or modification of wireless telecommunications facilities on the

basis of the environmental effects of radio frequency (RF) emissions, as long as the facilities comply with the FCC regulations concerning such emissions.

Despite federal limitations, cities historically have retained the ability to regulate aesthetics issues related to telecommunications facilities, including factors such as height and property line setbacks. However, federal law continues to erode that ability.

Since 1990, wireless telecommunication facilities were allowed in Monterey Park subject to a conditional use permit. Between 1990 and 1996, the City granted seven permits. In 1996, the wireless telecommunication industry was growing tremendously due to the consumer demand for wireless communications devices. Proportionately, there was such an increase in the number of wireless telecommunication facility (cell sites) applications that on August 7, 1996, the City Council adopted Urgency Ordinance No. 1911 establishing a moratorium on the granting of approvals and directed staff to develop guidelines or regulations for the review of wireless telecommunication facilities. On November 6, 1996, the City Council approved Resolution No. 10106 establishing guidelines for the review of wireless telecommunication facilities.

Until 2013, the criteria for reviewing and approving wireless telecommunication facilities were merely guidelines. As part of the 2013 Zoning Ordinance Update, Chapter 21.34 Wireless Telecommunications Facilities was established to provide regulations for the wireless telecommunications facilities and to have the City's zoning regulations be in compliance with federal and state laws.

Since 1990, the establishment of a wireless telecommunication facility requires the review and approval of a permit by the Planning Commission. Pursuant to Chapter 21.34, the Planning Commission is the approving authority of certain applications for wireless telecommunication facilities and the Planning Commission's decision on such applications is final unless it is appealed to the City Council. However, per City Council direction, the proposed code amendment being considered by the Planning Commission would amend the Code so that the City Council would review such applications.

Federal and State Laws – 'Shot Clock.'

The proposed Ordinance also acknowledges legal developments relating to the City's deadlines for reviewing wireless telecommunications facilities applications.

Federal law governing wireless telecommunication facilities was adopted in 2012 as part of the 2012 Middle Class Tax Act. This federal legislation includes 112 P.L. 96, Section 6409 (codified at 47 U.S.C. § 1455), which was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local government to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility.

Section 6409 provides that the City "may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

Section 6409 defines "eligible facilities request" as "any request for modification of an existing wireless tower or base station that involves:

- (a) Collocation of new transmission equipment;
- (b) Removal of transmission equipment; or
- (c) Replacement of transmission equipment."

If the project falls within the definition of an eligible facilities request, the City must act on it within 60 days from the date an application is submitted, unless the City determines the request is not covered by the Spectrum Act. The 60-day time frame may be tolled by the City for incomplete applications, within 30 days of submittal. The timeframe begins again when the applicant resubmits materials and the City then has 10 days to respond. Failure of the City to act within the allowed timeframe results in the automatic approval of such applications.

The proposed ordinance amends the MPMC to implement the time limitations upon wireless facility applications and provides that the City Council may adopt a resolution confirming such deadlines.

Chapters 21.10 Commercial Zones and 21.22 Off-Street Parking Regulations

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) protects religious institutions against unduly burdensome and discriminatory land use regulations. It can be described as having three basic components. First, RLUIPA prohibits the government from imposing or implementing a land use regulation that imposes a "substantial burden" on religious exercise unless the government demonstrates that it furthers a compelling governmental interest through the least restrictive means.¹

Second, the Act forbids the government from imposing or implementing a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.² This so-called "equal terms" provision is violated when the government treats a religious use on "less than equal terms with a secular comparator similarly situated with respect to accepted zoning criteria."³

Third, RLUIPA includes a blanket nondiscrimination provision that prohibits the government from imposing or implementing a land use regulation that discriminates

¹ 42 U.S.C. § 2000cc(a)(1).

² 42 U.S.C. § 2000cc(b)(1).

³ A religious institution cannot be treated less than equally compared to a nonreligious institution if the two institutions cannot be distinguished on the basis of accepted zoning criteria that define the zone.

Accepted zoning criteria are the objective characteristics of a particular use that determine whether a use should be excluded from a zone, given the purpose for which the zone was established. Courts considering "equal terms" challenges under RLUIPA ask what characteristics the underlying zone is meant to preserve and what characteristic of the use would justify its exclusion from the zone. RLUIPA requires the courts to compare the excluded use with any secular comparator permitted in the zone, not excluded from the zone. *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma* (9th Cir. 2011) 651 F.3d 1163, 1169, 1173.

against any assembly or institution on the basis of religion or religious denomination.⁴ The nondiscrimination provision also expressly forbids the government from imposing or implementing a land use regulation that (a) totally excludes religious assemblies from a jurisdiction, or (b) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.⁵

Most local zoning schemes in existence predate RLUIPA and very few of them treat all types of public assembly uses (whether religious or secular) identically. Rather, religious uses are generally listed separately and afforded differing treatment in various zones. In some zones, religious uses are given preferential treatment as compared to other, secular, public assembly uses. In other zones, secular uses tend to be preferred. While RLUIPA does not prohibit the government from treating religious assembly uses *better* than secular assembly uses, it will not allow religious uses to be treated on less than equal terms with comparable secular uses unless the government can demonstrate that the disparate terms are on account of a legitimate regulatory purpose (e.g., a neutral restriction on the size of an assembly use may be justified by a parking concern).

The proposed code amendments will update Table 21.10(A) in MPMC Chapter 21.10 Commercial Zones and Table 21.22(C) in MPMC Chapter 21.22 Off-Street Parking Regulations to allow religious institutions similar to other comparable land uses, such as assembly halls, and the parking requirements to be similar to other comparable land uses.

Chapters 21.30 Nonconforming Uses

In the day-to-day implementation of the MPMC, staff discovered that a section of Chapter 21.30 (Nonconforming Uses, Buildings and Structures) was not clear and readily understandable. Specifically, Section 21.30.050 (A) relates to the change of one nonconforming use to another nonconforming use. Generally speaking, it is the intent of the zoning regulations to facilitate abatement of nonconforming uses thereby minimizing or reducing the effects that such use may have on the surrounding area. Although in theory that may be the intent, there may be special circumstances that would warrant a nonconforming use or similar nonconforming use to remain since such effects may be minimal to its surroundings. As such, it would be appropriate to allow a change from one nonconforming use to another, subject to the review and approval of the Planning Commission.

ENVIRONMENTAL:

The proposed resolutions and ordinances are exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the ordinances being recommended by the resolutions constitute only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The resolutions and ordinances, therefore, do not

⁴ 42 U.S.C. § 2000cc(b)(2).

⁵ 42 U.S.C. § 2000cc(b)(3).

have the potential to cause significant effects on the environment. Consequently, they are categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

Respectfully submitted,


Michael A. Huntley
Community and Economic
Development Director

Prepared by:


Samantha Tewasart
Senior Planner

Reviewed by:


Karl H. Berger for
Assistant City Attorney

Attachments:

- A. Resolutions recommending adoption of the ordinances
- B. Draft ordinances

EXHIBIT A

Resolution recommending adoption of the ordinance

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") CHAPTER 21.34 REGARDING REGULATION OF WIRELESS TELECOMMUNICATION FACILITIES.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. A review of the Monterey Park Municipal Code ("MPMC") suggests that amendments are needed to improve the City's regulations of wireless telecommunication facilities;
- B. On May 4, 2016, the Council directed staff to prepare a code amendment to modify the Wireless Telecommunication Facility Chapter of the Monterey Park Municipal Code. Thereafter, the regulations were reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- D. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for September 13, 2016;
- E. On September 13, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the draft Ordinance attached as Exhibit "A," and incorporated by reference, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and
- F. This Resolution and its findings are made based upon the evidence presented to the Commission at its September 13, 2016, hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Environmental Assessment.* Because of the facts set forth in Section 2, the proposed Ordinance is exempt from further environmental review under the

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 3**

California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the proposed Ordinance constitutes only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

SECTION 3: *General Plan Findings.* As required under Government Code § 65860 the MPMC amendments proposed by the Ordinance are consistent with the Monterey Park General Plan. It is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park's commercial districts. The proposed code amendments are minor changes intended to ensure that the wireless telecommunication facilities regulations are consistent with federal and state laws. The proposed code amendment is intended to clarify existing definitions and code provisions relative to wireless telecommunication facilities.

SECTION 4: *Recommendations.* The Planning Commission recommends that the City Council adopt the draft ordinance set forth in attached Exhibit "A," which is incorporated into this resolution by reference.

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

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

SECTION 7: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 8: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 3**

SECTION 9: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 13th day of September 2016.

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of September 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Ricky Choi, Chairperson
City of Monterey Park Planning Commission

ATTEST:

Michael Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:  for
Karl H. Berger, Assistant City Attorney

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") CHAPTERS 21.10 AND 21.22 REGARDING REGULATION OF ASSEMBLY USES.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. A review of the Monterey Park Municipal Code ("MPMC") suggests that amendments are needed to improve the City's regulations governing, among other things, the regulation of assembly uses;
- B. On September 13, 2016, Community and Economic Development Department presented draft regulations to the Planning Commission for consideration. The Planning Commission provided direction for improving the regulations. Thereafter, the regulations were reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- D. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for September 13, 2016;
- E. On September 13, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the draft Ordinance attached as Exhibit "A," and incorporated by reference, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and
- F. This Resolution and its findings are made based upon the evidence presented to the Commission at its September 13, 2016, hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Environmental Assessment.* Because of the facts set forth in Section 2, the proposed Ordinance is exempt from further environmental review under the

**PLANNING COMMISSION
RESOLUTION NO.
PAGE 2 OF 3**

California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the proposed Ordinance constitutes only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

SECTION 3: General Plan Findings. As required under Government Code § 65860 the MPMC amendments proposed by the Ordinance are consistent with the Monterey Park General Plan. According to the General Plan Land Use Element, religious institutions are considered appropriate uses in the mixed-use I and II areas. The proposed code amendments are minor changes intended to ensure that the religious institution regulations are consistent with federal and state laws. The proposed code amendment is intended to clarify existing definitions and code provisions relative to assembly uses.

SECTION 4: Recommendations. The Planning Commission recommends that the City Council adopt the draft ordinance set forth in attached Exhibit "A," which is incorporated into this resolution by reference.

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

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

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**PLANNING COMMISSION
RESOLUTION NO.
PAGE 3 OF 3**

SECTION 9: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 13th day of September 2016.

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of September 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Ricky Choi, Chairperson
City of Monterey Park Planning Commission

ATTEST:

Michael Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:  for
Karl H. Berger, Assistant City Attorney

EXHIBIT A

Table 21.10(A)

Permitted Uses in Commercial Zones

Legend:

A	As an accessory use only
C	Permitted subject to approval of a conditional use permit
L	Permitted subject to limitations or special standards as described in Section 21.10.040
P	Permitted
S	Permitted only on second floor or above
X	Expressly prohibited

Land Uses	N-S	S-C	C-B	R-S	C-S	C-P
Retail						
Appliance or Electronics Sale and Repair	P	P	P	P	P	X
Art Gallery	P	X	P	P	P	X
Art Supplies Store	P	P	P	P	P	X
Auto Parts Store, retail only	P	P	X	P	P	X
Auto Sales – New	X	P	X	L	P	X
Auto Sales – Used	X	P	X	L	P	X
Bakery, Retail Sales Only	P	P	P	P	P	X
Beauty Supplies Store	X	P	P	P	P	X
Boat, Trailer, Motorcycle, Motor Scooter Sales	X	X	X	L	P	X
Book Store, including Newsstand	P	P	P	P	P	P
Catering Service, Food (not truck catering)	X	X	X	A	A	X
Cellular Phone Store, including Accessories	P	P	P	P	P	P
Clothing/Shoe Retail and Service	P	P	P	P	P	P
Commercial Shopping Facility (5 or more units OR more than 1 acre)	C	C	C	C	C	C
Drugstore/Pharmacy	P	P	P	P	P	L
Florist	P	P	P	P	P	P
Furniture Store	X	P	P	P	P	X
Grocery/Food Store/Supermarket	P	P	P	P	P	L
Hardware/Home Improvement Store (less than or equal to 10,000 sq. ft.)	P	P	P	P	P	X
Hardware/Home Improvement Store (more than 10,000 sq. ft.)	X	P	X	P	P	X
Hobby/Specialty Store	P	P	P	P	P	X
Jewelry Store	X	P	P	P	P	P
Medical Equipment and Supplies (sales and service)	X	P	X	P	P	P
Medical Marijuana Dispensaries	X	X	X	X	X	X
Music Store (sales, service and instruction)	X	P	X	P	P	X
Music Store (retail sales only with service and instruction expressly prohibited)	X	P	P	P	P	X
Music/Movie Sale and Rental	P	P	P	X	P	P
Office Supply Store (less than or equal to 10,000 sq. ft.)	X	P	P	P	P	P
Office Supply Store (more than 10,000 sq. ft.)	X	P	X	P	P	P
Pet Store and Supplies	P	P	P	P	P	X
Photo Processing Shop (contained within automated equipment only)	X	P	P	P	P	X
Plant Nursery	X	X	X	X	P	X
Retail, General (≤10,000 sq. ft.)	P	P	P	P	P	X
Retail, General (large) (>10,000 sq. ft.)	X	P	P	P	P	X
Specialty Retail	P	P	P	P	P	P

Sporting Goods Store	X	P	P	P	P	X
Swap Meet	X	X	X	X	X	X
Swimming Pool Sales and Service	X	X	X	P	P	X
Service Business	N-S	S-C	C-B	R-S	C-S	C-P
Adult Care Facility	X	X	X	X	C	C
Animal Grooming	P	P	P	P	P	X
Animal Hospital	X	C	X	X	P	X
Animal Shelter	X	X	X	X	X	X
Auto Detailing	X	X	X	X	X	X
Auto Dismantling	X	X	X	X	X	X
Auto Rental	X	X	X	L	L	X
Auto Repair	X	X	X	X	X	X
Auto Salvage and Wrecking	X	X	X	X	X	X
Barber Shop	P	P	P	P	P	P
Beauty Salon	P	P	P	P	P	P
Car Wash	C	X	X	X	C	X
Cemetery	X	X	X	X	X	X
Check Cashing Facility	X	X	X	X	C	X
Collection Facility	C	C	X	C	C	X
Community Care Facility	X	X	X	X	C	C
Copy Center	P	P	P	P	P	P
Day Care Center	C	C	C	X	C	C
Day Health Spa (excluding massage)	P	P	P	P	P	P
Dry Cleaning (including laundry)	X	P	X	P	P	X
Dry Cleaning (including laundry less than or equal to 2,000 sq. ft.)	P	P	P	P	P	P
Service Business (cont'd)	N-S	S-C	C-B	R-S	C-S	C-P
Employer-Sponsored Child Care	L	L	L	L	L	L
Extended Lodging Facility	X	X	X	L	L	L
Fitness Center (less than or equal to 5,000 sq. ft.)	L	L	L	L	L	L
Fitness Center (more than 5,000 sq. ft.)	C	C	C	C	C	C
Gunsmith	X	X	P	P	P	X
Hotel	X	X	L	L	L	L
Kennel/Animal Boarding	X	X	X	X	X	X
Laundromat	P	P	P	X	X	X
Locksmith/Keys	P	P	X	P	P	X
Mail Boxes (accessory to parcel service or contract postal station only)	A	A	A	A	A	A
Massage Establishment	L	L	L	L	L	L
Money Transfer Facility	X	X	X	X	C	X
Mortuary/Funeral Home	X	X	X	C	C	C
Motel	X	X	X	L	L	X
Parcel Service/Contract Postal Station	P	P	P	P	P	P
Photo Processing Shop	P	P	P	P	P	P
Photocopying/Reproduction	X	P	P	P	P	P
Picture Framing as Accessory to Art Supplies Store and/or Art Gallery	A	A	A	A	A	X
Printing and Publishing	X	X	X	P	P	X
Public Storage (Mini-Storage)	X	X	X	X	C	X
Salvage Yard	X	X	X	X	X	X
Service Station	C	C	X	C	C	X
Studio (Martial Arts/Dance/Photo/Music)	X	L	L	L	L	L
Tailor	P	P	P	P	P	X
Tattoo Parlors and Body Piercing Shops	X	X	X	X	X	X
Tutoring	L	X	X	L	L	X
Veterinary Services, Domestic	X	C	X	X	P	X
Eating & Drinking Establishment	N-S	S-C	C-B	R-S	C-S	C-P
Alcohol Sales (on-sale and off-sale)	L	L	L	L	L	L

Bar, Tavern or Cocktail Lounge	X	X	L	L	X	X
Outdoor Dining	A	A	A	A	A	A
Restaurant	P	P	P	P	P	P
Retail Eating Establishment	P	P	P	P	P	P
Entertainment/Cultural	N-S	S-C	C-B	R-S	C-S	C-P
Adult Oriented Business	X	X	X	X	X	X
Amusement or Game Arcade	X	C	C	C	C	X
Auditorium, including Performing Arts Center	X	X	X	C	C	A
Concert Hall	X	C	C	C	X	X
Comedy Club	X	C	C	C	X	X
Commercial Recreation – Indoor	C	C	C	C	C	C
Commercial Recreation– Outdoor	X	C	C	C	C	X
Community Center	X	C	C	C	X	X
Cultural Institution	X	X	X	P	P	P
Fortunetelling	X	X	X	X	L	X
Golf Driving Range	X	X	X	X	C	X
Internet Arcade	X	L	X	X	L	X
Library	X	X	X	P	P	P
Lodge/Meeting Hall	X	X	P	P	P	X
Miniature Golf	X	C	X	C	C	X
Museum	X	X	P	P	P	X
Theater (theatrical and motion picture)	X	C	C	C	X	X
Office	N-S	S-C	C-B	R-S	C-S	C-P
Bank/Financial Institution (retail)	C	C	C	C	C	P
Data/Cash Processing Office	X	X	X	X	X	P
Financial Institution/ Corporate Office	X	X	X	X	X	C
Notary Public	S	S	S	S	S	P
Office, Administrative	S	S	S	S	S	P
Office, Professional	S	S	S	S	S	P
Office, Service	P	S	S	P	P	P
Stockbroker/Trader	X	X	S	X	X	P
Medical Uses	N-S	S-C	C-B	R-S	C-S	C-P
Acupuncture or Acupressure Clinic/Office	X	X	X	X	L	L
Alcoholism Hospital	X	X	X	X	C	C
Ambulance Service	X	X	X	X	C	P
Clinic (including medical, dental, psychologist, social work)	X	X	X	X	P	P
Day Treatment Hospital	X	X	X	X	C	C
Hospital (including psychiatric)	X	X	X	X	C	P
Long-Term Facility	X	X	X	X	C	C
Medical or Dental Laboratories	X	X	X	X	L	L
Nursing and Convalescent Hospital	X	X	X	X	C	L
Optometrist/Ophthalmologist	X	X	X	P	P	P
Out-Patient Facility (Drug and Alcohol)	X	X	X	X	L	L
Educational Institutions	N-S	S-C	C-B	R-S	C-S	C-P
Business College (Office or Medical/Dental)	X	X	X	X	X	C
School, Commercial	X	X	X	X	X	C
School, Driving/Traffic (passenger vehicles and motorcycles)	X	X	X	X	C	C
School, Accessory Use to Church	X	C	C	X	X	X
School, Private	C	X	X	C	C	X
School, Public	P	P	P	P	P	P
School, Vocational or Trade School	C, S	X	C, S	X	C	C, S
Swimming Pool School	P	X	X	X	X	X
Additional/Accessory Uses	N-S	S-C	C-B	R-S	C-S	C-P
Alcohol Sales	A	A	A	A	A	A
Assembly Hall	P	X	P	X	P	P
ATM Kiosk	L	L	L	L	L	L

Boarding House (see also Section 21.04.075)	X	X	X	C	C	C
Buildings Exceeding Height Limit	X	X	X	X	X	L
Community Facility	X	C	C	C	X	X
Drive-Through Business	L	L	X	L	L	X
Dump, Inert Solid	X	X	X	X	X	X
Dump, Rubbish and Refuse	X	X	X	X	X	X
General Research and Development Facility	X	X	X	L	L	L
Government or Public Facility	C	C	C	C	C	C
Government or Public Facility (owned or operated by the City of Monterey Park)	P	P	P	P	P	P
Live/Work Unit	L	X	L	L	L	X
Manufacturing, Heavy or Light	X	X	X	X	X	X
Mixed Uses (Residential & Commercial)	L	X	L	L	L	X
Parking Lot/Structure	X	X	A	A	A	A
Private Club	X	X	C	C	C	X
Public Utility Office	C	C	X	C	C	C
Public Utility Substation	X	X	X	P	P	X
Quarry	X	X	X	X	X	X
Recycling Center	X	C	X	X	C	X
Refuse Collection	X	X	X	X	X	X
Rehabilitation Facility	X	X	X	X	C	C
Religious Institution (Church/Temple/Mosque)	X	L	L	L	C	P
Single Room Occupancy	X	X	X	L	L	L
Supportive Housing	X	X	X	X	C	C
Transitional Housing	X	X	X	X	C	C
Transfer Station	X	X	X	X	X	X
Warehouse	X	X	X	X	X	X
Warehouse and Sales Outlet	X	X	X	X	X	X
Wireless Communications & Telecommunications Facility	L	L	L	L	L	L
Wholesale/Distribution	X	X	X	X	X	X

Table 21.22(C)
Nonresidential Parking Standards

Uses	Minimum Required Number of Stalls Per Gross Floor Area
Retail	
Auto Sales (New and Used)	1 space per 2,500 sq. ft. of gross site area, but not less than 8
Boat, Trailer, Motorcycle, Motor Scooter Sales	1 space per 2,500 sq. ft. of gross site area, but not less than 8
General (up to 20,000 SF)	4 spaces per 1,000 sq. ft.
Large (over 20,000 SF)	5 spaces per 1,000 sq. ft. (Parking may be determined by a parking study if mixed occupancies are included)
Plant Nursery and Garden Supply Store	1 per 1,000 sq. ft. of display area plus 1 per 500 sq. ft. of indoor display area
Service	
Adult Care Facility	1 per bed
Animal Hospital	4 per 1,000 sq. ft.
Animal Shelter	2 per 1,000 sq. ft.
Animal Grooming	4 per 1,000 sq. ft.
Appliance Repair	4 per 1,000 sq. ft.
Auto Detailing	4 spaces/service bay or 1 space per 200 sq. ft. whichever is greater
Auto Rental	4 per 1,000 sq. ft. plus 1 per rental car
Auto Repair	4 spaces/service bay or 1 space per 200 sq. ft. whichever is greater
Barber Shop & Beauty Salon	4 per 1,000 sq. ft.
Car Wash, automated	1 space for self-drying after wash tunnel
Car Wash, full service	10 spaces not counting the wash queuing area before the wash tunnel; plus a stacking area after the wash tunnel equal to five times the capacity of the tunnel
Check Cashing Facility	4 per 1,000 sq. ft.
Collection Facility	1 per 500 sq. ft.
Uses	Minimum Required Number of Stalls Per Gross Floor Area
Service (cont'd)	

Community Care Facility	As determined by a parking study
Copy Center	4 per 1,000 sq. ft.
Day Care	1 space per employee (minimum 3 spaces); plus 1 space per 10 children
Day Health Spa (excluding massage)	4 per 1,000 sq. ft.
Dry Cleaning/Laundromat	4 per 1,000 sq. ft.
Emergency Shelter	1 per 10 adult beds; plus 1 per employee on the largest shift
Extended Lodging Facility	1 per room (w/o facilities)
	1.5 per room (w/facilities)
Fitness Center	4 per 1,000 sq. ft.
Gunsmith	4 per 1,000 sq. ft.
Kennel/Animal Boarding	1 per 500 sq. ft.
Hotels	1 per room (w/o kitchen facilities)
	1.5 per room (w/kitchen facilities)
Locksmith/Keys	4 per 1,000 sq. ft.
Massage Establishment	5 per 1,000 sq. ft.
Mortuary/Funeral Home	1 space per 4 fixed seats, or 20 spaces per 1,000 sq. ft. of seating area if there are no fixed seats.
Motel	1 space per room
Parcel Service/Contract Postal Station	4 per 1,000 sq. ft.
Photo Processing Shop	4 per 1,000 sq. ft.
Photocopying/Reproduction	4 per 1,000 sq. ft.
Printing, Publishing, Bookbinding	2 per 1,000 sq. ft.
Service Station	4 spaces plus the spaces required for any fast food, convenience store, or other accessory use
Studio (Martial Arts/Dance/ Photo/Music)	5.5 per 1,000 sq. ft.
Tattoo Parlors & Body Piercing Shops	4 per 1,000 sq. ft.
Tutoring	4 per 1,000 sq. ft.
Veterinary Services, Domestic	4 per 1,000 sq. ft.
Eating & Drinking	
Bar, Tavern or Cocktail Lounge	10 spaces per 1,000 sq. ft.
Restaurant	10 spaces per 1,000 sq. ft.
Retail Eating Establishment—Large (dining area maximum is limited to 10% of gross floor area)	5.5 per 1,000 sq. ft.

Retail Eating Establishment—Small (less than or equal to 1,500 sq. ft. with dining area less than 50% of gross floor area)	5.5 per 1,000 sq. ft.
Entertainment/Cultural	
Adult Oriented Business	As specified by a parking study
Amusement or Game Arcade	5 per 1,000 sq. ft.
Auditorium, including Performing Arts and Gymnasium	1 per 3 seats or 1 space per every 35 sq. ft. of seating area where there are no fixed seats OR as specified by a parking study
Billiards	5 per 1,000 sq. ft.
Bowling Alley	3 per lane; plus the spaces required for restaurant and bar area and other uses on premises
Concert Hall	1 per 3 seats or 1 space per every 35 sq. ft. of seating area where there are no fixed seats OR as specified by a parking study
Comedy Club	1 per 3 seats or 1 per every 35 sq. ft. of seating area where there are no fixed seats OR as specified by a parking study
Commercial Recreation—Indoor or Outdoor	1 space per 4 guests based on maximum capacity, plus bus and drop-off spaces as determined for each use by the CUP
Community Center, including Senior Citizen Center	10 per 1,000 sq. ft.
Cultural Institution	As specified by a parking study
Fortunetelling	4 per 1,000 sq. ft.
Golf Course—Regulation	5 per hole; plus the spaces required for other uses on site
Golf Course—Miniature	3 per hole; plus the spaces required for other uses on site
Golf Driving Range	1 space per tee; plus the spaces required for other uses on site
Internet Arcade	5 per 1,000 sq. ft.
Library	4 per 1,000 sq. ft.
Lodge/Meeting Hall, including Clubs, Lodges, Union Halls and Similar Uses	10 spaces per 1,000 sq. ft.
Museum	4 per 1,000 sq. ft.
Outdoor Amphitheater and Stadiums	1 per 3 seats, or 1 space per every 35 sq. ft. of seating area where there are no fixed seats
Theater—Single Screen	1 space per 3 fixed seats
Theater—Multi Screen	1 space per 5 fixed seats

Office	
1-3 Story Building	4 spaces per 1,000 sq. ft. (minimum 3 spaces per office unit)
4+ Story Building	3 spaces per 1,000 sq. ft.
Bank/Financial Institution (retail)	5 spaces per 1,000 sq. ft. (w/drive-in/ 6 spaces per 1,000 sq. ft.)
Data/Cash Processing Office	4 per 1,000 sq. ft.
Financial Institution/Corporate Office	4 per 1,000 sq. ft.
Notary Public	4 per 1,000 sq. ft.
Office, Administrative	4 per 1,000 sq. ft.
Office, Professional	4 per 1,000 sq. ft.
Office, Service	4 per 1,000 sq. ft.
Stock Broker/Trader	4 per 1,000 sq. ft.
Medical	
Alcoholism Hospital	3 spaces per bed (licensed bed as determined by the State)
Ambulance Service	4 per 1,000 sq. ft. plus a designated space for each ambulance
Clinic	5.5 spaces per 1,000 sq. ft.
Day Treatment Hospital	5.5 per 1,000 sq. ft.
Medical/Dental Laboratories	4 per 1,000 sq. ft.
Laboratories, wet or dry	4 per 1,000 sq. ft.
Office	5.5 spaces per 1,000 sq. ft.
Hospitals	3 spaces per bed (licensed bed as determined by the State)
Nursing/Convalescent Home	1 space per bed (licensed bed as determined by the State)
Optometrist /Ophthalmologist	4 per 1,000 sq. ft.
Optometrist w/retail	5.5 per 1,000 sq. ft.
Out-Patient Facility (Drug & Alcohol)	5.5 per 1,000 sq. ft.
Sanitariums	1 space per bed
Educational Institution	
Elementary School (Private or Parochial)	1.5 spaces per classroom; plus 1 space for every 2 employees and faculty members
Uses	Minimum Required Number of Stalls Per Gross Floor Area

Educational Institution (cont'd)	
High School (Private or Parochial)	1.5 spaces per classroom; plus 1 space for every 2 employees and faculty members; plus 1 space for every 6 students based on maximum capacity
Vocational or Trade School	3.5 spaces per 1,000 sq. ft.; plus 3 drop-off spaces
College (Private)	3 spaces per 1,000 sq. ft.
Additional Uses	
Assembly Hall	1 per 3 seats or 1 space per every 35 sq. ft. of seating area where there are no fixed seats OR as specified by a parking study
Boarding House	1 per sleeping room
General Research and Development Facility	4 per 1,000 sq. ft.
Public Utility Substation	1 per employee; plus 1 space for vehicle used in connection with the facility
Emergency Shelter	1 space per 4 beds; plus 1 space for each staff member
Government or Public Facility	4 per 1,000 sq. ft. OR as determined by a parking study
Government or Public Facility (owned or operated by the City of Monterey Park)	As determined by a parking study
Light Manufacturing	2.5 spaces per 1,000 sq. ft., minimum 3 spaces per unit
Live/Work Unit	2 spaces per unit in a garage; plus the spaces required for nonresidential uses
Mixed Uses (Residential & Commercial)	2 covered spaces per unit, which may be in tandem; plus .5 guest spaces per unit
Private Club	10 per 1,000 sq. ft.
Religious Institution	1 space per 4 fixed seats, or 20 spaces per 1,000 sq. ft. of seating area if there are no fixed seats.
Research and Development	1 space per 400 sq. ft.
Public-Storage (Mini-Storage)	1 space per 4,000 sq. ft. of leasable area
<i>Supportive Housing</i>	
(3 or fewer bedrooms)	2 enclosed garage spaces, plus 1 guest space per 2 dwelling units or 0.3 spaces per bed in dormitory housing
4 or more bedrooms	2 enclosed garage spaces, plus 1 guest space per 1 dwelling unit or 0.3 spaces per bed in dormitory housing
Swimming Pool (School)	1 space per 1,000 sq. ft. + 0.5 space per employee OR 1 space per 100 sq. ft. of water surface area, whichever is greater
<i>Transitional Housing</i>	

3 or fewer bedrooms	2 enclosed garage spaces, plus 1 guest space per 2 dwelling units or 0.3 spaces per bed in dormitory housing
4 or more bedrooms	2 enclosed garage spaces, plus 1 guest space per 1 dwelling unit or 0.3 spaces per bed in dormitory housing

RESOLUTION NO.

A RESOLUTION RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") CHAPTERS 21.30 REGARDING REGULATION OF NONCONFORMING USES.

The Planning Commission of the City of Monterey Park does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. A review of the Monterey Park Municipal Code ("MPMC") suggests that amendments are needed to improve the City's regulations governing, among other things, the regulation of nonconforming uses;
- B. On September 13, 2016, Community and Economic Development Department presented draft regulations to the Planning Commission for consideration. The Planning Commission provided direction for improving the regulations. Thereafter, the regulations were reviewed by the Community and Economic Development Department for, in part, consistency with the General Plan and conformity with the MPMC;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- D. The Community and Economic Development Department completed its review and scheduled the public hearing regarding the application before the Planning Commission for September 13, 2016;
- E. On September 13, 2016, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the draft Ordinance attached as Exhibit "A," and incorporated by reference, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and
- F. This Resolution and its findings are made based upon the evidence presented to the Commission at its September 13, 2016, hearing including, without limitation, the staff report submitted by the Community and Economic Development Department.

SECTION 2: *Environmental Assessment.* Because of the facts set forth in Section 2, the proposed Ordinance is exempt from further environmental review under the

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California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because the proposed Ordinance constitutes only minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. The Ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 California Code Regulations §§ 15301, 15305, and 15308.

SECTION 3: General Plan Findings. As required under Government Code § 65860 the MPMC amendments proposed by the Ordinance are consistent with the Monterey Park General Plan. According to the General Plan Land Use Element, religious institutions are considered appropriate uses in the mixed-use I and II areas. The proposed code amendments are minor changes intended to ensure that the religious institution regulations are consistent with federal and state laws. The proposed code amendment is intended to clarify existing definitions and code provisions relative to assembly uses.

SECTION 4: Recommendations. The Planning Commission recommends that the City Council adopt the draft ordinance set forth in attached Exhibit "A," which is incorporated into this resolution by reference.

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

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

SECTION 7: This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 8: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

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SECTION 9: This Resolution may be appealed within nineteen (19) calendar days after its adoption. All appeals must be in writing and filed with the City Clerk within this time period. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

PASSED AND ADOPTED this 13th day of September 2016.

I hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Monterey Park at the regular meeting held on the 13th day of September 2016, by the following vote of the Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Ricky Choi, Chairperson
City of Monterey Park Planning Commission

ATTEST:

Michael Huntley, Secretary

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:  for
Karl H. Berger, Assistant City Attorney

EXHIBIT A

Chapter 21.30 NONCONFORMING USES, BUILDINGS AND STRUCTURES

21.30.010 Purpose.

This chapter establishes regulations for legal nonconforming land uses, structures, and parcels. These are land uses, structures, and parcels within the City that were lawfully established, constructed, or subdivided before the adoption or amendment of this code, but which would be prohibited, regulated, or restricted differently under the current terms of this code or its amendments. This chapter is intended to encourage the City's continuing improvement by limiting the extent to which nonconforming structures and uses may continue to be used, expanded, or replaced, while improving the health, safety, and welfare of all residents without creating an economic hardship for individual property owners or business owners. (Ord. 2097 § 3, 2013)

21.30.020 Establishment of Nonconforming Status.

(A) Applicability. Nonconforming uses, structures and lots within the City may continue to be used, and may be maintained, altered, expanded, reconstructed, or replaced only as allowed by this chapter.

(B) This chapter does not apply to any nonconforming structures owned in whole or part by the City. Nothing in this chapter is intended to, nor can it, require the City to remove a publicly owned nonconforming structure or use.

(C) Legal Nonconforming Use. An existing use, structure, or lot is deemed to be "legal nonconforming" if, prior to its establishment, such use, structure, or lot was established or created in full conformance with applicable regulations in effect at the time of such establishment or creation.

(D) Restrictions and conditions affecting nonconforming uses, structures, and lots apply to that use, building, and structures, and are not affected by ownership changes. (Ord. 2097 § 3, 2013)

21.30.030 Continued Use After Damage or Destruction.

(A) Unless otherwise provided by applicable law, a nonconforming residential use occupying a structure that is damaged or destroyed by fire, earthquake, or other calamity beyond the property owner's control may be reestablished.

(B) Unless otherwise provided by applicable law, a nonconforming nonresidential use occupying a structure that is damaged or destroyed by fire, earthquake, or other calamity beyond the property owner's control may be reestablished with a conditional use permit. (Ord. 2097 § 3, 2013)

21.30.040 Voluntary Demolition of Structure.

A nonconforming use which occupies a structure that is voluntarily demolished or demolished because of a maintenance failure or other neglect can be replaced only with a use that fully complies with all applicable provisions of this code. (Ord. 2097 § 3, 2013)

21.30.050 Conditional Use Permit.

(A) A use that is nonconforming use may not be altered or enlarged unless a conditional use permit is first obtained. because it lacks a conditional use permit may continue only to the extent that it previously existed. Any change to such use requires a conditional use permit. There shall be no expansion of a nonconforming use or the building that houses a nonconforming use onto an adjacent or abutting lot or parcel of land.

(B) A nonconforming use previously allowed by a conditional use permit but is no longer permitted by this code within the applicable zoning district can continue in operation, but only in compliance with all provisions of the original conditional use permit. (Ord. 2097 § 3, 2013)

21.30.060 Continuation and Maintenance.

A nonconforming nonresidential use, structure, or lot may continue to be used provided no alterations, expansions, or intensification of uses are made, except as permitted by Sections 21.30.070 through 21.30.110. (Ord. 2097 § 3, 2013)

21.30.070 Allowable Changes.

(A) Enlargement or Expansion. A nonconforming use cannot be expanded or increased to occupy a greater floor area or portion of the site that it lawfully occupied before becoming a nonconforming use. Alterations which do not increase or expand a nonconforming use may be approved.

(B) Extended Hours. The hours of business for a nonconforming use may be expanded to operate under extended business hours with a conditional use permit.

(C) No nonconforming use can be changed to a less restrictive nonconforming use. (Ord. 2097 § 3, 2013)

21.30.080 Abandonment.

A nonconforming use that is voluntarily discontinued or ceases operations for a continuous period of twelve (12) months or more cannot be reestablished on the site. Any further use of an existing structure onsite must be used in conformity with all applicable provisions of this code. (Ord. 2097 § 3, 2013)

21.30.090 Nonconforming Structure.

(A) Expansions. A nonconforming structure cannot be expanded, except as required by law, unless such expansion results in elimination of the nonconformity.

(B) Maintenance, Repair, and Alterations. A nonconforming structure may be regularly maintained and repaired. Alterations without expansion are permitted if they improve the appearance or stability of the structure.

(C) A building or structure which does not conform to the yard regulations applicable to the zone in which the building or structure is located may be structurally altered when:

(1) The alteration causes the building or structure to conform to the applicable yard regulations;

(2) The alteration or expansion does not project into any required yard; or

(3) The alteration or expansion is an extension of that portion of the existing building or structure that encroaches into a required yard; however, the alteration or expansion cannot extend into the required yard farther than the existing portion and cannot have an area greater than fifty (50) percent of the area of the existing portion within the required yard. This allowance may only be utilized once on a property; future alterations or expansions after the initial fifty (50) percent allowance has been used on a property may not further encroach into the required yard. (Ord. 2097 § 3, 2013)

21.30.100 Reconstruction of Multifamily Residential Structures.

Except as otherwise provided by applicable law, a residential nonconforming structure containing two or more dwelling units that is damaged or destroyed by fire, earthquake, or other calamity beyond the property owner's control may be reconstructed in compliance with this code as follows:

(A) The replacement structure contains at most the same number of dwelling units and floor area as the damaged structure;

(B) The replacement structure complies with all other applicable provisions of this code to the maximum extent feasible;

(C) Reconstruction or rebuilding of the structure will not be detrimental or injurious to the health, safety, or general welfare of the persons residing or working in the neighborhood, and will not be detrimental or injurious to the property and improvements in the neighborhood; and

(D) A complete application for reconstruction is submitted within twelve (12) months of the date of the damage, and reconstruction is commenced within one hundred and eighty (180) days of land use permit approval. (Ord. 2097 § 3, 2013)

21.30.110 Reconstruction of Single-Family Dwellings and Nonresidential Structures.

Except as otherwise provided by applicable law, a damaged single-family dwelling or nonresidential structure that is damaged or destroyed by fire, earthquake, or other calamity beyond the property owner's control may be reconstructed in compliance with this code as follows:

(A) Less Than Fifty (50) Percent Destruction. A structure with less than fifty (50) percent or more of the total length of its original exterior walls remaining in place after the damaging event, requiring no replacement, may be reconstructed provided that:

(1) The reconstructed structure occupies the same footprint or decreases the nonconformity of the structure, and is of no greater height than the original structure; and

(2) A complete application for reconstruction is submitted within twelve (12) months of the date of the damage, and reconstruction is commenced within one hundred and eighty (180) days of land use permit approval.

(B) More Than Fifty (50) Percent Destruction. A structure that is damaged so that more than fifty (50) percent of the total length of its original exterior walls must be replaced may be reconstructed provided that:

(1) The structure must be rebuilt to comply with the City's design standards to the extent feasible; and

(2) The reconstructed structure must be provided at least as much parking as previously existed and as much as determined by the City Planner to be feasible.

(C) Replacement After Demolition. A nonconforming structure that is completely destroyed can be replaced only with a structure that complies with all applicable provisions of this code. (Ord. 2097 § 3, 2013)

21.30.120 Nonconforming Fences and Walls.

Nonconforming fences and walls cannot be expanded or altered unless they are altered to conform with this code. (Ord. 2097 § 3, 2013)

21.30.130 Historic Properties.

Based on substantial evidence, the Planning Commission can find that a national, State, or local designated historic use or structure is nonconforming and exempt from this chapter. (Ord. 2097 § 3, 2013)

21.30.140 Nonconforming Lot.

(A) Allowed Use of a Nonconforming Parcel. A parcel that does not comply with the applicable requirements of this code for minimum lot area, dimensions, or access, is considered

to be a legal building site for the purposes of development or the establishment of a new land use only if the parcel was previously a legal lot of record.

(B) Development and Use Standards. Any proposed development or use of a nonconforming parcel must comply with all applicable requirements of this code.

(C) Further Division Prohibited. A nonconforming parcel cannot be further subdivided. Its boundaries may be changed through a lot line adjustment only if the extent of the nonconformity remains unchanged or is reduced.

(D) This section shall supersede any prior code provisions, regulations, specific plans, or precise plans to the contrary. (Ord. 2097 § 3, 2013)

21.30.150 Abatement and Termination.

(A) Generally. Nonconforming uses, buildings or structures are subject to abatement and termination of usage, in the manner described in this section.

(B) Applicability. Whenever any of the following facts are found by the City Planner to exist in reference to a nonconforming use, building or structure, the same is automatically deemed abated and any such use must be terminated, except as expressly provided in this chapter.

(1) Violation of any applicable law;

(2) A change from a nonconforming use to another nonconforming use, unless a conditional use permit allowed for the change of such nonconforming use;

(3) An increase or expansion of the area, space or volume of the building, structure, or land occupied by, or devoted to a nonconforming use, except as otherwise permitted by this chapter;

(4) Abandonment of a nonconforming use pursuant to Section 21.30.080 subsection (A) of this section are found to exist by the City Planner, the City Planner must give notice of the abatement to the owner setting out the facts supporting such abatement and making an order as necessary to cause the building or use to become immediately conforming. For purposes of this chapter, an owner means the owner, as shown on the last equalized assessment rolls, and the occupant of the building. The order is final and conclusive, and must be complied with, within thirty (30) days after the mailing, in the absence of an appeal, as provided in subsection (C) of this section.

(C) Public Hearing. An appeal may be filed with the secretary of the Planning Commission within thirty (30) days after the mailing of such order by the City Planner. Any person who is the owner or has possession of the property to which such order relates may file an appeal on an application form provided by the City Planner. Each such appeal application must be accompanied by a filing and processing fee in the amount set by resolution of the City

Council. Upon receipt of an appeal, the Planning Commission will conduct a public hearing thereon. Notice thereof must be given in the manner prescribed in Section 21.32.070. At the time and place set for the hearing, the Planning Commission must give the appellant a reasonable opportunity to be heard. In making its determination, the Planning Commission shall consider the date the buildings or structures were constructed or use commenced; the original cost thereof; whether such cost has been, or could have been, recovered by the owner under generally accepted accounting practices; and whether it is feasible to relocate such buildings or structures. Based upon such evidence, the Planning Commission will determine whether such nonconforming use, structure, or building should be abated. The Planning Commission may also, at its discretion, grant an extension of time for the abatement of a nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner. The Planning Commission's decision shall be final and conclusive in the absence of an appeal to the City Council in the time and manner set forth Chapter 21.32.

(D) Findings and Decisions. The decision of the Planning Commission and the findings in support of the decision must be in the form of a written order and must be delivered to the appellant pursuant to Section 21.32.100. (Ord. 2097 § 3, 2013)

21.30.160 City Removal.

If removal of a nonconforming use, structure, or building is not performed by the date specified in the order issued by the City Planner, Planning Commission, or City Council, as the case may be, the City may remove the nonconforming use, structure or building and charge the property owner or record a lien on the subject property for the cost of the removal. (Ord. 2097 § 3, 2013)

21.30.170 Public Utilities Exempted.

The foregoing provisions of this chapter concerning the required removal of nonconforming buildings and structures and uses, and the reconstruction of nonconforming buildings and structures partially destroyed, shall not apply to public utility buildings and structures when such buildings and structures pertain directly to the rendering of the service or distribution of a utility, such as steam electric-generating stations, electrical distribution and transmission substations, communications equipment buildings, water wells and pumps, gas storage, metering and valve control stations; nor shall any provision of this chapter be construed or applied so as to prevent the expansion, modernization or replacement of such public utility buildings, structures, equipment and facilities, as are used directly for the delivery of or distribution of the service, provided that buildings, structures or uses not immediately related to the direct service to consumers, such as warehouses and storage yards are not exempt. (Ord. 2097 § 3, 2013)

EXHIBIT B

Draft City Council Ordinance

ORDINANCE NO.

**AN ORDINANCE AMENDING TITLE 21 OF THE MPMC
REGARDING REGULATION OF ASSEMBLY-TYPE USES**

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

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

- A. On September 22, 2010, the United States Department of Justice issued a statement summarizing the history and purpose of the land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA). The Statement reads, in pertinent part, as follows:

"The Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc, *et seq.*, is a civil rights law that protects individuals and religious institutions from discriminatory and unduly burdensome land use regulations. After hearings in which Congress found that religious assemblies and institutions were disproportionately affected, and in fact often were actively discriminated against, in local land use decisions, Congress passed RLUIPA unanimously in 2000. President Clinton signed RLUIPA into law on September 22, 2000.

- B. Congress found that zoning authorities were frequently placing excessive or unreasonable burdens on the ability of congregations and individuals to exercise their faith with little to no justification and in violation of the Constitution. Congress further found that religious institutions often faced both subtle and overt discrimination in zoning, particularly minority, newer, smaller, or unfamiliar religious groups and denominations.
- C. Congress also found that, as a whole, religious institutions were treated worse than comparable secular institutions by MPMCs and zoning authorities. As RLUIPA's Senate sponsors, Senator Hatch and the late Senator Kennedy, said in their joint statement issued upon the bill's passage: "Municipal Codes frequently exclude churches in places where they permit theaters, meetings halls, and other places where large groups of people assemble for secular purposes.... Churches have been denied the right to meet in rented storefronts, in abandoned schools, in converted funeral homes, theaters, and skating rinks—in all sorts of buildings that were permitted when they generated traffic for secular purposes."
- D. Congress further found that zoning authorities frequently were placing

excessive burdens on the ability of congregations and individuals to exercise their faiths without sufficient justification, in violation of the Constitution.

- E. RLUIPA provides a number of important protections for the religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions, including:
1. Protection against substantial burdens on religious exercise: Section 2(a) of RLUIPA prohibits the implementation of any land use regulation that imposes a 'substantial burden' on the religious exercise of a person or institution except where justified by a 'compelling governmental interest' that the government pursues in the least restrictive way possible.
 2. Protection against unequal treatment for religious assemblies and institutions: Section 2(b)(1) of RLUIPA provides that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions.
 3. Protection against religious or denominational discrimination: Section 2(b)(2) of RLUIPA prohibits discrimination 'against any assembly or institution on the basis of religion or religious denomination.'
 4. Protection against total exclusion of religious assemblies: Section 2(b)(3)(A) of RLUIPA provides that governments must not totally exclude religious assemblies from a jurisdiction.
 5. Protection against unreasonable limitation of religious assemblies: Section 2(b)(3)(B) of RLUIPA provides that government must not unreasonably limit 'religious assemblies, institutions, or structures within a jurisdiction.'"
- F. Under RLUIPA, a religious assembly use cannot be treated on a less-than-equal basis as compared to a non-religious use in the same zone if the two uses cannot be distinguished on the basis of accepted zoning criteria that define the zone. Accepted zoning criteria are the objective characteristics of a particular use that determine whether a use should be excluded from a zone, given the purpose for which the zone was established.

SECTION 2: *Zoning Regulation Findings.* Based on the facts and evidence set forth herein, in the accompanying staff report, and in the record as a whole, the City Council finds as follows:

- A. In light of RLUIPA and several published judicial opinions related thereto, minor amendments to the City's zoning regulations are necessary to ensure that religious assemblies and institutions are not treated on less than equal terms with secular assemblies and institutions in the same zoning district;
- B. This proposed Ordinance will not adversely affect any property in the City as to value or precedent, and will not be detrimental to any area of the City; and
- C. This Ordinance promotes public health, safety and general welfare.

SECTION 3: Pursuant to Monterey Park Municipal Code ("MPMC") § 21.38.050, the City Council finds as follows:

- A. The proposed amendment to the MPMC is consistent with the goals, policies and objectives of the General Plan. According to the General Plan Land Use Element, religious institutions are considered appropriate uses in Mixed-Use I and II land use areas and the proposed code amendment will allow religious institutions to be treated similar to other comparable land uses allowed in the Mixed-Use I and II land use areas.
- B. The proposed amendment to the MPMC will not adversely affect surrounding properties. The proposed code amendment will allow religious institutions to be treated similar to comparable uses and not be more restrictive.
- C. The proposed amendment to the MPMC promotes public health, safety, and general welfare and serves the goals and purposes of the MPMC. As amended, the regulations set forth in the MPMC will continue to promote the public health, safety, and general welfare while serving the goals and purposes of the MPMC. The proposed code amendment is a minor update to the MPMC to treat religious institutions similar to comparable uses. The MPMC currently provides regulations for religious institutions; the proposed code amendment further clarifies the regulations for religious institutions.

SECTION 4: Table 21.10(A) (Permitted Uses in Commercial Zones) of Title 21 of the MPMC is amended in its entirety as set forth in attached Exhibit A, which is incorporated by reference.

SECTION 5: Subparagraph (CC) of section 21.10.040 of the MPMC is deleted and the remaining subparagraphs in that section are to be renumbered accordingly.

SECTION 6: Table 21.22(C) (Nonresidential Parking Standards) of Title 21 of the

MPMC is amended in its entirety as set forth in attached Exhibit A, which is incorporated by reference.

SECTION 7: *Environmental Review.* The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq. ("CEQA")) for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)), (2) there is no possibility that the ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3), and (3) the ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378).

SECTION 8: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: *Enforceability.* Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 11: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12: The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the city of Monterey Park's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016

Mitchell Ing, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM
MARK D. HENSLEY, City Attorney

By:  for _____
Karl H. Berger,
Assistant City Attorney

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE
CHAPTER 21.34 REGULATING WIRELESS TELECOMMUNICATIONS
FACILITIES WITHIN THE CITY OF MONTEREY PARK**

The City Council of the City of Monterey Park does ordain as follows:

SECTION 1: *Zoning Code Text Amendment Findings.* As required by Monterey Park Municipal Code ("MPMC") Section 21.38.050, the City Council finds as follows:

- A. That the proposed amendments are consistent with the goals, policies and objectives of the General Plan because it is a goal of the Land Use Element of the General Plan to maintain the quality and character of Monterey Park's commercial districts. The proposed code amendments are minor changes intended to ensure that the wireless telecommunication facilities regulations are consistent with federal and state laws. The proposed code amendment is intended to clarify existing definitions and code provisions relative to wireless telecommunication facilities;
- B. That the proposed amendments will not adversely affect surrounding properties because the proposed amendments encourages collocations and wireless facilities that blend with the existing surroundings and not adversely impact the environment, properties and other local values; and
- C. That the proposed amendments promote public health, safety and general welfare and serves the goals and purposes of the Zoning Code because the proposed amendments serve to accommodate new wireless technologies and continued improvements to existing wireless communications facilities while minimizing any visual, structural, and safety impacts.

SECTION 2: Chapter 21.34 of the MPMC is amended to add a new section, Section 21.34.015, to read as follows:

"21.34.015 Definitions.

Unless otherwise specifically defined within this chapter, the defined terms in 47 U.S.C. § 1455, 47 CFR § 1.400001(b)(5), and Government Code 65964.1, and any amendments to such sections, are used in this chapter."

SECTION 3: Section 21.34.020 of the MPMC is amended to read as follows:

"21.34.020 Wireless Telecommunications Facilities on Private Property.

(A) No person may erect, construct, install, operate, or maintain any Wireless Telecommunications Facility in, on, under, over or above private property (including public property not in the public right-of-way), except as authorized pursuant to this code.

(B) A Wireless Telecommunications Facility permit is required for any Wireless Telecommunications Facility. Consideration of a Wireless Telecommunications Facility permit application will be conducted by the City Planner or the ~~Planning Commission~~City Council. Wireless Telecommunications Facility permit applications will be processed based upon, and the review authority for the application based upon, the ~~classification of Antennas~~ **Classes defined in Chapter 21.04 of this code**. Although classifications are assigned at the time of submission of the application, a re-evaluation of Antenna classifications may occur at any point in the application review process, including at the time of review by the City Planner, ~~Planning Commission~~ or City Council.

(1) Residential Zones: Class 1, Class 4, Class 5, Class 6 and Class 7 Antennas, **as defined by Chapter 21.04 of this code**, must be presented to the ~~Planning Commission~~City Council. Class 3 Antennas, as defined, may be presented to the City Planner.

(2) Non-Residential Zones: Class 1, Class 3, and Class 4 Antennas, **as defined by Chapter 21.04 of this code**, may be presented to the City Planner. Class 5, Class 6 and Class 7 Antennas, as defined, must be presented to the ~~Planning Commission~~City Council.

(3) Class 2 Antennas (Co-Located Antennas), **as defined by Chapter 21.04 of this code**, must be presented to the same body that initially reviewed the underlying base Wireless Telecommunications Facility upon which the Co-Location is proposed. Co-Located facilities are deemed a permitted use if the underlying base facility was subject to a discretionary permit and was subject to either an EIR, mitigated negative declaration or a Negative Declaration **they meet all of the requirements established by pursuant to California Government Code Section 65850.6- and, as such, may be presented to the City Planner for approval. However, those Class 2 Antennas that do not meet the requirements of Government Code Section 65850.6 must be presented to the City Council.** Such Co-Located facilities require a Wireless Telecommunications Facilities permit, with modified review pursuant to this chapter.

(4) All Antenna applications requesting heights exceeding the height limitation of the requested zone must be presented to the ~~Planning Commission~~City Council.

(5) Antennas other than Classes 1 through 7 must be submitted to the ~~Planning Commission~~City Council and must obtain a Variance.

(C) The Community Development Director may approve a permit for placement of a Temporary Emergency Use Antenna. The permit must contain conditions for removal of the Temporary Emergency Use Antenna as soon as possible after the conclusion of the emergency.

(D) For Wireless Telecommunications Facilities applications subject to review by the City Planner, a Wireless Telecommunications Facility permit may be granted pursuant to the procedure provided in Section 21.32.080, so long as all application requirements have been fulfilled and all of the findings required by this chapter have been made.

(E) The review authority will consider all competent evidence presented for and against the Wireless Telecommunications Facility application. The standards required by this chapter will be imposed as conditions of approval for all Wireless Telecommunications Facility permits granted by the review authority. Further conditions of approval of Wireless Telecommunications Facility permits may be imposed as are necessary to minimize environmental, aesthetic, and public safety impacts. The review authority must make findings of fact and determinations in writing. A copy of the findings of fact and determinations must be mailed to the applicant, and any persons expressing an interest in the application who submitted their correct mailing addresses. A decision of the ~~review authority~~ **City Planner** will become final fifteen (15) days following the date of the decision, unless an appeal to the ~~Planning Commission or the City Council~~ is filed as provided in Chapter 21.32 Permit Procedures. **Any decision of the City Council is final.**

(F) Except for Class 2 Co-Located facilities on which the base facility meets the requirements of California Government Code Section 65850.6, and Class 3 Temporary Antenna Facilities, prior to the issuance of a Wireless Telecommunications Facility permit, the review authority must make all of the following findings:

(1) To the maximum extent reasonably feasible, the proposed Wireless Telecommunications Facility has been designed to achieve compatibility with the community;

(2) Alternative configurations will not increase community compatibility or are not reasonably feasible;

(3) Alternative locations on the site will not increase community compatibility or are not reasonably feasible;

(4) The location of the Wireless Telecommunications Facility on alternative sites will not increase community compatibility or is not reasonably feasible;

(5) The facility is necessary to close a significant gap in coverage;

(6) The applicant has submitted a statement of its willingness to allow other carriers to Co-Locate on the proposed Wireless Telecommunications

Facility wherever technically and economically feasible and where Co-Location would not harm community compatibility;

(7) Noise generated by the facility will be in compliance with Chapter 9.53; and

(8) The facility complies with all of the requirements of State and federal laws, regulations and orders.

(G) If the application is denied by the review authority, the review authority must issue a written denial to the applicant containing an explanation of reason(s) for such denial which cites to substantial evidence contained in the written record of the hearing or administrative record.

(H) Requests for Wireless Telecommunications Facilities permits must be made on forms prescribed by the City Planner and submitted to the Community Development Department. The City Planner may amend application requirements from time to time, as necessary to comply with applicable laws and regulations, or to otherwise ensure the provision of information necessary and useful to the evaluation of Wireless Telecommunications Facility permit applications. In addition to the application submittal requirements for permits set forth in this chapter, the supplemental information listed below is also required at the time a Wireless Telecommunications Facility permit application is submitted to the Community Development Department.

(1) Applications for all proposed locations must include:

(a) An accurate map, compatible with the City's latest version of GIS mapping software, indicating the proposed site and detailing existing Wireless Telecommunications Facility locations owned and operated by the applicant within the City on the date of application submittal.

(b) An engineering certification demonstrating planned compliance with all existing federal radio frequency emissions standards, and providing technical data sufficient to justify the proposed height of the proposed Wireless Telecommunication Facility.

(c) An alternative configuration analysis, as deemed necessary by the City Planner, assessing the feasibility of alternative Wireless Telecommunications Facility construction configurations, both at the proposed site and in the surrounding vicinity, which would result in a more visually compatible Antenna(s). This analysis must include an explanation of why other Wireless Telecommunications Facility construction configurations were not selected by the applicant.

(d) A projection of the applicant's anticipated future Wireless Telecommunications Facility siting needs within the City, which information may be used by the City as part of a master planning effort designed to ensure a more planned, integrated and organized approach to Wireless Telecommunications Facility siting.

(e) An identification of the geographic service area for the subject installation, including a map showing all of the applicant's existing sites in the local Service Network associated with the coverage gap the Wireless Telecommunications Facility is meant to close, and describing how the coverage gap will be filled by the proposed installation.

(f) An accurate visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for the Wireless Telecommunications Facility. The analysis must include photo simulations and other information as necessary to determine the visual impact of the Wireless Telecommunications Facility. A map depicting where the photos were taken must be included. The analysis must include a written description of efforts to blend the Wireless Telecommunications Facility with the surrounding area.

(g) The height and diameter of the facility, together with evidence that demonstrates that the proposed Wireless Telecommunications Facility has been designed to the minimum height and diameter required from a technological standpoint for the proposed site. If the facility will exceed the maximum permitted height limit, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary must be provided.

(h) A description of the maintenance and monitoring program for the Wireless Telecommunications Facility and associated landscaping.

(i) A written statement of the applicant's willingness to allow other carriers to Co-Locate on the proposed Wireless Telecommunications Facility wherever technically and economically feasible and aesthetically desirable.

(j) A written description of any good faith efforts to Co-Locate the proposed Wireless Telecommunications Facility on another site or building, including a GIS compatible map of the sites and engineering information or letters from the owners of the site describing why Co-Location would not be feasible.

(k) An alternative site analysis, assessing the feasibility of alternative sites, including the potential for Co-Location, in the vicinity of the proposed site, as deemed necessary by the City Planner. Said alternative site analysis must specifically include an evaluation of the availability and feasibility of potential alternative sites located outside a Residential Zone. The alternative site analysis must include a map that shows other potential stand alone locations for the proposed Wireless Telecommunications Facility that have been explored, and must describe why the proposed location is superior to other potential locations. Factors that must be considered in the alternative site analysis include, without restriction, cost, visual benefits and detriments of alternative sites, and proximity to dwellings.

(l) A written description of all Accessory Wireless Equipment for the Wireless Telecommunications Facility, including a description of the function of the accessory equipment and the need to locate the accessory equipment on or near the Wireless Telecommunications Facility.

(m) A written description of any requested exceptions to the standards set forth in this chapter, and the reasons for the request.

(n) Noise/acoustical information derived from the manufacturer's specifications for all equipment such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.

(o) A conceptual landscape plan as determined necessary by the City Planner. The plan must show all existing trees and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site as determined by the City Planner.

(p) The City Planner may require additional information related to topography, including slopes, contours and proposed grading.

(q) Any other information determined necessary by the City Planner may be required through the City's Wireless Telecommunications Facility permit application form.

(2) Applications requiring ~~Planning Commission~~ City Council review must also include certified public notice mailing labels for all owners of real property as shown on the latest equalized assessment roll within a five hundred (500) foot radius of the exterior boundaries of the real property that is the subject of the hearing, except that if such property is owned by the applicant, the owners of contiguous real property to that owned by the applicant must also be given notice, as well as any parties who have requested notice of applications for the installation of such facilities, and such additional persons or parties as the City may determine appropriate based on the specific location and character of the proposed Wireless Telecommunications Facility. A notification, three feet in height and four feet in width, must also be posted by the applicant for thirty (30) days at the site where the Wireless Telecommunications Facility is proposed for installation and notice must be mailed to all required property owners and parties at least thirty (30) days before the hearing. A property ownership map keyed to the mailing labels must be included. If additional mailed notice is required, it is the responsibility of the applicant to provide certified public notice mailing labels for all owners of real property as shown on the latest equalized assessment roll within an area determined by the Community Development Director to be directly affected by the request and to provide a property ownership map keyed to the mailing labels.

(3) All notices must provide a brief description of the proposed Wireless Telecommunications Facility, a map indicating the proposed installation

site, information describing the Wireless Telecommunications Facility permit review process, and the name and telephone number of a person who will be available during business hours to respond to questions from the public. During the notification period, interested persons may contact the Community Development Department to review the proposed location of the facility and express any comments or concerns related to the application.

(I) If the City Planner determines the need to hire an independent, qualified consultant to evaluate technical and other aspects of the application, the applicant must provide the City with written authorization for the hiring. The authorization must include a written agreement by the applicant to advance or promptly reimburse the City for all reasonable costs associated with the consultation. In the alternative, the City Planner may require the applicant to submit a cash deposit for the estimated cost of such consultation, and to replenish the deposit if consumed by reasonable costs associated with the consultation. The consultation is intended to be a site-specific review of technical aspects of the proposed Wireless Telecommunications Facility and may address any or all of those aspects, not limited to the following:

- (1) Compliance with applicable Radio Frequency emission standards;
- (2) Height analysis;
- (3) Configuration;
- (4) The appropriateness of granting any requested exceptions;
- (5) The accuracy and completeness of submissions;
- (6) The applicability of analysis techniques and methodologies;
- (7) The validity of conclusions reached;
- (8) Any specific technical issues designated by the city.

(J) If a permittee proposes any modifications to any Wireless Telecommunications Facility permit after the permit is granted, the permittee must submit an application to the Community Development Department for consideration by the approval body specified in this chapter. The City and the approval body may not accept or process a modification application until the permittee first (i) demonstrates the existing Wireless Telecommunications Facility's compliance with all applicable local requirements; and (ii) certifies that the existing Wireless Telecommunications Facility complies with all applicable State, and federal requirements.

(K) The City Planner must approve any request for a modification of a Wireless Telecommunications Facility submitted pursuant to subsection (J) if it does not substantially change the physical dimensions of the existing Wireless Telecommunications Facility, does not increase the height or bulk of the Wireless Telecommunications Facility or Accessory

Wireless Equipment, and does not change the location of such equipment or facilities.

(L) Unless otherwise required by California Government Code section 65964(b), and as that section may be hereafter amended, a Wireless Telecommunications Facility permit may not have a duration longer than ten (10) years.

(M) In addition to any other permit fees required by this code, each applicant must pay a nonrefundable Wireless Telecommunication Facility application processing fee, in an amount set by resolution of City Council, to defray the City's direct and indirect costs for review of the application. An annual nonrefundable renewal fee will also be charged to defray associated costs of investigation, inspection and enforcement.

(N) Any Wireless Telecommunications Facility that is lawfully constructed, erected, or approved prior to the effective date of the ordinance adopting this section, in compliance with all applicable laws, and which facility conforms to the requirements of this chapter, will be accepted and allowed as a legal nonconforming use. Such facilities must comply at all times with the laws, ordinances, and regulations in effect at the time the application for the facility was deemed complete, and any applicable federal and State laws as they may be amended or enacted, and must at all times comply with any conditions of approval. Any legal nonconforming facility that fails to comply with applicable laws, ordinances, regulations, or the conditions of approval; increases or expands the use of the Wireless Telecommunications Facility; or ceases use of the Wireless Telecommunications Facility for more than ninety (90) days will become an illegal nonconforming Wireless Telecommunications Facility and will be subject removal as set forth in this code.

(O) Application Review.

(1) The timeframe for the City's review of an application begins to run when the application is submitted, but is tolled if the City finds the application incomplete and timely requests the applicant submit additional information to complete the application. The City must make such requests within 30 days of the initial submission of the application. After the applicant submits the additional information, the City will notify the applicant within 10 days of this submission if the additional information failed to complete the application, in which case, the City's timeframe for review remains tolled until the application is deemed complete.

(2) The time limits for processing Wireless Telecommunications Applications must comply with federal and state laws including, without limitation, Section 1455 of Title 47 of the U.S. Code, Section 1.40001(b)(5) of Title 47 of the Code of Federal Regulations, Chapter

1, Subchapter A, Part 1, Subpart CC, and Section 69564.1 of the Government Code. A city council resolution memorializing the processing time periods set forth in applicable law may be adopted to ensure timely compliance

(3) If the City denies a wireless telecommunication facility application, the City will notify the applicant of the denial in writing of the reasons for the denial."

SECTION 4: Environmental Review. The City Council finds that this ordinance does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ordinance amends the Monterey Park Municipal Code to codify existing state and federal regulations relating to the processing of applications for wireless telecommunications facilities in the City. The ordinance does not portend 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. In addition to the foregoing general exemption, the following categorical exemptions apply: 14 Cal. Code Regs. § 15307 (actions taken for protection of natural resources) and § 15308 (actions taken for protection of the environment).

SECTION 5: If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION 6: Repeal or amendment of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 7: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 8: This Ordinance will take effect on the 31st day following its final passage and adoption.

SIGNED AND APPROVED this ____th day of _____, 2016.

Mitchell Ing, Mayor

ATTEST:

Vincent D. Chang, City Clerk

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Monterey Park City Council at its regular meeting held on the ____th day of _____, 2016, by the following vote, to wit:

AYES;
NOES;
ABSENT:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, CITY ATTORNEY

By:  for _____
Karl H. Berger
Assistant City Attorney

ATTACHMENT 3

City Council Minutes, October 5, 2016

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
REGULAR MEETING
OCTOBER 5, 2016**

The City Council of the City of Monterey Park held a Regular Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, October 5, 2016 at 7:00 p.m.

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.

CALL TO ORDER:

Mayor Ing called the meeting to order at 7:04 p.m.

FLAG SALUTE:

The Monterey Park Fire Explorers led the flag salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, Teresa Real Sebastian

Council Members Absent: None.

ALSO PRESENT: City Manager Paul Talbot, City Attorney Mark Hensley, Public Works Director/Assistant City Manager Ron Bow, Fire Chief Scott Haberle, Director of Management Services Chu Thai, Director of Human Resources Tom Cody, Community and Economic Development Director Michael Huntley, Director of Recreation & Community Services Dan Costley, City Librarian Norma Arvizu, Police Chief Jim Smith, Police Captain Gene Harris, Controller Annie Yaung, Water Utility Manager Frank Heldman, Public Works Maintenance Manager Tito Haes, Public Works Assistant City Engineer Rey Alfonso, Senior Planner Samantha Tewart

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

City Manager Talbot announced that Agenda Item No. 1-A will be continued to a future council meeting.

ORAL AND WRITTEN COMMUNICATIONS

- Gary Sims, a Monterey Park Police Officer, spoke regarding the Coffee with a Cop event on October 7, 2016 from 8:00 am to 10:00 pm

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

- Nancy Arcuri, a resident, spoke regarding the recent planning commission meeting.
- David Barron, a resident, spoke regarding the Centennial Dinner on October 22, 2016 at the Langley Senior Center at 5:00 p.m.
- Carol Sullivan, a resident, also announced the Centennial Dinner on October 22, 2016 at the Langley Senior Center at 5:00 p.m.
- Evelyn Moreno, representative for the Centennial Committee, announced that the Monterey Park 5K Run is on November 5, 2016 and the Geranium Festival is on October 8, 2016 at Barnes Park.

1. PRESENTATIONS

1A. DISCUSSION AND CONSIDERATION OF THE 2015 PAVEMENT MANAGEMENT PROGRAM REPORT

Staff completed an update to the City's Pavement Management Program and is presenting the final report's findings and recommendations. Staff is requesting that the City Council receive and file the report for reference.

Action Taken: This item was continued to a future city council meeting.

2. SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (SA)

NEW BUSINESS

2A. WARRANT REGISTER FOR SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY OF OCTOBER 5, 2016

Disbursements will be made from the funds referenced in the attached Resolution in Warrants numbered **332-332**.

Action Taken: The City Council, acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, approved payments of warrants and adopted Resolution No. SA-127 of the Successor Agency to the former Monterey Park Redevelopment Agency allowing certain claims and demands per warrant register dated October 5, 2016 totaling \$17.52 and specifying the funds of which the same are to be paid.

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

Ayes: Council Members: Chan, Ing, Lam, Liang, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Resolution No. SA-127, entitled:

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (SA) ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED 5TH DAY OF OCTOBER 2016 TOTALING \$17.52 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

2B. SUCCESSOR AGENCY (SA) MINUTES

Approve the minutes from the regular meeting of September 7, 2016 and the special meeting of September 7, 2016.

Action Taken: The City Council, acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, approved the minutes from the regular meeting of September 7, 2016 and the special meeting of September 7, 2016.

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

Ayes: Council Members: Chan, Ing, Lam, Liang, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

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

3. CITY OF MONTEREY PARK CONSENT CALENDAR

None.

4. PUBLIC HEARING

4A. CONSIDER AMENDING THE MONTEREY PARK MUNICIPAL CODE (MPMC) CHAPTER 21.22 REGULATING OFF-STREET PARKING REGULATIONS IN RESIDENTIAL ZONES

On September 21, 2016, the City Council reviewed an ordinance proposing amendments to Monterey Park Municipal Code (MPMC) Chapter 21.22 regulating

off-street parking requirements in residential zones. After an extensive discussion on the matter, the City Council decided to separately consider proposed amendments to the MPMC. Specifically, the City Council introduced an ordinance amending single-family residential parking requirements and continued consideration of MPMC amendments regulating multi-family residential parking requirements.

Recommendation: It is recommended that the City Council (1) open the continued public hearing; (2) take documentary and testimonial evidence; (3) close the public hearing and consider the draft ordinance; (4) and waive the second reading and adopt the proposed ordinance related to single-family residential parking requirements and schedule second reading and adoption for October 19, 2016; and (5) introduce and waive the first reading of the ordinance for multi-family residential parking requirements and schedule second reading and adoption for October 19, 2016.

Action Taken: The City Council waived the second reading and adopted Ordinance No. 2136 related to single-family residential parking requirements.

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

Ayes: Council Members: Chan, Ing, Lam, Liang, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Ordinance No. 2136 entitled:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") AFFECTING REGULATIONS GOVERNING THE SINGLE-FAMILY RESIDENTIAL OFF-STREET PARKING REQUIREMENTS

Action Taken: The City Council opened the continued public hearing at 7:34 p.m.; took documentary and testimonial evidence; closed the public hearing at 7:34 p.m.; and approved to include stacked and tandem parking as an option to meet parking requirements set forth by the ordinance for multi-family dwellings.

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

Ayes: Council Members: Chan, Ing, Lam, Liang, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Action Taken: The City Council opened the continued public hearing at 7:34 p.m.; took documentary and testimonial evidence; closed the public hearing at 7:34 p.m.; and introduced and waived the first reading of the ordinance and scheduled the second reading and adoption for October 19, 2016 as amended below:

Number of bedrooms	Previous Code:	Adopted Code:
3 or less bedrooms	2 enclosed garage spaces, plus 1 guest space per 2 dwelling unit	2 enclosed garage spaces, plus 1 guest space per 2 dwelling unit
4 bedrooms	2 enclosed spaces, plus 1 guest space per 1 dwelling unit	2 enclosed garage spaces, plus 1 guest space per 1 dwelling unit
5 bedrooms		3 enclosed garage spaces, plus 1 guest parking space per 1 dwelling unit
6 bedrooms		3 enclosed garage spaces, plus 1 guest parking space per bedroom above 5, plus 1 guest parking space per 1 dwelling unit

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

Ayes: Council Members: Chan, Ing, Lam, Liang, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Ordinance, first reading:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE ("MPMC") AFFECTING REGULATIONS GOVERNING THE MULTI-FAMILY RESIDENTIAL OFF-STREET PARKING REQUIREMENTS

4B. CONSIDER THE PROPOSED CODE AMENDMENTS TO THE MONTEREY PARK MUNICIPAL CODE (MPMC) RELATING TO WIRELESS TELECOMMUNICATION FACILITIES, ASSEMBLY USES, AND NONCONFORMING USES

There are three code amendments being considered by the City Council related to the City's wireless telecommunication facilities, assembly uses and nonconforming uses. Two of the amendments being considered implement changes required by federal and state laws. These amendments are specifically related to the City's wireless telecommunication facilities and assembly use regulations. Additionally,

the City Council directed staff to include an amendment that all decisions regarding telecommunications facilities be rendered by the City Council. Lastly, staff has also initiated changes to the City's nonconforming regulations designed to clean up provisions that are not readily understandable or pose concern regarding reasonable use of private property.

These code amendments were considered by the Planning Commission at its September 13, 2016 meeting. The Planning Commission adopted a resolution recommending that the City Council approve the proposed code amendments as identified below.

Public Speakers:

- Nancy Arcuri, a resident, expressed her support for the code amendments.

Action Taken: The City Council (1) opened the public hearing at 8:07 p.m.; (2) took documentary and testimonial evidence; (3) closed the public hearing at 8:08 p.m. and considered the draft ordinance; and (4) introduced and waived the first reading, one of three ordinances regulating wireless telecommunication facilities within the city of Monterey Park.

Motion: Moved by Vice Mayor Real Sebastian and seconded by Mayor Ing, motion failed by the following vote:

Ayes:	Council Members:	Ing, Real Sebastian
Noes:	Council Members:	Chan, Lam, Liang
Absent:	Council Members:	None
Abstain:	Council Members:	None

Action Taken: The City Council (1) opened the public hearing at 8:07 p.m.; (2) took documentary and testimonial evidence; (3) closed the public hearing at 8:08 p.m. and considered the draft ordinances; and (4) introduced and waived the first reading of two of the three ordinances regarding assembly-type uses and nonconforming uses and scheduled a second reading and adoption for October 19, 2016.

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

Ayes:	Council Members:	Chan, Ing, Lam, Liang, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Ordinance 1st reading, entitled:

AN ORDINANCE AMENDING TITLE 21 OF THE MONTEREY PARK MUNICIPAL CODE REGARDING REGULATION OF ASSEMBLY-TYPE USES

Ordinance 1st reading, entitled:

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE CHAPTER 21.30 REGULATING NONCONFORMING USES AND CHAPTER 21.10.130 REGULATING ALCOHOL SALES AND USE WITHIN THE CITY OF MONTEREY PARK

5. OLD BUSINESS

None.

6. NEW BUSINESS

6A. WARRANT REGISTER FOR THE CITY OF MONTEREY PARK OF OCTOBER 5, 2016

Disbursements will be made from the funds referenced in the attached Resolution in Warrants numbered **311201-311409** and e-Payables numbered **000411-000427**.

Action Taken: The City Council approved payment of warrants and adopted Resolution No. 11863 allowing certain claims and demands per Warrant Register dated October 5, 2016 totaling \$481,627.57 and specifying the funds out of which the same are to be paid.

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

Ayes:	Council Members:	Chan, Ing, Lam, Liang, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 11863, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED THE 5th DAY OF OCTOBER TOTALING \$481,627.57 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

6B. CITY COUNCIL MINUTES

Approve the minutes from the regular meeting of September 7, 2016 and the special meeting of September 7, 2016.

Action Taken: The City Council approved the minutes from the regular meeting of September 7, 2016 and the special meeting of September 7, 2016.

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

Ayes: Council Members: Chan, Ing, Lam, Liang, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6C. TITLE VI – ANTI-DISCRIMINATION PROGRAM UPDATE

The Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funding. The Federal Transportation Administration (FTA) requires agencies that receive their grant funds to demonstrate compliance with Title VI by submitting a Title VI Program Update every three years. The City Council had approved the Title VI Program in 2013.

Action Taken: The City Council (1) approved the Title VI of the Civil Rights Act of 1964 (Title VI) Program Update and (2) authorized the City Manager to submit the Title VI Program Update to Federal Transit Administration (FTA).

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

Ayes: Council Members: Chan, Ing, Lam, Liang, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6D. COST RECOVERY FOR CODE ENFORCEMENT ACTION AT 201 NORTH NEW AVENUE; CONDITIONAL AUTHORITY FOR CITY MANAGER, OR DESIGNEE, TO PURCHASE REAL PROPERTY DURING TAX FORECLOSURE SALE

On June 6, 2016, the City recorded a lien on vacant real property located at 201 North New Avenue (the "Property") for \$21,356.83. This lien amount represents the code enforcement costs incurred by the City for nuisance abatement. The Property is 0.27 acres and vacant; pictures are attached for reference.

Since that time, the Community and Economic Development Department learned that the County of Los Angeles scheduled an auction of the Property for October 17 and 18 to recover \$35,500.63 in unpaid taxes. The City's lien is subordinate to that of the County. The owner can avoid the auction if the County's lien is paid in

full by October 14, 2016 (though there is no requirement, at this time, that the owner pay the City's lien by that date).

The Property's value is assessed at \$378,000. It is unclear, however, for how much the Property will actually sell; for the City to recover its lien amount, the Property will need to sell for at least \$57,000 (rounded up). If the Property sells for less than that amount, then the County's lien would be paid first and the City would receive any remainder monies; all liens would then be discharged.

In an abundance of caution, it seems prudent to authorize the City Manager, or designee, to purchase the Property for up to \$60,000. This would pay the County's tax lien and then allow the City to resell the Property at a later date to recover its own cost liens. Such authority would only be exercised, however, if no buyers were willing to pay more than \$57,000.

California law historically placed significant restrictions on the City's ability to acquire real property. Upon the demise of redevelopment, however, the California Legislature adopted new law that authorizes cities to acquire real property when the City Council finds that doing so will fulfill an economic opportunity. Specifically, where private enterprise alone is insufficient to create economic opportunities, public money may be advanced for the purpose of acquiring land; planning or financing land assembly; clearance; and making improvements on the property. Most recently – in August 2016 – the Legislature adopted AB 806 which reaffirmed and clarified existing law regarding cities' ability to acquire real property for economic development purposes.

Here, the primary purpose for conditionally authorizing the purchase of the Property is to recover the City's code enforcement costs. If acquired, however, the City could potentially utilize the Property for economic development opportunities. Notably, the Property is zoned R-3 (Multi-Family Residential) and has a lot area of approximately 11,878 square feet. Based on the lot size and frontage along North New Avenue, a private developer could develop up to three (3) residential dwelling units.

Based upon its location, the current market for real property, and the upturn in economic opportunities, it appears that acquiring the Property will create, retain, and expand job opportunities (at least one full-time job would be retained or added within the City as a result of acquiring the Property and after the Property is incorporated into a private development that is anticipated to provide commercial land uses); and utilizing the Property as part of private development opportunities, will ultimately result in increased property tax revenue. Once the Property is incorporated into a private development, and is fully utilized by such development, it is anticipated that the amount of property tax will increase from the Property by at least 15% as compared to the property tax now collected from the Property in its vacant state.

In sum, the City will collect its code enforcement costs if the Property sells for more than \$57,000. If, however, the final offer by a private party is less than \$57,000, the City Manager, or designee, should be authorized to purchase the Property. Acquiring the Property will not only allow the City to recover its nuisance abatement costs, but will provide economic opportunities for developing the Property by a private party.

Public Speakers:

- Nancy Arcuri, a resident, expressed her concerns regarding the purchasing of the property located at 201 North New Avenue.

Action Taken: The City Council conditionally authorized the City Manager, or designee, to purchase real property at 201 North New Avenue for not more than \$60,000.

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

Ayes:	Council Members:	Chan, Ing, Lam, Liang, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

6E. BALLOT MEASURE REGARDING CITY COUNCIL BENEFITS

On November 18, 2015, the City Council adopted Resolution No. 11806 which made City officials and employees eligible for benefits under the Public Employees' Medical and Hospital Care Act (the "Act") starting January 1, 2016. The Act is administered by the California Public Employee Retirement System ("CalPERS").

The City Council previously determined (during its meeting of July 15, 2015) that officials elected after July 15, 2015 should not be eligible for fringe benefits offered to other City employees including, without limitation, participation in CalPERS and medical benefits. To reaffirm that determination, and ensure that elected officials could not obtain benefits under the Act beginning January 1, 2016, the City Council adopted Resolution No. 11807. That Resolution reaffirms the City Council's intent to eliminate any fringe benefits for officials elected after July 15, 2015 to participate in CalPERS or the Act. As stated in Resolution No. 11809, such action was taken to ensure that the City of Monterey Park would not be financially responsible for lifetime medical contributions of future elected officials.

The City Council may place a proposition on the ballot pursuant to Elections Code § 9222; the last day for doing so is December 9, 2016. Should the Council decide to move forward with such a proposition, it should provide direction as to the scope

of the ballot proposition, e.g., utilizing the language from Resolution No. 1807 for a proposition, and whether there are any circumstances in which the voters would authorize a future City Council to change the general prohibition.

Public Speakers:

- Nancy Arcuri, a resident, spoke in support of the proposition to be placed on the ballot.

Recommendation: It is recommended that the City Council decide (1) whether or not to place a proposition on the ballot ratifying action taken in 2015 to curtail certain fringe benefits for future elected officials and (2) if the City Council decides to place such a proposition on the ballot, provide direction as to the scope and wording of such a proposition.

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

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

Ayes:	Council Members:	Chan, Ing, Lam, Liang, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

7. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Council Member Chan reported that on October 15, 2016 and on October 18, 2016 there is a quarterly neighborhood watch meeting.

Council Member Liang reported that on September 29, 2016 he attended the Boy's and Girl's Club Youth of the Year Award Ceremony, the swearing in of new officers for the City of Monterey Park, and the Taiwan Ten Ten celebration.

Council Member Lam announced that there is a Double Ten celebration on Sunday October 9, 2016 at Barnes Park.

Vice Mayor Real Sebastian announced that the Geranium Festival will be on Saturday October 8, 2016 at Barnes Park and registration for the November 5, 2016 Monterey Park Pajama 5K Run can be done at Mpkrun.com.

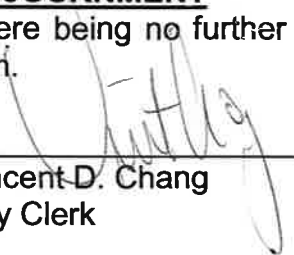
Mayor Ing did not have anything to report.

8. **CLOSED SESSION**

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 9:21 p.m.



Vincent D. Chang
City Clerk

Approved on October 19, 2016 at the Regular City Council Meeting



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: Old Business
Agenda Item 5-A.

TO: The Honorable Mayor and City Council
FROM: Tito Haes, Interim Director of Public Works
SUBJECT: Centralized Groundwater Treatment System – Approval of Design

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution approving the design for the Centralized Groundwater Treatment System project;
2. Issuing the Design-Build Team a Notice to Proceed for Construction; and
3. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The project is categorically exempt from the California Environment Quality Act (CEQA) per CEQA Guidelines § 15302, "Replacement or Reconstruction." The project consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

A Notice of Exemptions was filed with the Los Angeles County Clerk on February 28, 2017 and no objection or legal action has been received to challenge the CEQA filing for the project.

EXECUTIVE SUMMARY:

On August 17, 2016, City Council awarded contract to J.R. Filanc Construction Company for the Design-Build of the Centralized Groundwater Treatment System at the Delta Plant. Filanc has completed the 90% design of the project and is requesting authorization to proceed with construction. Staff is requesting that City Council adopt the resolution that approves the design and issue a notice to proceed for the next phase.

BACKGROUND:

The City was awarded \$4.13 Million in 2015 Prop 84 Integrated Regional Water Management grant funds for the Centralized Groundwater Treatment System that would increase water production and remove certain contaminants that the City's existing treatment equipment cannot.

At the August 17, 2017 meeting, City Council awarded contract to J.R. Filanc Construction Company for the Design-Build of the treatment system. At the December 21, 2016 Council meeting, SA Associates was awarded a professional services contract for construction oversight and review of the design specifications.

The Filanc Design-Build Team has completed the 90% design of the Centralized Groundwater Treatment System. SA Associates concurs with City staff that these plans and specifications meet the requirements of the project. In addition, the Division of Drinking Water of the State Water Resources Control Board (DDW) has provided their approval of the design documents for meeting their potable water quality standards. DDW will issue its permit when the new treatment system is operational.

City staff is requesting that City Council approve the design and issue a notice to proceed with construction.

FISCAL IMPACT:

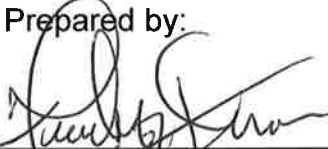
The cost for the Centralized Groundwater Treatment System is \$8,291,682. The Prop 84 IRWM grant will fund \$4.13 Million. The remainder of the cost will be paid for with City water treatment funds (0093-801-4224-82259).

Respectfully submitted by:



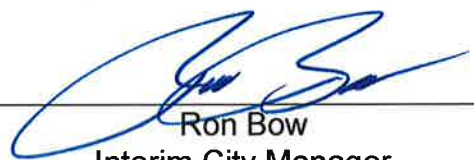
Tito Haes
Interim Director of Public Works

Prepared by:



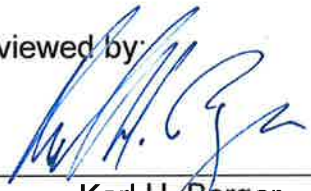
Frank M. Heldman
Water Utility Manager

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachment 1: Resolution

Attachment 2: Water Treatment Plant Design Plans

ATTACHMENT1

RESOLUTION

RESOLUTION NO. ____

**A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE
CENTRALIZED GROUNDWATER TREATMENT PROJECT PURSUANT
TO GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT
PAYMENT ACCOUNT.**

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

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

- A. City staff has completed 90% design of the Centralized Groundwater Treatment Project ("Project");
- B. The City Engineer reviewed the completed design and plans for the Project and agrees with staff that the plans are complete and the Project may be constructed;
- C. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2: *Environmental Assessment.* The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 3: *Design Immunity; Authorization.*

- A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms with the City's General Plan.
- D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.

SECTION 4: Project Payment Account. For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish an account allocating Prop 84 grant funds and Water Operations funds from the current fiscal year budget to pay for the Project ("Project Payment Account"). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 5: Notice to Proceed. The City Manager is authorized to issue a notice to proceed for constructing the Project upon advice of the Public Works Director.

SECTION 6: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 7: This Resolution will become effective immediately upon adoption.

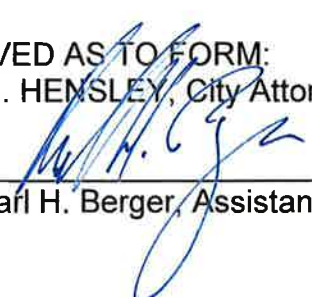
PASSED AND ADOPTED this ____ day of _____, 20____.

Teresa Real Sebastian, Mayor

ATTEST:

Vincent D. Chang, City Clerk

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

By: 

Karl H. Berger, Assistant City Attorney

ATTACHMENT 2

Water Treatment Plant Design Plans

THE WATER TREATMENT PLANT DESIGN PLANS

The Design Plans are available for viewing in the City Clerk's Office.



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: Old Business
Agenda Item 5-B.

TO: The Honorable Mayor and City Council
VIA: Ron Bow, Interim City Manager
FROM: Tom Cody, Director of Human Resources and Risk Management
SUBJECT: Adoption of Resolutions of the City Council of the City of Monterey Park, California Approving and Adopting the Memoranda of Understanding between the City of Monterey Park and the Monterey Park Police Captains Association (MPPCA) and the Monterey Park Police Officers' Mid-Management Association (MPPOMMA); fixing the rate of compensation and other terms and conditions of employment for represented employees for the term July 1, 2016 to June 30, 2018.

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the Resolutions approving implementation of the Memoranda of Understanding (MOU) between the City of Monterey Park and the Monterey Park Police Captains Association (MPPCA) and the Monterey Park Police Officers' Mid-Management Association (MPPOMMA); and
2. Authorize the expenditure of \$190,778 (\$22,278 for MPPCA and \$168,500 for the MPPOMMA) for the 2016-2017 fiscal year, and amend the 2016-2017 Budget accordingly; and
3. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Representatives of the City of Monterey Park have met on numerous occasions with representative of the Monterey Park Police Captains Association and the Monterey Park Police Officers' Mid-Management Association regarding wages and employment benefits. The results of these negotiations are contained in the attached MOU's, which is being presented to the City Council for approval and adoption of implementing Resolutions.

The MOU's for the two associations contain the following as summarized:

Police Captains' Association:

- 5% Salary Schedule increase as of 7/1/16.
- Medical, Dental, Vision, Educational and Longevity contribution increases.
- Match the existing 5-step merit system of the other Police Association Units.

Police Mid-Management Association:

- 5% Raise – 7/1/16
- 5% Raise – 7/1/17
- 2.5% Raise – 1/1/18
- Medical, Dental, Vision, Educational and Longevity contribution increases.

BACKGROUND:

The 2014 – 2016 MOU with both the Monterey Park Police Captains Association and the Monterey Park Police Officers' Mid-Management Association expired on June 30, 2016. The provisions of that MOU continues until a successor MOU is approved.

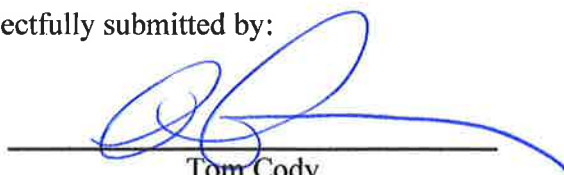
The City has endured fiscal difficulties and challenges for nearly the past decade due to the gripping economic recession the nation has suffered which hit especially hard in California. The impact here in Monterey Park beginning in 2010 resulted in a 17% layoff of non-safety employees and a 43 month 10% furlough for the remaining approximately 161 non-safety employees. Also in 2010, a two year salary reduction occurred for some safety groups and as well as all employees picking up the cost of the employee portion of their CalPERS retirement costs in 2012. For safety employees, including the member(s) of the Police Captains Association, this resulted in the employees absorbing 9% of their retirement costs. There has been no salary schedule increases or cost of living adjustments since 2010.

These negotiation results represent direction given to staff during the negotiations process.

FISCAL IMPACT:

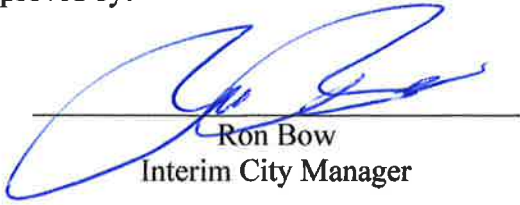
The cost for the Monterey Park Police Captains Association 2016-2018 contract is \$22,278 for the 2016-2017 fiscal year. The cost for the Monterey Park Police Officers' Mid-Management Association 2016-2018 contract is \$168,500 for the 2016-2017 fiscal year. The total cost of these two MOU's is \$190,778 and will require a new appropriation to the 2016-2017 fiscal year budget. The pension portion cost is from the Retirement Fund (0012) and the remaining costs will be from the General Fund (0010). The cost for the second year of these contracts will cost approximately \$374,456 for the 2017-2018 fiscal year.

Respectfully submitted by:



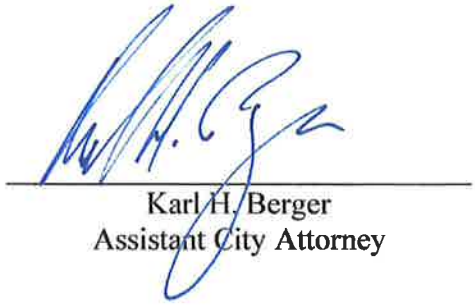
Tom Cody
Director of Human Resources and
Risk Management

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENTS:

1. Monterey Park Police Captains' Resolution and MOU
2. Monterey Park Police Mid-Management Association Resolution and MOU

ATTACHMENT 1
Monterey Park Police Captains' Association MOU and
Resolution

RESOLUTION NO. _____

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2016-2018 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK POLICE CAPTAINS' ASSOCIATION.

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

SECTION 1: The City, acting by and through its City Council appointed negotiation team, and representatives of the Monterey Park Police Captains' Association (MPPCA), a duly recognized employee organization representing the City of Monterey Park's Police Captains' Association employees, met and conferred in good faith and fully communicated and exchanged information concerning wages, retirement funding, hours, and the terms and conditions of employment for contract year 2016-2018.

SECTION 2: The appointed representatives of the parties agreed on certain matters as stated in the attached MOU and recommended that the City and the Union implement those agreements.

SECTION 3: MPPCA indicated its acceptance of the attached Memorandum of Understanding ("MOU").

SECTION 4: The City Council approves the Memorandum of Understanding for Contract Year 2016-2018 between the City of Monterey Park and the Monterey Park Police Captains' Association (MPPCA), which is attached as Exhibit "A," and incorporated by reference.

SECTION 5: The City Manager is authorized to execute the MOU on the City's behalf in a form approved by the City Attorney.

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

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

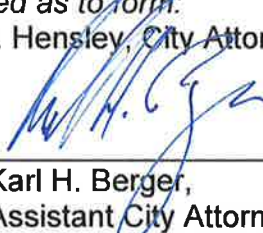
PASSED, AND ADOPTED this 17th day of May, 2017.

Teresa Real Sebastian, Mayor

ATTEST:

Vincent Chang, City Clerk

Approved as to form:
Mark D. Hensley, City Attorney

By: 

Karl H. Berger,
Assistant 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 council meeting held on the 17th day of May 2017, by the following vote:

Ayes:	Council Members:
Noes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 17th day of May, 2017.

Vincent D. Chang, City Clerk
City of Monterey Park,
California



MEMORANDUM OF UNDERSTANDING

between

THE CITY OF MONTEREY PARK, CALIFORNIA

and

THE MONTEREY PARK POLICE CAPTAINS' ASSOCIATION

TWO YEAR AGREEMENT: 07/01/2016 - 06/30/2018

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between
THE CITY OF MONTEREY PARK, CALIFORNIA
and
THE MONTEREY PARK POLICE CAPTAINS' ASSOCIATION

TWO YEAR AGREEMENT: **07/01/2016 - 06/30/2018**

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MEMORANDUM OF UNDERSTANDING
between
THE CITY OF MONTEREY PARK
and
THE MONTEREY PARK POLICE
CAPTAINS' (TWO-YEAR AGREEMENT 7/1/2016 - 6/30/2018)

PREAMBLE

This Memorandum of Understanding (MOU) has been prepared in accordance with the California Government Code (Section 3500 et. seq.). The City of Monterey Park, California, hereinafter referred to as the "City," and the Monterey Park Police Captains' Association, hereinafter referred to as "MPPCA" have reached this Memorandum of Understanding pursuant to meeting and conferring in good faith. Unless specifically provided herein, changes in wages, hours and terms and conditions of employment shall be prospectively effective on and after City Council adoption of this MOU.

ARTICLE 1 - SCOPE OF MEMORANDUM OF UNDERSTANDING

It is the intent and purpose of this MOU to assure sound and mutually beneficial working and economic relations between the parties, to provide an orderly and peaceful means of resolving any misunderstandings or differences which may arise, and to set forth the basic and full agreement between the parties concerning wages, hours of employment, and other conditions of employment.

ARTICLE 2 - RECOGNITION

- A. The City acknowledges the MPPCA as the Recognized Employee Organization as the representative for Police Captains' in the Police Department of the City of Monterey Park, California, for the purpose of meeting and conferring in good faith regarding wages, hours, and other terms and conditions of employment.
- B. This MOU shall cover all employees working in the classification of Police Captain.
- C. This MOU does not preclude employees in such employment classifications from representing themselves individually in their employment relations with the City.

ARTICLE 3 - CITY RESPONSIBILITIES AND RIGHTS

- A. To ensure that the City is able to carry out its statutory functions and responsibilities, the following matters will not be subject to the terms of this MOU, but shall be within the exclusive discretion of the City: to select and determine the number and types of employees required; to assign work to employees in accordance with the City; to establish and change work schedules and assignments; to hire, transfer and to promote or to lay off employees for lack of work and for all other legitimate reasons; to suspend, discipline or discharge for just cause; to expand or diminish services; to subcontract any work or operations; to determine and change at its sole discretion, the number of locations, relocations and types of operations and the processes and materials to be employed.
- B. Notwithstanding the above, the City hereby agrees to Meet and Confer with the MPPCA on any changes regarding hours, work schedules, salaries, or working conditions. The City agrees to adhere to the job specifications established for each classification.

ARTICLE 4 - EMPLOYEE AND/OR EMPLOYEE REPRESENTATIVES

- A. All Police Captains shall have the right to join the Police Captains' Association , or to refuse or refrain from joining said organization.
- B. Police Captains may select up to two (2) representatives who may or may not be City employees to meet and confer with the City Representative Committee or other management officials on subjects within the scope of representation during regular duty or working hours, without loss of time, provided:
 - 1. That no employee representative shall leave his/her duty or workstation or assignment without specific approval by the Police Chief.
 - 2. That any such meeting is subject to scheduling by the Police Chief so as to avoid interference with or interruption of assigned work schedules or work performance.
- C. The City will deduct dues and initiation fees from those employees who voluntarily sign and have submitted to the City the necessary authorization card.
- D. Deductions as are authorized in writing by the employee shall be deducted from earned wages or salaries on each payday. The City shall forward all dues and/or initiation fees deducted from the employees for any month, the first of the succeeding month.
- E. The MPPCA shall indemnify, defend and hold the City harmless against claims and any suit instituted by an employee against the City which shall arise out of any action which shall be taken by the City in accordance with sections regarding dues deduction.
- F. The MPPCA representatives, while on City property, shall abide by the City's safety rules and regulations.
- G. The Employee Representatives will include at least one employee member. Employee Representatives shall be provided reasonable release time, without loss of salary or benefits, for purposes of collective bargaining and/or processing of employee grievances. In addition, Association representatives may be granted reasonable release time to attend POA sponsored training programs, seminars, and conferences, subject to prior City approval.

ARTICLE 6 - CONTINUED PERFORMANCE OF CITY SERVICES AND OPERATIONS

- A. MPPCA – Police Captains hereby agree that during the term of this MOU, Police Captains shall not engage in, encourage, sanction, support, authorize or suggest any work stoppages, strikes, boycotts, slowdowns, mass resignation, mass absenteeism, or any other intentional interference of work of the City. However, information pickets, following an impasse in the Meet and Confer process, are excluded from this Article and are therefore allowed as long as the picketing is not violent, does not block ingress or egress and/or does not interfere with the public health, safety or order.
- B. In the event any Police Captain participates in any of the prohibited activities stated above, the Chief shall notify such employee or employees, so engaged to cease and desist from such activities and shall instruct said person, or persons, to return to their normal work assignment and duties.
- C. The employee, or employees, participating in the activities prohibited above shall be subject to disciplinary action by the City, including suspension or discharge in accordance with the City's Personnel Rules and Regulations.

ARTICLE 7 - GRIEVANCE PROCEDURE

A. DEFINITIONS

- 1. A "grievance" is a formal written or oral allegation by a Police Captain who has been adversely affected by an alleged violation of the specific provisions of this Memorandum of Understanding, the City's Personnel Rules, written Department Rules, Regulations, policies and procedures or an appeal of a disciplinary action decision by the City Manager.
- 2. A "disciplinary grievance" is a formal written objection or challenge to any disciplinary action as defined by the Personnel Rules and Regulations. A "disciplinary grievance" shall be filed after the written receipt of the City Manager's decision, and shall constitute the sole and exclusive process of appeal. Such appeals shall be processed at Level IV, Administrative Hearing.
- 3. A "grievant" is any unit member adversely affected by an alleged violation within the scope of the grievance procedure as defined above.
- 4. A "day" is any day in which the administrative offices of the City of Monterey Park are open for regularly scheduled business.
- 5. Disputes regarding jurisdiction (grievability of an issue) shall not be subject to resolution by the grievance procedure and instead, are subject to resolution by an arbitrator.

B. GENERAL PROVISIONS

- 1. If an employee is receiving direction from his/her supervisor but believes the direction forms the basis for a viable grievance, the employee must still comply with the direction. If that grievance is untimely sustained only then may the employee not comply with the directive.

2. Grievance documents shall not be placed in an employee's personnel file, unless they relate to discipline. If they relate to discipline, they will not be placed in an employee's personnel file until after the discipline appeal process (if applicable) is completed.
3. Time limits for appeal provided at any level of this procedure shall begin the first day following receipt of the written decision by the grievant. Failure of the grievant to adhere to the time deadlines shall mean that the grievant is satisfied with the previous decision and waives the right to further appeal. The grievant and the City may extend any time deadline by mutual agreement. Failure by the City to meet established deadlines shall entitle but not obligate the grievant to appeal to the next step of the procedure.
4. Every effort will be made to schedule meetings for the processing of grievances during the regular work schedule of the participants. If any grievance meeting or hearing must be scheduled during duty hours, any employee required by either party to participate as a witness or grievant in such meeting or hearing shall be released from regular duties without loss of pay for a reasonable amount of time.
5. Any unit member may, at any time, present grievances to the City and have such grievances resolved without the intervention of the MPPCA, as long as the resolution is reached prior to the hearing and the resolution is not inconsistent with the terms of this MOU. Upon request of the grievant, the grievant may be represented at any stage of the grievance procedure by a representative of the MPPCA which may include the attorney of MPPCA.
6. This grievance procedure shall be the sole and exclusive procedure for processing objections or challenges to disciplinary actions as defined in the Personnel Rules and Regulations and shall satisfy all administrative appeal rights and protection.
7. There shall be no reprisals, interference, coercion or discrimination against any Department employee for processing a grievance at any level, or for assisting a grievant in the processing of a grievance.

C. PROCEDURE - Grievances will be processed in accordance with the following procedures:

1. Level I - Informal Resolution
 - a. Any Captain who believes he/she has a grievance which is within the scope of the grievance procedure of this MOU shall present the grievance orally to the Police Chief within fifteen (15) workdays after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. Failure to do so will render the grievance null and void. The Police Chief shall hold discussions and attempt to resolve the matter within ten (10) days after the presentation of the grievance. It is the intent of this informal procedure that at least one personal conference be held between the aggrieved employee, their representative and the Police Chief.
2. Level II - Formal Written Grievance
 - a. If the grievance is not settled during the informal conference and the grievant

wishes to continue the grievance process, the grievant shall present the grievance in writing on the appropriate form to the Police Chief within ten (10) days after the oral decision of the Police Chief.

The written information shall include: (a) a description of the specific grounds of the grievance; (b) a listing of the provisions of this agreement, personnel rules, regulations or procedures alleged to have been violated; and (c) a listing of specific actions requested of the City which will remedy the grievance.

- b. The Police Chief or his designee shall communicate the decision, in writing, to the grievant within ten (10) days after receiving the grievance.
- c. Within the above time limits the parties may request a personal conference.

3. Level III - Appeal to the City Manager

- a. If the grievant is not satisfied with the decision at Level II the grievant may, within ten (10) days of the receipt of the decision at Level II, appeal the decision to the City Manager. This statement shall include a copy of the original grievance and appeal, and a clear, concise statement of the reasons for the appeal.
- b. The City Manager shall communicate the decision, in writing, to the grievant within ten (10) days. If the City Manager does not respond within the time limits provided, the grievant may appeal to the next level.

4. Level IV - Administrative Hearing

- a. If the grievant is not satisfied with the decision at Level III and wishes to appeal the disciplinary decision of the City Manager, the grievant /employee may within ten (10) days of the receipt of the decision submit a request in writing for an administrative hearing of the dispute. Within twenty (20) days of the grievant's receipt of the decision at Level III, the grievant shall inform the City, in writing, of its request to have an administrative hearing. The grievant and the City shall attempt to agree upon a hearing officer.

If no agreement can be reached, they shall request that the City supply a list of seven (7) names of persons experienced in hearing grievances in cities from a panel mutually selected by the grievant and the City. Each party shall alternately strike a name until only one remains. The remaining panel member shall be the Hearing Officer. The order of the striking shall be determined by flipping a coin.

- b. If either the City or the grievant so requests, the Hearing Officer shall be requested to hear the merits of any issues raised regarding grievability. No hearing on the merits of the grievance will be conducted until the issue of grievability has been decided. The same Hearing Officer shall decide the issue of grievability, and if grievable, then the merits of the dispute.
- c. The Hearing Officer shall within thirty (30) days unless both parties agree otherwise, hear evidence and render a decision on the issue or issues submitted to

him/her. If the parties cannot agree upon a submission agreement, the Hearing Officer shall determine the issues by referring to the written grievance and the answers thereto at each step.

- d. The Hearing Officer shall hold a hearing on the issue submitted or as determined by the Hearing Officer if the parties have not mutually agreed upon the issue, and render a written decision. The conduct of the hearing proceedings shall be governed by California Code of Civil Procedure section 1280 et. seq. The Hearing Officer's decision shall be final and binding. The Hearing Officer's decision shall be the final administrative action not subject to further administrative review. The Hearing Officer's decision is reviewable under California Code of Civil Procedure 1094.5.
- e. The City and grievant agree that the jurisdiction and authority of the Hearing Officer so selected and the opinions the Hearing Officer expresses will be confined exclusively to the interpretation of the express provision or provisions of this MOU at issue between the parties. The Hearing Officer shall have no authority to add to, subtract from, alter, amend, or modify any provisions of this MOU or the written ordinances, resolutions, rules, regulations and procedures of the City or the Department, nor shall he/she impose any limitations or obligations not specifically provided for under the terms of this MOU. The Hearing Officer shall be without powers or authority to make any decision that requires the City or management to do an act prohibited by law.
- f. In the event that this grievance procedure is used to challenge disciplinary actions, the Hearing Officer shall prepare a written decision containing findings of fact, determination of issues, and statement of the precise disciplinary penalty, if any.
- g. After a hearing and after both parties have had an opportunity to make written arguments, the Hearing Officer shall submit in writing to all parties his/her findings and award.
- h. The fees and expenses of the Hearing Officer shall be shared equally by the City and the MPPCA. All other expenses shall be borne by the party incurring them, and neither party shall be responsible for the expense of witnesses called by the other. Either party may request a certified court reporter to record the entire hearing. The cost of the services of such court reporter shall be shared equally by the parties.
- i. By filing a grievance and processing it beyond Level III, the grievant expressly waives any right to statutory remedies or to the exercise of any legal process other than as provided by this grievance/administrative hearing procedure. The processing of a grievance beyond level III shall constitute an express election on the part of the grievant that the grievance/administrative hearing procedure is the chosen forum for resolving the issues contained in the grievance, and that the grievant will not resort to any other forum or procedure for resolution or review of the issues. The parties do not intend by the provisions of this paragraph to preclude the filing of a writ of administrative mandamus to challenge a decision issued on a grievance.

- j. With regard to discipline-related hearings governed by this Section (C)(4), where the discipline subject to appeal consists of a minimum of 8.1 hours and a maximum of 24 hours, the following limitation shall apply to the amount of time available to each party to the hearing for a presentation of any individual party's case. For purposes of time-limit computation only, the Association and any one (1) employee, as well as any other entity that may properly be appearing on behalf of or with an interest similar to the Association or employee, shall be jointly deemed to be the same one party for computing the time limitation on presentations. Accordingly, the time limitation shall not be multiplied by the number of individuals or entities appearing, on behalf of, or with an interest similar to, the individual employee who has been disciplined.

Each party to the Article 7 administrative appeal shall be limited to a maximum of twelve (12) hours of presentation time during conduct of an administrative appeal pursuant to MOU Article 7(C)(4) Level IV Administrative Hearing.

"Presentation Time" against which shall be charged the twelve (12) hour presentation time limitation, shall include oral opening statement and oral closing argument, direct/redirect examination of witnesses, rebuttal and sur-rebuttal witness testimony, demonstrations, and site inspections (excluding travel time to and from the site). Cross examination shall not be counted as part of the "Presentation Time."

The hearing officer shall record and maintain account of all such hours by means of a timekeeping device suitable to the task. Absent stipulation by the parties to extend the twelve (12) hour limitation, the hearing officer shall have no authority to extend said limitation.

ARTICLE 8 - ADMINISTRATIVE LEAVE

- A. 7K Exemption: The City of Monterey Park has exercised its ability to declare the "7K" exemption under the Fair Labor Standards Act (FLSA) for sworn police personnel. The work period for such employees shall be twenty-eight (28) days in length commencing on Saturday, April 20, 1985 at 2:00 a.m.
- B. Police Captains shall remain exempt from overtime.
- C. Administrative leave shall be given to Police Captains designated by the Police Chief as qualified to receive administrative leave.
- D. Administrative leave shall be granted by the Police Chief utilizing the following criteria:
1. The Captain(s) are required or expected to attend City Council, City Commissions, or other City related functions that occur after normal business hours.
 2. The Captain(s) are required to be present or on call after normal business hours.
 3. The Police Chief feels the employee consistently works hours beyond the normal business hours.

4. Annually on July 1st, the employee shall receive seventy-two (72) hours of administrative leave. Employees hired mid-year will receive a pro-rated amount of Administrative leave.
 5. Unused Administrative Leave shall not be carried over into the next fiscal year.
- E. The times during the fiscal year at which an employee may take his/her administrative leave shall be determined by the Police Chief with due regard for the wishes of the employee and the needs of the service. Eligibility for this leave shall not be predicated upon first having all vacation and sick leave exhausted. Administrative leave may be utilized at any time during the fiscal year.

ARTICLE 9 - VACATION

A. Policy: It is the intent and purpose of this vacation leave policy that all employees avail themselves of accrued vacation time in order to promote a safe and productive working environment. However, the parties do recognize that personal circumstances and/or the staffing requirements of the Police Department may periodically impact the ability of an employee to utilize any/or all of his/her annual vacation accrual.

B. Vacation Accrual:

1. Accrual Rate: Employees shall accrue paid vacation time on the basis of years of paid service. The accrual rate shall be as follows:

- * 0 - 6 years Eighty-eight (88) hours per year
- * 7 + years Eight additional hours per year to a maximum of two-hundred (200) hours per year.

2. Accrual Caps: Except as provided herein, no employee may accrue greater than five hundred (500) vacation hours.

Vacation hours accrued in excess of 500 hours shall be automatically cashed out as part of the regular payroll process. Said hours shall be cashed out during the pay period in which they are earned. However, in no case shall an employee be allowed to receive the automatic cash out of vacation should the vacation accrual reach five hundred (500) hours if the employee has not, within the fiscal year, taken advantage of the cash-out provisions of Article 11 of this MOU or has not taken 40 hours of vacation for the year. If an employee has not cashed out as provided in Article 11 or taken forty (40) of vacation, accrual of vacation will cease once the cap is met.

C. Use of Vacation Time: Probationary employees shall be authorized to utilize accrued vacation time prior to conclusion of the probationary test period.

Use of vacation time during the calendar year shall be approved by the Chief of Police or his/her designee, with due regard for the wishes of the employee.

ARTICLE 10 - HOLIDAY SCHEDULE

It is the intent and purpose of this holiday leave policy that all employees avail themselves of accrued holiday time in order to promote a safe and productive working environment. However, the parties do recognize that personal circumstances and/or the staffing requirements of the Police Department may

periodically impact the ability of an employee to utilize any or all of his/her annual holiday accrual.

Holidays are observed as follows:

CITY HALL CLOSED

Regular:	New Year's Day	Veteran's Day
	Washington's Birthday	Thanksgiving Day
	Memorial Day	Day After Thanksgiving Day
	Independence Day	Christmas Eve Day
	Labor Day	Christmas Day
		New Year's Eve Day

CITY HALL OPEN

Floating:	Admission's Day	Columbus Day
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No employee may accrue greater than 192 holiday hours. Holidays have a value of ten (10) hours.

ARTICLE 11 - ACCRUAL CASH-OUT

Police Captains may elect to annually during any fiscal year, cash-out up to a total of one-hundred (100) hours of accumulated and earned vacation time or holiday time (or a combination thereof). Requests for cash-out are to be submitted in a manner prescribed by the City.

ARTICLE 12 - SICK LEAVE

- A. Sick leave with pay shall be granted to every full time employee who has been continuously employed for a period of time in excess of 30 days. Such sick leave shall be granted by the City, at the rate of eight-hours (8.00) for each full calendar month (96 hours per year) of continuous employment with the City, including time served in probationary status.
- B. Sick leave is paid leave from work that can be used for the following purposes:
- (a) Diagnosis, care, or treatment of an existing health condition or, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or
 - (b) For an employee who is a victim of domestic violence, sexual assault, or stalking to: 1) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health and safety or welfare of the employee or his or her child; or 2) to obtain medical attention or psychological counseling; services from s shelter, program or crisis center; or participate in safety planning or other actions to increase safety.

For full-time employees, one-half of the employees' accrued and available annual sick leave is protected and may be used for any of the purposes stated above. However, the City permits that a total of eighty hours of sick time can be used for family sick leave purposes.

- C. On July 1, 2012, any existing sick leave balance in the employee's MOU Section 12 account shall be placed in a separate leave bank and the amount of that bank shall not be increased nor added to. The hours in the bank shall be subject to the reimbursement provisions described below as being in MOU Section 12G. The employee shall be allowed to utilize this sick leave bank balance to fund future illnesses/sick leave. However, the employee shall not be required to utilize this sick leave account unless or until the employee elects to do so. For example if an employee had 1,000 hours of sick leave in this account and retired for service, the employee would be provided 50% cash out upon service retirement. Accordingly, the employee has the option of utilizing the following newly created 800 hour sick leave account before utilizing this frozen account.

Sick leave earned by Police Captains shall be deposited into a sick leave account which shall be capped at a maximum of 800 hours. Upon having 800 hours in the sick leave account there shall be no further accrual of sick leave unless or until use results in a balance of less than 800 hours.

- D. Employees, who retire from the city with more than 10 total years of city service, beginning from the date of employment, shall be eligible to cash out sick leave in the sick leave account at the rate of 14 hours for each one full year (12 months) of city service.

In addition, the City contracts with CalPERS for the Credit for Unused Sick Leave option (Section 20965). Any amount of sick leave accrual not taken as cash payment will be reported to CalPERS for calculation as additional service credit.

- E. Upon death of an employee prior to retirement, the City will pay to the employee's designated beneficiary the employee's accumulated sick leave accrual in an amount consistent with the above retirement-related pay-out schedule.

- F. Government Code Section 21163 provides in pertinent part that the retirement of a PERS member who has been granted or is entitled to leave, shall not become effective until the expiration of sick leave with compensation, unless the member applies for, or consents to, his or her retirement as of an earlier date, *or unless, with respect to sick leave, the provisions of a local ordinance or resolution or the rules or regulations of the employer provide to the contrary.* In this regard, it is acknowledged that with regard to non-industrial disability retirements, it is the rule and regulation of the City that no employee shall be entitled to use or receive cash distribution of sick leave on or after the effective date of said retirement and that any such retirement shall be effective regardless of the employee having sick leave remaining in the employee's account. Additionally, it is acknowledged that with regard to individuals suffering from an industrial disability and/or being granted an industrial disability retirement, that the following sick leave rules and regulations shall apply:

1. In any instance where the local safety member has exhausted eligibility for benefits pursuant to Labor Code Section 4850, but is not eligible for disability retirement at said time, yet remains incapacitated from performance of the essential duties of the employee's position, then the employee shall exhaust all accrued leave during the period of continued disability. In no case shall any such distribution during one pay period exceed the gross salary to which the employee would otherwise be entitled during said pay period.
2. However, if said employee is eligible for an industrial disability retirement prior to exhaustion of benefits under Labor Code Section 4850 or simultaneous with the same, and still has accrued but unused sick leave, then the retirement shall still become effective and the safety employee shall be provided a one-time cash distribution of the employee's sick

leave balance as it existed on the effective date of the industrial disability retirement in accordance with any eligible sick leave cash-out schedule contained in this Article 12. Further, said employee shall then be paid the cash value of accumulated vacation and holiday. Said payment shall be paid in one lump sum with the employees' final paycheck.

- G. Upon accumulation of 500 sick leave hours, an employee may elect to cash-out up to ninety-six (96) hours accumulated sick leave, as long as the employee's account contains at least 500 hours after the cash out. Any such cash-out shall be at 75% value (e.g., 96 hours cash-out = 72 hours pay). Requests for cash-out will be processed the first payroll date following December 1st of each year and shall be submitted in a manner prescribed by the City.

ARTICLE 13 - BEREAVEMENT LEAVE

Each regular employee may be granted bereavement leave at the discretion of the Chief of Police whenever death occurs to a member of the employee's immediate family. Bereavement leave may not exceed three shifts, however, if travel outside the State of California, or within the State of California but extending beyond a distance of 300 miles from Monterey Park is necessary, bereavement leave may be extended to a total of five shifts. Shifts of Bereavement Leave are to be charged to an account separate from the employee's sick leave account.

Immediate family, for the purpose of bereavement leave, shall include: spouse, registered domestic partner, father, father-in-law, mother, mother-in-law, child, son-in-law, daughter-in-law, stepchild, grandparents, grandchildren, brother(s) brother-in-law, sister(s) or sister-in-law of the employee.

ARTICLE 14 - MILITARY LEAVE

Military Leave of Absence shall be granted in accordance with provisions of the City of Monterey Park's Personnel System Rules and Regulations, Administrative Policy 30-14 and as defined under State and Federal law.

ARTICLE 15 - JURY DUTY

An employee of the City who is required to participate as a juror or required to participate in the jury selection process, shall, each fiscal year, continue to receive full salary and benefits for all shifts the employee is regularly scheduled to work which occur for the ten calendar days from and including the first day the employee is required to report for jury service and is engaged in such activities. Compensation shall extend beyond ten (10) days only upon provision to the City of a certified court document showing that trial counsel and/or the court estimated the trial for which an employee has been selected as a juror, to be of ten (10) or more days in duration.

ARTICLE 17 - LEAVE OF ABSENCE WITHOUT PAY

Except as modified herein, Leave of Absence shall be governed by Personnel Rule XI. Attendance and Leaves, Sec. 4 Leave of Absence, of the Personnel System Rules and Regulations of the City of Monterey Park.

- A. Leave of Absence Without Pay - The City Manager may grant a regular employee a leave of absence without pay for a period not to exceed ninety (90) calendar days. However, no such leave shall be granted unless the Police Chief recommends and the City Manager has approved said leave prior to its commencement date. Upon a showing of good and reasonable cause, the City

Manager has authority to retroactively define an unauthorized non-paid leave of absence as being approved and sanctioned.

No such leave shall be effective except upon written request of the employee following exhaustion by the employee of all accrued paid leaves of absence (except sick leave - see below), including but not limited to vacation and holiday. If the non-paid leave of absence is solely attributable to a medical condition, which would allow the employee to utilize accumulated sick leave, then, said sick leave shall be exhausted prior to the granting of any leave without pay status. Additionally, any such employee on a non-paid leave of absence pursuant to FMLA/CFRA shall be required to use sick leave concurrently with said leave only if the leave is for the employee's own serious condition.

The City Council may authorize a regular employee to utilize leave of absence without pay for a period not to exceed the accumulated total of one hundred and eighty (180) calendar days during the entire term of the employee's service on behalf of the City. For example, if during an employee's length of service with the City, said employee has been granted an accumulated total of one hundred and eighty (180) calendar days of leave without pay, then said employee shall not be eligible for any additional leave without pay status for any duration of time.

The granting of a leave of absence without pay consistent with this policy shall be documented in writing by the City Manager and a copy of said documentation shall be filed with the Director of Human Resources/Risk Management.

In any instance where an employee is utilizing an approved leave of absence without pay for a period of time greater than fifty percent (50%) of a pay period, said employee shall accrue no leave benefits or seniority for the duration of time while in said status.

All requests for approval of leave without pay shall be initiated by the subject employee making said request on a City provided personnel action request form and said form shall become a permanent part of the employee's personnel file.

- B. Maintenance of Insurance Benefits while on Leave of Absence Without Pay - It shall be the policy of the City that when an employee maintains employment status but is in a non-paid leave of absence, then the City shall make no premium or other contributions necessary to maintain in force and effect, any or all insurance coverage for which an employee would be otherwise eligible except as required by law. If such an employee desires to maintain during an authorized non-paid leave of absence, any or all insurance benefits otherwise available to an employee, then said employee shall be required to deposit any and all insurance premium payments with the City Director of Management Services on the date that the City is otherwise required to remit insurance premium payments to the carrier. Each employee shall be advised in writing of this City policy at the commencement of the authorized leave of absence without pay. There shall be no additional notices of said obligation provided to the employee.

ARTICLE 18 - FMLA/CFRA COMPLIANCE

It is the stated intent and policy of the City that should any provision within a Memorandum of Understanding, these rules and regulations, or any other policies or procedures adopted by the City or any of its subdivisions be in violation of the California Family Rights Act and/or the Federal Family and Medical Leave Act of 1993, then such provision is null and void.

ARTICLE 19 - INDUSTRIAL INJURY AND ILLNESS LEAVE

- A. Except as modified herein, Industrial Injury and Illness Leave shall be governed by Personnel Rule XI, Section 4a, Industrial Injury and Illness Leave of the Personnel System Rules and Regulations of the City of Monterey Park and state law.
- B. An employee who is absent due to an Industrial Injury for an extended period of time will be considered to be on a Monday through Friday 0800 hours – 1700 hours schedule. The employee shall not be required to be at any specific location during this time period, however, must be available by cell phone.

ARTICLE 20 - MODIFIED DUTY

- A. Subject to the exceptions described below, modified duty shall be made available only to those individuals suffering from an industrial injury. Non-industrial disabilities related to pregnancy, shall result in the subject employee being eligible for modified duty subject only to the criteria of Section B and Section C, subsections 1-6 as described below.
- B. It is the policy of the City to return work related injured or ill employees to work as quickly as is medically feasible. Every effort will be made to make "modified work" available to industrially injured employees who are not medically ready to return to full duties, but are able to perform light or modified duties without the likelihood of aggravating the injury. "Modified work" is defined as the performance of limited job tasks, which do not encompass all of the essential duties for that particular job class. "Modified duty" shall only be made available until the employee's condition becomes "permanent and stationary" or reaches maximum medical improvement under the prevailing workers' compensation statute and in no case shall extend beyond the statutory benefit period afforded under Labor Code Section 4850 for safety personnel. "Modified duty" shall not be considered a reasonable accommodation since the essential duties for the job are not taken into consideration.
- C. Modified duty may be allowed only if all of the following conditions are met:
 - 1. The Police Chief determines that he/she has productive work available, which is within the work restrictions imposed by the qualified medical specialist. Any such decision by the Police Chief shall not be subject to administrative or court challenge;
 - 2. The Risk Manager concurs that such work will not impose an unacceptable level of risk to the City or the employee; and
 - 3. The City Manager concurs that the modified work assignment of the named employee is in the best interests of the City.
 - 4. The determination of availability of a modified work assignment shall be made on a case-by-case basis and at the sole discretion of the City;
 - 5. No modified duty assignment shall be made prior to conditions 1-3 being met;
 - 6. There shall be no appeal of any decision, which results in no assignment of modified duty being made.

D. Non-Industrial Modified Duty

1. In addition to the above, non-industrial modified duty may be assigned when the following additional criteria are met (pregnancy disability not subject to the restrictions described below):
 - a. Employee meets all the criteria as stated in Section C of this article.
 - b. Employee receives a medical release from the designated City doctor that modified duties may be performed.
 - c. The prognosis is for the injury/illness to exceed 2 weeks (14 days).
 - d. The employee is released to work at least half a full shift (either 5/8 or 4/10 schedule)
 - e. The employee's schedule is to be determined at the sole discretion of the Chief of Police. The Chief's determination shall not be subject to any administrative or court challenge.
 - f. Modified duty is intended to be temporary and therefore modified duty for non-industrial injury/illness shall not exceed 30 calendar days in a rolling twelve-month period. With a physician's note that indicates medical improvement but continued work restrictions, the Police Chief may agree to extend the modified duty for an additional thirty (30) day period.
 - g. An individual on non-industrial modified duty may be assigned to any Division of the Police Department or any Department of the City.
 - h. No more than one individual may be assigned non-industrial modified duty at any one time unless it is determined at the sole discretion of the Chief of Police that sufficient work exists to accommodate more than one individual. The Chief's determination shall not be subject to any administrative or court challenge.
 - i. No individual may be assigned, or continue to be assigned, non-industrial modified duty if there is any officer assigned modified duty for an industrial injury unless it is determined at the sole discretion of the Chief of Police that sufficient work exists to accommodate more than one individual. The Chief's determination shall not be subject to any administrative or court challenge.
 - j. At all times, industrially injured individuals shall have precedence for modified duty assignments over non-industrial injured individuals.

ARTICLE 21 - UNIFORM ALLOWANCE

The uniform allowance shall be seven hundred and twenty-five dollars (\$725.00) per year. The parties agree that this is special compensation and shall be reported as such to CalPERS for "classic members" to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(5).

ARTICLE 22 - MEDICAL INSURANCE

A. Medical Insurance (Active Employees)

Employees will receive insurance coverage through CalPERS under the California Public Employees' Medical and Hospital Care Act (PEMHCA). The City's contribution toward medical insurance under PEMHCA will be the minimum employer contribution (MEC) required by PEMHCA (in 2016 the MEC is \$125/month).

B. Retiree Medical Insurance

1. Employees Hired On or After January 1, 2016

Employees who are hired into City service on or after January 1, 2016 and retire from the City, will be eligible for medical insurance provided by PEMHCA and the City will contribute the minimum employer contribution (MEC) as required under PEMHCA. For 2016, this amount is \$125 per month. PEMHCA determines the amount annually and therefore, this is subject to change.

2. Retiree and Employees Hired Prior to January 1, 2016

Current retirees and employees who were hired on or before December 31, 2015 will be eligible for medical insurance provided by PEMHCA and when enrolled in PEMHCA, receive a City contribution equal to the MEC under PEMHCA. The City shall also make a monthly contribution to a retiree Health Reimbursement Account (HRA) for the difference between the MEC and the contribution amount set forth below (subject to the actual premium of the PEMHCA plan):

- a. If the employee retired from City employment with less than 20 years of City service, and remains enrolled in PEMHCA in retirement he/she will receive up to \$485/month (includes the MEC) toward the purchase of medical insurance under PEMHCA for retiree and all eligible dependents.
- b. If the employee retired from City employment with 20 or more years of City service, and remains enrolled in PEMHCA in retirement he/she will receive up to \$650/month toward the purchase of medical insurance under PEMHCA for retiree and all eligible dependents.
- c. Medicare

Retirees must comply with the Medicare enrollment requirements set forth by PEMHCA and the City's health plan program.

If a retiree does not qualify for Medicare and has submitted the requisite proof to CalPERS, the retiree may remain on a CalPERS basic plan until the retiree later qualifies for Medicare Part A at no cost.

C. Dental Insurance

The City will contribute up to seventy-five (\$75) dollars per month toward the premium for

eligible employees and all eligible dependents. Effective the pay period following June 30, 2017, the contribution toward dental will increase to ninety-five (\$95) per month. The employee will pay any and all premiums due in excess of the City's contribution under the City's Cafeteria Plan (Section 125).

D. Vision Insurance Plan

The City shall provide a vision insurance plan. The City will contribute up to twenty (\$20) dollars per month for the employee and eligible dependents. Effective the pay period following June 30, 2017, the contribution toward vision will increase to thirty (\$30) per month. The employee will pay any and all premiums due in excess of the City contribution under the City's Cafeteria Plan. The plan design shall be: Examination every 12 months; Frames and Lenses every 24 months. Deductible shall be \$10.00/exam; \$20.00/frame and lenses.

E. Section 125 Cafeteria Plan

1. The City agrees to maintain a premium conversion plan for all active unit members to provide for the pre-tax deduction of the employee's share of premiums toward medical coverage, and when applicable, the employee's share of premiums toward the dental plan as well as any premium payment for CalPERS Long Term Care which the employee may elect to participate in an pay through payroll deduction.

The City's contribution under the Section 125 Cafeteria plan for active employees shall be up to one thousand one hundred and fifty dollars (\$1,150) per month for employees electing to enroll in a medical plan in PEMHCA. Effective the beginning of the pay period following June 30, 2017, the City's contribution to the Cafeteria plan for active employees will increase by seventy-five dollars (\$75) per month for a total monthly contribution of one thousand twelve hundred twenty-five dollars (1,225) per month. Effective the beginning of the pay period following January 1, 2018, the City's contribution to the Cafeteria plan for active employees will increase by seventy-five dollars (\$75) per month for a total monthly contribution of one thousand three hundred dollars (\$1,300).

The City's contribution will include the PEMHCA MEC (\$125 per month for 2016) toward the medical plan and the balance may be used for other eligible expenses. Eligible expenses include: (1) medical insurance premiums, (2) dental insurance premium, (3) disability insurance premium, (4) vision insurance premium, and cash (as set forth below). Employees will be responsible for paying the amount of the total insurance premium that exceeds the City's contribution via the Cafeteria Plan (IRC Section 125 Plan).

3. For employees who elect to waive medical insurance from the City (opt out), the City will pay \$300/month in cash to the employee. In order to receive the opt-out incentive, the employee must certify that he/she has medical insurance coverage in a plan that provides minimum essential coverage under the Affordable Care Act.
4. Specific details of this cafeteria plan will be contained in a plan document available for review by employees at the City's Human Resources Department.

F. AFFORDABLE CARE ACT REOPENER

The City may reopen negotiations at any time during the term of the MOU to meet and confer over impacts of the Affordable Care Act.

ARTICLE 23 - MEDICAL & DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENT

Effective January 1, 2018, the City will offer a voluntary medical and dependent care flexible spending account to employees. The City will pay the administrative fee for the plans and the employee will be responsible for individual account fees.

ARTICLE 24 - LIFE INSURANCE PLANS

- A. Life Insurance - The amount of life insurance provided to Police Captains shall be \$100,000.
- B. Supplemental Life Insurance may be purchased by each employee in \$10,000 increments with a maximum face value of \$300,000, or three times (3X) the individual's gross salary, whichever is less. Any premium cost for supplemental insurance shall be borne by the employee.

ARTICLE 25 - EDUCATIONAL INCENTIVE PAY

The City agrees to maintain an Educational Incentive Pay Plan, which provides additional compensation as follows:

- A. \$275.00 additional compensation per month for an employee with a Bachelor's degree from an accredited academic institution as described above in a major reasonably related to the employee's work or consistent with a career objective with the City.
- B. \$325.00 additional compensation per month for an employee with a Master's degree from an accredited academic institution as described above in a major reasonably related to the employee's work or consistent with a career objective with the City.
- C. The City agrees to pay \$300.00 compensation per month for a Supervisorial POST Certificate or \$375 compensation per month for a Management POST Certificate, for an employee who does not otherwise qualify for the educational incentive pay as provided for in this article. The above amounts shall not be cumulative and in no case shall the total additional monthly compensation under Article 25 exceed \$550 per month as per Article 25D.
- D. If an employee possesses any combination of both a Bachelor's/Masters Degree's and a Supervisorial/Management POST Certificate, they will be compensated a maximum of \$550 a month. In no case shall the total additional monthly compensation under Article 25 exceed \$550 per month.

The parties agree that this is special compensation and shall be reported as such to CalPERS to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(2) – Educational Incentive Pay.

ARTICLE 26 - EDUCATIONAL ENROLLMENT COST REIMBURSEMENT

Educational costs shall be limited to two thousand dollars (\$2,000) annually per unit member for eligible reimbursement expenses as defined within this Article.

The City agrees to reimburse employees for the cost of enrolling in college-level courses in an academic institution accredited by the Western Association of Schools and Colleges or an accrediting organization recognized by the Council of Post Secondary Education directly related to their employment, or compatible with a career goal with the City. Enrollment cost reimbursement is subject to approval by both the Chief of Police and the Director of Human Resources and Risk Management. In rendering a reimbursement determination, the Chief of Police and the Director of Human Resources and Risk Management shall consider whether or not the course(s) for which the reimbursement is sought is related to the employee's then existing principal duties and the availability of funds for reimbursement purposes.

No employee shall be entitled to reimbursement unless pre-course enrollment written authorization for reimbursement is received from the Chief of Police and the Director of Human Resources and Risk Management. The reimbursement eligibility determinations described herein are not subject to any administrative or judicial appeal procedure and the decision of the Chief of Police and the Director of Human Resources and Risk Management shall be final.

Enrollment cost reimbursement will be paid according to the following schedule:

1. If tuition or fees are equal to or less than current California State University at Los Angeles fees, the City will pay 100% of the tuition fees.
2. If tuition or fees exceed California State University at Los Angeles fees, the City will pay an amount equal to 100% of the California State University at Los Angeles fees.

An employee will be reimbursed up to twenty-five dollars (\$25.00) for books each semester or equivalent if he/she is enrolled in six (6) or less units; an employee will be reimbursed up to fifty dollars (\$50.00) for books each semester or equivalent, providing he/she is enrolled in seven (7) or more units. Reimbursement shall only be for books required for the course. All requests for reimbursement shall be accompanied by valid receipts.

ARTICLE 27 - SALARIES AND WAGES

- A. Effective the beginning of the pay period that includes December 1, 2016, the salary range for Police Captain will be increased by 5%.
- B. Longevity Pay – Effective the beginning of the pay period that includes December 1, 2016, the City will provide a monthly longevity payment of one-hundred dollars (\$100) per month upon completion of twenty (20) years of continuous service. The longevity payment will increase to three-hundred fifty dollars (\$350) per month upon completion of twenty-five (25) years of continuous service.
- C. Salary Range Advancement

Advancement within the 5-step salary range shall be subject to the terms and conditions as set forth herein:

1. Except as modified herein, all other existing rules governing salaries step increases and performance ratings shall remain as provided for in Municipal Code Section 2.36.050 - Step Increase and 2.36.060 - Performance rating system for employees.
2. Municipal Code Section 2.36.050 (6), Step Increase, based upon prior practices, shall be interpreted as follows: Any employee receiving an unsatisfactory rating report under the performance rating system set forth in Section 2.36.060 shall be rated once each calendar month thereafter. The receipt by any employee of three consecutive unsatisfactory performance ratings shall be grounds for disciplinary action up to and including dismissal.
3. Advancement between steps may occur at intervals of no less than one year. No multiple step increases may be granted.
4. Performance evaluations and consideration of merit adjustments shall be due annually on the employee's anniversary of the probationary appointment to his/her position classification. Any employee on a leave of absence (paid or unpaid) for more than 30 days in a rating period shall have their annual review date adjusted accordingly.
5. Recommendations for step increases or denial of step increases must be accompanied by a performance evaluation to substantiate performance. An Employee Appraisal and Development Report shall be completed and forwarded to the Human Resources Department prior to any department approved increase being processed for payment. In order for employees to receive increases in a timely manner, the Report should be received by the Human Resources Department by the beginning of the pay period in which the increase is due.
6. Nothing in this Article shall prevent the Chief of Police from exercising management rights to suspend, reduce, demote, layoff, or terminate for cause an employee in accordance with City Personnel Rule XIII - Changes in Employment Status, or Rule XIV - Separation from the Service, or Rule XV - Disciplinary Proceedings.

ARTICLE 28 - RETIREMENT

- A. Retirement Benefits - Retirement Benefits as provided in contract, dated November 1, 1952, with the Public Employees' Retirement System and as follows:
 1. Effective July 1, 1995, PERS "2% @ 50" formula Retirement Plan;
 2. Effective June 24, 1989, "Single Highest Year" option;
 3. Effective March 20, 1976, "Post Retirement Survivor" option;
 4. Effective May 8, 1999, "1959 Survivor's Benefit" - Level 4;
 5. Effective August 18, 2001, "3% @ 55" formula Retirement Plan;
 6. Effective November 1, 2003, Military Service Credit as Public Service.
- B. All employees who are classic members under the Public Employees' Retirement Law shall pay 9% of compensation earnable as the employee contribution to CalPERS.
- C. Employees who are classic members have the retirement formula that existed with the City on December 31, 2012, 3%@55 with single highest year for final compensation (Tier 1).

- D. Employees who are ‘New Members’ as defined by the California Public Employees’ Pension Reform Act of 2013 (PEPRA) (e.g., an employee hired on or after 1/1/2013 who has never been a CalPERS member or member of a reciprocal system or who has had a break in CalPERS service of at least 6 months or more) will constitute a second tier and be subject to all the applicable PEPRA provisions, which include but are not limited to the following retirement benefits:

Tier 2: ‘New Members’ will have the retirement formula 2.7%@57 and the three year average final compensation. New members contribute one-half of the total normal cost of their retirement benefits as determined by CalPERS. In 2016, that contribution is 12%.

ARTICLE 29 - MEDICAL EXAMINATION

A medical examination may be required by the City when job related and consistent with business necessity to ensure the employee is free from any physical, emotional, or mental condition that might adversely affect the exercise of powers of a peace officer as permitted by Government Code 1031(f). The exam will be administered by a medical doctor selected by the City. The City agrees to pay the full cost of the medical examination.

ARTICLE 30 - DEFERRED COMPENSATION PLAN

A deferred compensation plan will be available to all members of the Police Officers Association/Captains’ Unit. Participation in this deferred compensation plan is at the option of the individual employee.

A. One-Time Deferred Compensation Special 457 Catch-up Provision:

(One-Time is defined by law as an election to “catch-up” underutilized deferrals to a 457 plan, once in a singular year or multiple years, not to exceed 3 years) Federal Law allows 457 participants a one-time catch-up provision to make deferrals to “catch-up” underutilized deferrals from prior years during any or all of the three calendar years ending before the tax year they reach the plans normal retirement age. Normal retirement age for “classic” safety members of PERS is fifty-five (55) years old and fifty-seven (57) years old for “new” members of PERS. All 457 plans of an employer must have the same normal retirement age (NRA). For purposes of the deferred compensation special 457 catch-up provision for the City of Monterey Park, the normal retirement age range shall be considered 51 thru 62 years old.

The intent of this section is to facilitate association members in the final three (3) years prior to their stated retirement date in converting the hourly rate of accrued compensable leave to monies into their contribution to one of the City’s deferred compensation providers in accordance with IRS regulations/Federal Law. After an employee defers compensable accrued leave, balances of 120 hours must remain or be maintained in both their sick and vacation accrual banks. If an employee defers compensable leave from a bank that has a formula of payout at retirement (i.e. 50% sick leave at retirement) the deferral does not recalculate the remaining balance. All sick leave hours, per MOU provisions, will be on a fifty percent basis (i.e. a conversion of 100 hours will result in the salary equivalent to 50 hours being deposited into the employees deferred compensation account). In the final three (3) years prior to an employee’s stated retirement date he/she may convert the hourly rate of accrued compensable leave to monies into be included in their contribution to one of the City’s deferred compensation providers in accordance with IRS regulations and the schedule outlined below:

3-year Catch-up Plan:

1st year: no more than 20% of compensable accrual time of Sick Leave, Vacation Leave and Holiday Leave as allowed by Federal Law.

2nd Year: If a second year is chosen, no more than 35% of compensable leave may be deferred.

3rd Year: If a third year is chosen, no more than 50% of compensable leave may be deferred.

The City is not a party to and accepts no responsibility for the employees obligations under federal law to comply with the IRS and legal requirements of such deferrals allowing 457 participants a one-time catch-up provision to make deferrals to “catch-up” underutilized deferrals from prior years during any or all of the three calendar years ending before the tax year they reach the plans normal retirement age.

ARTICLE 31 - WRITTEN NOTICES TO RECOGNIZED EMPLOYEE ORGANIZATION

Reasonable written notice will be given to the Police Captains of any rule, ordinance, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council. In cases where the City determines that as a result of an emergency an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meetings with the Police Captains, the City shall provide such notice and opportunity to meet at the earliest practical time following the adoption of such ordinance, rule, resolution or regulation.

The Police Captains shall be deemed to have met and conferred and agreed to any matter if within thirty days after mailing of the notice by the City regarding said matter, the employee organization fails to deliver to the City Manager a written request for a meeting.

ARTICLE 32 - GENERAL PROVISIONS

- A. This MOU shall not in any way interfere with the obligation of the parties hereto to comply with the State and Federal laws, or with any rule, regulation, or order issued by such government authority pertaining to matters covered herein. If any provision, or provisions, of this MOU shall be affected by State or Federal laws, or of any rule, regulation, or order issued by such governmental authority, or if any provision, or provisions, should be held invalid by a court of record, the remainder of the MOU shall not be otherwise affected thereby.
- B. The parties agree to continue their long-standing policies in that there shall be no discrimination against any employee because of membership or non-membership in the Recognized Employee Organization or based on any protected class.
- C. The parties agree that this MOU cannot be modified, changed, and/or canceled in any way except by mutual consent of said parties in writing, as set forth in this.
- D. Nothing contained in the MOU shall act as a waiver of any rights an individual may have under the workers' compensation law.

ARTICLE 33 - TERM OF MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding shall be in effect for an initial term commencing July 1, 2016 and ending June 30, 2018 and shall continue in effect from year to year thereafter unless or until terminated.

This MOU may be terminated as of the end of the initial term or any subsequent contract period by either party giving written notice to the other not less than ninety (90) calendar days prior to the termination date. If no notice is given in accordance with the terms of this Article, the MOU shall automatically renew for an additional year without any change whatsoever.

ARTICLE 34 - CITY COUNCIL APPROVAL

It is however, the mutual understanding of all parties hereto that this Memorandum of Understanding (MOU) is of no force or affect whatsoever unless or until ratified and approved by minute action duly adopted by the City Council of the City of Monterey Park. The “date of implementation” shall be the date this MOU is approved by the City Council.

IN WITNESS HEREOF, the parties hereto have caused this Memorandum of Understanding to be executed this 17th day of May 2017.

MONTEREY PARK POLICE
CAPTAINS’ UNIT

CITY OF MONTEREY PARK

By: _____
Steven Coday, Captain
Monterey Park Police Department

By: _____
Ron Bow
Interim City Manager

By: _____
Kelly Gordon, Captain
Monterey Park Police Department

By: _____
Thomas J. Cody, Director
Human Resources & Risk Management

ADDENDUM A

City of Monterey Park Police Captains' Unit Captain's Classification

Salary as of July 1, 2012

	Range	1	2	3	4	5	6	7	8	9	10
Captain	5	\$10,402	\$10,662	\$10,928	\$11,201	\$11,481	\$11,768	\$12,063	\$12,364	\$12,673	\$13,307

Salary Range effective the beginning of the pay period that includes December 1, 2016

	Range	1	2	3	4	5
Police Captain	5	\$11,474	\$12,055	\$12,666	\$13,307	\$13,972

ATTACHMENT 2
Monterey Park Police Mid-Management Association
MOU and Resolution

RESOLUTION NO. _____

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2016-2018 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK POLICE OFFICERS' MID-MANAGEMENT ASSOCIATION.

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

SECTION 1: The City, acting by and through its City Council appointed negotiation team, and representatives of the Monterey Park Police Officers' Mid-Management Association (MPPOMMA), a duly recognized employee organization representing the City of Monterey Parks Police Officers' Mid-Management Association employees, met and conferred in good faith and fully communicated and exchanged information concerning wages, retirement funding, hours, and the terms and conditions of employment for contract year 2016-2018.

SECTION 2: The appointed representatives of the parties agreed on certain matters as stated in the attached MOU and recommended that the City and the Union implement those agreements.

SECTION 3: MPPOMMA indicated its acceptance of the attached Memorandum of Understanding ("MOU").

SECTION 4: The City Council approves the Memorandum of Understanding for Contract Year 2016-2018 between the City of Monterey Park and the Monterey Park Police Officers' Mid-Management Association (MPPOMMA), which is attached as Exhibit "A," and incorporated by reference.

SECTION 5: The City Manager is authorized to execute the MOU on the City's behalf in a form approved by the City Attorney.

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

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

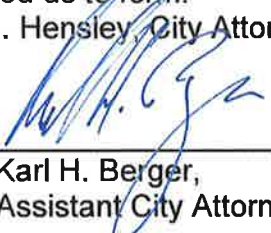
PASSED, AND ADOPTED this 17th day of May, 2017.

Teresa Real Sebastian, Mayor

ATTEST:

Vincent Chang, City Clerk

Approved as to form:
Mark D. Hensley, City Attorney

By: 
Karl H. Berger,
Assistant 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 council meeting held on the 17th day of May, 2017, by the following vote:

Ayes:	Council Members:
Noes:	Council Members: None
Absent:	Council Members: None
Abstain:	Council Members: None

Dated this 17th day of May, 2017.

Vincent D. Chang, City Clerk
City of Monterey Park,
California



MEMORANDUM OF UNDERSTANDING

between

THE CITY OF MONTEREY PARK, CALIFORNIA

and

**THE MONTEREY PARK POLICE OFFICERS' MID-MANAGEMENT
ASSOCIATION**

TWO-YEAR AGREEMENT: 07/01/2016 – 06/30/2018

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MANAGEMENT ASSOCIATION TWO YEAR -AGREEMENT 07/01/2016 - 06/30/2018

PREAMBLE

This Memorandum of Understanding (MOU) has been prepared in accordance with the California Government Code (Section 3500 et seq.). The City of Monterey Park, California, hereinafter referred to as the "City", and the Monterey Park Police Officers Mid-Management Association, hereinafter referred to as "MPPOMMA," have reached this Memorandum of Understanding pursuant to meeting and conferring in good faith. Unless specifically provided herein, changes in wages, hours and terms and conditions of employment shall be prospectively effective on and after City Council adoption of this MOU.

ARTICLE 1 - SCOPE OF MEMORANDUM OF UNDERSTANDING

It is the intent and purpose of this MOU to assure sound and mutually beneficial working and economic relations between the parties, to provide an orderly and peaceful means of resolving any misunderstandings or differences which may arise, and to set forth the basic and full agreement between the parties concerning wages, hours of employment, and other conditions of employment.

ARTICLE 2 - RECOGNITION

- A. The City acknowledges MPPOMMA as the representative for certain employees in the Police Department of the City of Monterey Park, California, for the purpose of meeting and conferring in good faith regarding wages, hours, and other terms and conditions of employment.
- B. This MOU shall cover all employees working in the classification of Police Lieutenant and Police Sergeant.
- C. This MOU does not preclude employees in such employment classifications from representing themselves individually in their employment relations with the City.

ARTICLE 3 - CITY RESPONSIBILITIES AND RIGHTS

- A. To insure that the City is able to carry out its statutory functions and responsibilities, the following matters will not be subject to the terms of this MOU, but shall be within the exclusive discretion of the City: to select and determine the number and types of employees required; to assign work to employees in accordance with the City; to establish and change work schedules and assignments; to hire, transfer and to promote or to lay off employees for lack of work and for all other legitimate reasons; to suspend, discipline or discharge for just

cause; to expand or diminish services; to subcontract any work or operations; to determine and change at its sole discretion, the number of locations, relocations and types of operations and the processes and materials to be employed.

- B. Notwithstanding the above, the City hereby agrees to Meet and Confer with MPPOMMA on any changes regarding hours, work schedules, salaries, or working conditions. The City agrees to adhere to the job specifications established for each classification.

ARTICLE 4 - EMPLOYEE AND/OR EMPLOYEE REPRESENTATIVES

- A. All employees represented by MPPOMMA shall have the right to join MPPOMMA, or to refuse or refrain from joining MPPOMMA.
- B. Members of MPPOMMA may, by any reasonable methods, select three (3) representatives who may or may not be City employees to meet and confer with the City Representative Committee or other management officials on subjects within the scope of representation during regular duty or working hours, provided:
 - 1. That no employee representative shall leave his/her duty or workstation or assignment without specific approval by any authorized departmental management official.
 - 2. That any such meeting is subject to scheduling by an authorized departmental management official so as to avoid interference with or interruption of assigned work schedules or work performance.
- C. The City will deduct dues and initiation fees from those employees who voluntarily sign and have submitted to the City the necessary authorization card.
- D. Deductions as are authorized in writing by the employee shall be deducted from earned wages or salaries on each payday. The City shall forward to MPPOMMA all dues and/or initiation fees deducted from the employees for any month, the first of the succeeding month.
- E. MPPOMMA shall indemnify, defend and hold the City harmless against claims and any suit instituted by an employee against the City which shall arise out of any action which shall be taken by the City in accordance with the sections regarding dues deduction.
- F. MPPOMMA representatives, while on City property, shall abide by the City's safety rules and regulations.
- G. The Employee Representatives will include at least one employee member. Employee Representatives shall be provided reasonable release time, without loss of salary or benefits, for purposes of collective bargaining and/or processing of employee grievances. In addition, Association representatives may be granted reasonable release time to attend Association sponsored training programs, seminars, and conferences, subject to prior City approval.

- H. A written list of the Officers of MPPOMMA and the Employee Representatives shall be furnished to the City immediately after their designation, and MPPOMMA shall notify the City promptly in writing of any changes of such Officers or Representatives.

ARTICLE 5 - COMMUNICATIONS

Space shall be provided on City bulletin boards for the posting of the following notices of immediate concern to the employee group members:

1. MPPOMMA recreational and social activities.
2. MPPOMMA election notices and results.
3. MPPOMMA meetings and events.
4. Such other notices as may be mutually agreed upon by MPPOMMA and the Department Director or representative.
5. All notices and materials regarding the business of the MPPOMMA.

ARTICLE 6 - CONTINUED PERFORMANCE OF CITY SERVICES AND OPERATIONS

- A. MPPOMMA hereby agrees MPPOMMA represented employees and officers and/or agents of MPPOMMA shall not engage in, encourage, sanction, support, authorize or suggest any work stoppages, strikes, boycotts, slowdowns, mass resignation, mass absenteeism, or any other intentional interference of work of the City. However, information pickets, following an impasse in the labor negotiation process, are excluded from this Article and are therefore allowed as long as the picketing is not violent, does not block ingress or egress and/or does not interfere with the public health, safety or order.
- B. In the event any employee, or employees, participates in any of the prohibited activities stated above, MPPOMMA shall notify such employee or employees, so engaged to cease and desist from such activities and shall instruct said person, or persons, to return to their normal work assignment and duties.
- C. The employee, or employees, participating in the activities prohibited above shall be subject to disciplinary action by the City, including suspension or discharge in accordance with the City's Personnel Rules and Regulations.

ARTICLE 7 - GRIEVANCE PROCEDURE

A. **DEFINITIONS**

1. A "grievance" is a formal written or oral allegation by a member of MPPOMMA on

behalf of specified unit members have been adversely affected by an alleged violation of the specific provisions of this Memorandum of Understanding, the City's Personnel Rules, written Department Rules, Regulations, policies and procedures or an appeal of a disciplinary action decision by the City Manager.

2. A "disciplinary grievance" is a formal written objection or challenge to any disciplinary action as defined by the Personnel Rules and Regulations. A "disciplinary grievance" shall be filed after the written receipt of the City Manager's decision, and shall constitute the sole and exclusive process of appeal. Such appeals shall be processed at Level IV, Administrative Hearing.
3. A "grievant" is any unit member or the MPPOMMA on behalf of specified unit members adversely affected by an alleged violation within the scope of the grievance procedure as defined above.
4. A "day" is any day in which the administrative offices of the City of Monterey Park are open for regularly scheduled business.

B. GENERAL PROVISIONS

1. If an employee is receiving direction from his/her supervisor but believes the direction forms the basis for a viable grievance, the employee must still comply with the direction. If that grievance is ultimately sustained only then may the employee not comply with that directive.
2. Grievance documents shall not be placed in the personnel file, unless they relate to discipline. If they relate to discipline, they will not be placed in an employee's personnel file until after the discipline appeal process (if applicable) is completed.
3. Time limits for appeal provided at any level of this procedure shall begin the first day following receipt of the written decision by the grievant and/or MPPOMMA. Failure of the grievant to adhere to the time deadlines shall mean that the grievant is satisfied with the previous decision and waives the right to further appeal. The grievant and the City may extend any time deadline by mutual agreement. If the City fails to respond to the grievant by the deadline to respond at any step in the grievance process, that shall constitute a denial of the grievance at that step and the grievant's time to file an appeal to the next step shall start the following day.
4. Every effort will be made to schedule meetings for the processing of grievances during the regular work schedule of the participants. If any grievance meeting or hearing must be scheduled during duty hours, any employee required by either party to participate as a witness or grievant in such meeting or hearing shall be released from regular duties without loss of pay for a reasonable amount of time.
5. Any unit member may, at any time, present grievances to the City and have such

grievances resolved without the intervention of MPPOMMA, as long as the resolution is reached prior to the hearing and the resolution is not inconsistent with the terms of this MOU; provided that the City shall not agree to a resolution of the grievance until MPPOMMA has received a copy of the grievance and the proposed resolution, and has been given the opportunity to file a response within twenty (20) days. Upon request of the grievant, the grievant may be represented at any stage of the grievance procedure by a representative of MPPOMMA, which may include the attorney of MPPOMMA. MPPOMMA may also be represented at any grievance meetings and will be notified of any such meetings.

6. This grievance procedure shall be the sole and exclusive procedure for processing objections or challenges to disciplinary actions as defined in the Personnel Rules and Regulations and shall satisfy all administrative appeal rights and protection.
7. There shall be no reprisals, interference, coercion or discrimination against any employee for processing a grievance at any level, or for assisting a grievant in the processing of a grievance.

C. PROCEDURE - Grievances will be processed in accordance with the following procedures:

1. Level I - Informal Resolution: Any unit member or MPPOMMA who believes he/she has a grievance shall present the grievance orally to the immediate supervisor within fifteen (15) workdays after the grievant knew, or reasonably should have known, of the circumstances which form the basis for the grievance. Failure to do so will mean the grievance is untimely and shall not be processed. The immediate supervisor shall hold discussions and attempt to resolve the matter within fifteen (15) days after the presentation of the grievance. It is the intent of this informal procedure that at least one personal conference be held between the aggrieved employee, their representative and the immediate supervisor.
2. Level II - Formal Written Grievance
 - a. If the grievance is not resolved during the informal conference and the grievant wishes to continue the grievance process, the grievant shall present the grievance in writing on the appropriate form to the Police Chief within ten (10) days after the oral decision by the immediate supervisor.

The written information shall include: (a) a description of the specific grounds of the grievance; (b) a listing of the provisions of this agreement, personnel rules, regulations or procedures alleged to have been violated; and (c) a listing of specific actions requested of the City which will remedy the grievance.
 - b. The Police Chief or his/her designee shall communicate the decision, in writing, to the grievant within ten (10) days after receiving the grievance.

- c. Within the above time limits the parties may request a personal conference.
- d. Grievances which do not allege grievable subjects as defined under Section A.1 above are not subject to review above this level.

3. Level III - Appeal to the City Manager

- a. If the grievant is not satisfied with the decision at Level II, the grievant may, within ten (10) days of the receipt of the decision at Level II, appeal the decision to the City Manager. This statement shall include a copy of the original grievance and appeal, and a clear, concise statement of the reasons for the appeal.
- b. The City Manager shall communicate the decision, in writing, to the grievant within ten (10) days. If the City Manager does not respond within the time limits provided, the grievant may appeal to the next level.

4. Level IV - Administrative Hearing

- a. If the grievant is not satisfied with the decision at Level III, or if an employee or MPPOMMA wishes to appeal the disciplinary decision of the City Manager, the grievant/employee may, within ten (10) days of the receipt of the decision, for an administrative hearing of the dispute. Within twenty (20) days of the grievant's receipt of the decision at Level III, MPPOMMA shall inform the City, in writing, of its request to have an administrative hearing. MPPOMMA and the City shall attempt to agree upon a hearing officer.

If no agreement can be reached, they shall request that the City supply a list of seven (7) names of persons experienced in hearing grievances in cities from a panel mutually selected by MPPOMMA and the City. Each party shall alternately strike a name until only one remains. The remaining panel member shall be the Hearing Officer. The order of the striking names shall be determined by coin toss.

- b. If the City requests, the Hearing Officer shall be requested to hear the merits of any issues raised regarding grievability. No hearing on the merits of the grievance will be conducted until the issue of grievability has been decided. The same Hearing Officer shall decide the issue of grievability, and if grievable, then the merits of the dispute.
- c. The Hearing Officer shall, within thirty (30) days unless both parties agree otherwise, hear evidence and render a decision on the issue or issues submitted to him/her. If the parties cannot agree upon a submission agreement, the Hearing Officer shall determine the issues by referring to the

written grievance and the answers thereto at each step.

- d. The Hearing Officer shall hold a hearing on the issue submitted or as determined by the Hearing Officer if the parties have not mutually agreed upon the issue, and render a written decision. The conduct of the hearing proceedings shall be governed by California Code of Civil Procedure section 1280 et. seq. The Hearing Officer's decision shall be the final and binding. The Hearing Officer's decision is reviewable under California Code of Civil Procedure 1094.5.
- e. The City and MPPOMMA agree that the jurisdiction and authority of the Hearing Officer so selected and the opinions the Hearing Officer expresses will be confined exclusively to the interpretation of the express provision or provisions of this MOU at issue between the parties. The Hearing Officer shall have no authority to add to, subtract from, alter, amend, or modify any provisions of this MOU or the written ordinances, resolutions, rules, regulations and procedures of the City or the Department, nor shall he/she impose any limitations or obligations not specifically provided for under the terms of this MOU. The Hearing Officer shall be without powers or authority to make any decision that requires the City or management to do an act prohibited by law.
- f. In the event that this grievance procedure is used to challenge disciplinary actions, the Hearing Officer shall prepare a written decision containing findings of fact, determination of issues, and statement of the precise disciplinary penalty, if any.
- g. After a hearing and after both parties have had an opportunity to make an oral closing or submit written arguments, the Hearing Officer shall submit in writing to all parties his/her findings and award. If either party requests the closing to be in writing, then both parties will submit a written argument.
- h. The fees and expenses of the Hearing Officer shall be shared equally by the City and MPPOMMA. All other expenses shall be borne by the party incurring them, and neither party shall be responsible for the expense of witnesses called by the other. Either party may request a certified court reporter to record the entire hearing. The cost of the services of such court reporter shall be shared equally by the parties.
- i. By filing a grievance and processing it beyond Level III, the grievant expressly waives any right to statutory remedies or to the exercise of any legal process other than as provided by this grievance/administrative hearing procedure. The processing of a grievance beyond level III shall constitute an express election on the part of the grievant that the grievance/administrative hearing procedure is the chosen forum for resolving the issues contained in

the grievance, and that the grievant will not resort to any other forum or procedure for resolution or review of the issues. The parties do not intend by the provisions of this paragraph to preclude the hearing award in any court of competent jurisdiction.

- j. With regard to discipline-related hearings governed by this Section (C)(4), where the discipline subject to appeal consists of a minimum of 8.1 hours and a maximum of 24 hours, the following limitation shall apply to the amount of time available to each party to the hearing for a presentation of any individual party's case. For purposes of time-limit computation only, the Association and any one (1) employee, as well as any other entity that may properly be appearing on behalf of or with an interest similar to the Association or employee, shall be jointly deemed to be the same one party for computing the time limitation on presentations. Accordingly, the time limitation shall not be multiplied by the number of individuals or entities appearing, on behalf of, or with an interest similar to, the individual employee who has been disciplined.

Each party to the Article 7 administrative appeal shall be limited to a maximum of twelve (12) hours of presentation time during conduct of an administrative appeal pursuant to MOU Article 7(C)(4) Level IV Administrative Hearing.

"Presentation Time" against which shall be charged the twelve (12) hour presentation time limitation, shall include oral opening statement and oral closing argument, direct/redirect examination of witnesses, rebuttal and sur-rebuttal witness testimony, demonstrations, and site inspections (excluding travel time to and from the site). Cross examination shall not be counted as part of the "Presentation Time."

The hearing officer shall record and maintain account of all such hours by means of a timekeeping device suitable to the task. Absent stipulation by the parties to extend the twelve (12) hour limitation, the hearing officer shall have no authority to extend said limitation.

- 5. Disciplinary Proceedings (one day suspension): For purposes of this section alone, a one (1) day suspension shall be equivalent to eight (8) hours of salary, regardless of the actual hours worked in a shift. Suspensions of one (1) day shall be excluded from the arbitration appeal process. Upon receipt from the Chief of Police or his designee of a notice of intended penalty of one (1) day or less, the employee shall have ten (10) business days (Monday - Friday) to submit a written request to the City Manager requiring mediation. The matter shall then be submitted to a mediator provided by the State Mediation and Conciliation Service. Absent agreement as to identity of the mediator, the parties shall alternately strike names from a list supplied by the Los Angeles Office of SMCS. A mediation session shall then be calendared. The mediation shall not be an evidentiary hearing. Neither party shall be represented by

an attorney although non-attorney representatives shall be permitted. There shall be no subpoena power, no submission of briefs, and the mediation shall conclude within the same business day that it commenced. If the manner in which the mediation is resolved is unsatisfactory to either party, then the proceeding before the City Manager shall provide the due process mandated by Skelly v. State Personnel Board and shall not be an evidentiary hearing. The decision of the City Manager shall be the final administrative action not subject to further administrative review. The City Manager's decision is reviewable under California Code of Civil Procedure 1094.5.

ARTICLE 8 - OVERTIME

- A. 7K EXEMPTION: The City of Monterey Park has exercised its ability to declare the "7K" exemption under the Fair Labor Standards Act (FLSA) for sworn police personnel. The work period for such employees shall be twenty-eight (28) days in length commencing on Saturday, April 20, 1985 at 2:00 a.m.
- B. WORK HOUR PLANS: The City and the Association agree that the Department will utilize the three-twelve and a half (3/12.5) and four-ten (4/10) work hour plans during the term of this MOU. The three-twelve and a half (3/12.5) work hour plan shall cover patrol Sergeants and Lieutenants. The four-ten (4/10) work hour plan shall cover Administrative Lieutenant, Detective Lieutenant, Traffic Sergeant and Administrative Officer. The 5/8 work hour plan may be permitted at the discretion of the Police Chief.
1. If the City Council determines in its sole discretion to cause a funded Captain's position to remain vacant (or in the alternative, to eliminate funding for a Captain's position), the consequence of such action will be a requirement that Lieutenants, including those assigned to the Patrol Division, be available at the sole discretion of the Chief of Police to perform specified tasks and duties. In such cases, it will likely be necessary to modify the work schedule of the affected Lieutenants with the result being their removal from a 3/12.5 or other schedule while assigned to perform specified tasks and duties. However, in no case shall the Lieutenant be reassigned to a 5/8 schedule. If such a decision is made by the City Council, the Chief of Police will have limited time to redeploy one or more Lieutenants in order to perform specified tasks and duties. Accordingly, it is the agreement of the parties that in his sole discretion, the Chief of Police shall have authority to reschedule and redeploy Lieutenants as necessary to meet the needs of the Department as generated by Council exercise of the above discretion. However, the Chief shall also seek out input from the Association as to its recommendations for addressing the Department's service needs should the City Council exercise its discretion as indicated above. However, this shall not be a meet and confer process, shall not be subject to the impasse procedures set forth in the Municipal Code or otherwise, and the redeployment of one or more Lieutenants may, at the Chief's sole discretion, occur prior to initiation or completion of said meeting process.

In the event of an emergency, as determined by the Chief of Police in his/her sole discretion,

the City may cancel, alter or amend the work schedule as necessary, and only for the duration of the emergency, immediately and without the requirement of engaging in the meet and confer process.

Unit members shall be provided twelve (12) days notice prior to any shift change, reassignment or modification. The twelve (12) day notice requirement shall not apply in the case of emergency situations. For the purpose of this rule, emergencies shall mean any unforeseen or unplanned event that impacts Department staffing needs.

- C. OVERTIME: For employees assigned to the three-twelve and a half (3/12.5) work hour plan, overtime shall be defined as that time authorized and actually worked by an employee in excess of one hundred sixty (160) hours within the twenty-eight (28) day work period. All employees required to work in excess of the standard work period of one hundred and sixty (160) hours shall receive compensation at the rate of time and one-half (1 1/2) of his/her rate of pay. For employees assigned to the four-ten (4/10) and eight to five (8-5) work hour plan, overtime shall be defined as that time authorized and actually worked by an employee in excess of eighty (80) hours within the fourteen (14) day pay period. All employees required to work in excess of the standard pay period of eighty hours within the fourteen day pay period shall receive compensation at the rate of time and one-half (1 1/2) of his/her rate of pay.

All employees assigned to work the three-twelve and a half (3/12.5) work hour plan and who work in excess of one hundred and sixty (160) hours within the twenty-eight (28) day work period shall be compensated at the completion of the twenty-eight (28) day work period. Regardless of the amount of overtime hours accrued during the first half (80 hours) of the work period, employees shall be compensated eighty (80) hours for that pay period, and the balance of the hours worked shall be compensated at the completion of the twenty-eight (28) day work period. All overtime requests must have the authorization of a supervisor prior to the commencement of such overtime work. Dispatched calls beyond the end of duty time are considered as authorized. An employee's failure to obtain prior approval will result in the denial of overtime request.

All eligible employees assigned to work the four-ten (4/10) work hour plans and who work in excess of eighty (80) hours within the fourteen (14) day pay period shall be compensated for overtime at the completion of the fourteen (14) day pay period.

Determination as to whether or not overtime shall be assigned and/or worked remains in the sole discretion of a responsible supervisor. However, where in the sole discretion of the responsible supervisor, overtime can be efficiently worked by any member of the shift without regard to particular skills or abilities of any eligible employee, then said overtime shall be assigned based on seniority, except in those cases where the overtime duty arises from a case or incident involving another shift Officer. In such case, the involved Officer shall be assigned the overtime, regardless of seniority.

In those instances where overtime is made available on a Department-wide basis (such as for

a movie detail), then said overtime shall be assigned on a seniority basis, unless in the sole discretion of the responsible supervisor(s), particular skills and abilities of Officers are relevant to the assignment of any individual(s) to the overtime duty.

The assignment of overtime, as designated by the Police Chief's 6/12/12 memorandum (attached as an Addendum B), will be the agreed departmental method for overtime call out procedure for replacement of Patrol Sergeants/Lieutenants assigned to Patrol as Watch Commanders or Field Supervisors when a vacancy occurs due to a non-planned event. The intent of the memorandum is to call in overtime rank-for-rank as described in said reference memorandum without limiting the Chief from exercising his management authority and rights in meeting the staffing needs of the department. The Police Chief, as departmental needs arise and pursuant to his management rights, may make changes to said method of assignment of overtime. The chief will meet and confer with the POA representatives prior to implementing said changes.

In cases where seniority is utilized to make overtime assignments, the responsible supervisor shall make a reasonable attempt to advise the eligible Officer(s) of the overtime opportunity.

Upon said overtime offer either being rejected or the eligible Officer not being responsive to reasonable contact, the responsible supervisor shall repeat said notification steps until the overtime opportunity is selected. Disputes as to whether or not a "reasonable attempt" was made to contact an Officer eligible for seniority-based overtime selection, shall not be subject to the grievance procedure or to any other administrative or civil method of appeal, and the determination of the responsible supervisor in this regard, shall be final, conclusive and not appealable through any means.

Regardless of the above, any responsible supervisor retains the right in his or her sole discretion to disregard seniority in rendering an overtime assignment when, in the sole discretion of the responsible supervisor, the needs of the Department and/or community so dictate. Said decision shall not be subject to any administrative or civil challenge and shall be final and conclusive.

For the purpose of determining overtime, vacation, sick leave, compensatory time off and/or other paid leave time shall be considered compensable hours of work.

- D. COMPENSATORY TIME OFF: In lieu of receiving cash payment at time and a half for overtime hours worked, an employee may elect the option of earning compensatory time off. Compensatory time shall be earned at the rate of time and one-half (1 1/2) for each hour worked. The maximum amount of comp time that may be accrued is 480 hours (320 hours worked). All compensatory time on the books will be paid down to forty (40) hours as of December 1 of each year. The remaining balance will remain on the books until such time as employee utilizes the compensatory time.

E. PAID LEAVE ACCRUAL RATES: Employees assigned to the three-twelve and a half (3/12.5) and four-ten (4/10) work hour plans shall accrue vacation, holiday and sick leave in accordance with the accrual rates as outlined herein. When vacation, holidays or sick leave is used, the employee shall be charged based on actual time taken off in relation to his/her regularly assigned shift.

F. REGULAR RATE OF PAY: For the purpose of computing overtime, the employee's regular rate of pay shall include the following components, if applicable, in addition to base salary:

1. Educational Incentive
2. Bilingual Pay
3. Special Assignment Pay
4. Medical Opt-Out Cash

G. COMPENSABLE HOURS OF WORK:

1. Firearms Qualification: Employees who choose to shoot at the range at times other than as required for qualification and training by the Department, will be considered to be on personal time. Such time is not counted as working time and is not compensable in any manner whatsoever.

2. Voluntary Training Time: Voluntary attendance at training schools/facilities (including the academy) which improves the performance of regular tasks and/or prepares for job advancement are not compensable for hours in excess of the employees' normal work shift. Any such time spent in excess of the normal work shift will not be counted as working time and is not compensable in any manner whatsoever. Time spent in studying and other personal pursuits is not compensable hours of work, even though the employee may be confined to campus or to barracks twenty-four (24) hours a day.

Travel time to and from the training facility outside of an employee's normal work shift is not compensable hours of work.

Mandatory training as required by the Department and/or POST is compensable for actual time spent in training. Travel time outside of regularly scheduled work hours for mandatory training is not compensable as work time unless approved by a supervisor. If the use of a personal vehicle is authorized for attendance at mandatory training, mileage shall be reimbursed at current IRS rates, as they exist from time to time during the term of the MOU, for actual miles traveled.

3. City Vehicle Use: Employees who are provided with a City vehicle to travel to and from work shall not be compensated in any manner whatsoever for such travel time in the City vehicle.

This provision also applies in those situations where the radio must be left on and

monitored.

This provision does not preclude compensation in those instances where an employee is required to perform emergency law enforcement duties as required by law. In such cases, appropriate compensation shall be provided.

4. Gym Facility: The City provides a room to be used as a gym facility for the voluntary use of employees during their off duty hours. Time spent by employees in working out at the gym facility is not considered hours worked and will not be compensated in any manner.
5. Emergency Call Back Pay: Call-back duty occurs when an employee is ordered to return to duty on a non-regularly scheduled work shift. Call-back does not occur when an employee is held over from his/her shift or is working prior to his/her regular scheduled shift. An employee called back to duty shall be credited with a minimum of three (3) hours work time commencing when he/she receives the call. An employee shall report to duty within a reasonable period of time not to exceed one (1) hour. Any hours worked in excess of three (3) hours shall be credited on a hour-for-hour basis for actual time worked. Travel time from the station to residence shall not be considered hours worked and shall not be compensated in any manner whatsoever. This provision is to be distinguished from "Court Standby" pay in Section 7 which is to be used when an employee is called back to court.
6. Court Pay: When an officer is physically called to court, he/she shall be credited on a hour-for-hour basis for the time actually spent in court, commencing one-half (1/2) hour prior to the scheduled court appearance. An employee shall be credited with a minimum of three (3) hours for each scheduled court appearance. Only one (1) minimum shall apply per payday. These three (3) hours will ultimately be paid in the pay period at time and one-half (1 1/2).

Travel time shall not be considered hours worked and shall not be compensated in any manner whatsoever unless the employee first responds to the station.

7. Court Standby: A member of MPPOMMA who, while off duty, is on court standby status, may leave a telephone number where he/she may be reached while on court standby. Such time is not considered hours worked. However, the employee will receive credit for three (3) hours (these three (3) hours will ultimately be paid in the pay period at time and one-half (1 1/2)), provided that the employee is not actually required to be present in the court building. If any employee is required to go to court, this three (3) hour period is applied to court pay under Section 6.

Alternatively, an employee on court standby may, with the permission of the Chief of Police or his designee, report to the police facility, in uniform, for assignment while awaiting court. An employee shall be credited on a hour-for-hour basis for time actually worked while on standby. Travel time to the police facility shall not be

considered hours worked and shall not be compensated in any manner whatsoever.

H. Shift Trades

Employees in the unit have the right to trade shifts with their colleagues subject to the following conditions:

1. Both employees agree to the shift trade voluntarily.
2. A supervisor approves the shift trade. Supervisors will not unreasonably deny a trade. However, denials are not subject to being grieved.
3. The employee whose shift is worked gets credit for the shift. Thus, the employee whose shift was worked will record the time as time worked on his or her time sheet.
4. Payback of the traded shift will be the responsibility of the two employees who trade shifts and will not be monitored by the City. Traded shifts should fall in the same 28 day work period. If an employee leaves the City having not paid back a shift, it shall be the responsibility of the two employees to work out any pay back.
5. If an employee agrees to trade shifts with another employee and then calls in sick and/or does not work the shift, the employee who agreed to work the shift shall have his/her Sick Leave deducted. For example, if Police Sergeant A agrees to work the shift for Police Sergeant B and prior to the shift, Police Sergeant A calls in sick and does not work the shift, Police Sergeant A's Sick Leave is deducted and Police Sergeant B gets credit for the shift.

ARTICLE 9 - VACATION

A. Policy: It is the intent and purpose of this vacation leave policy that all employees avail themselves of accrued vacation time in order to promote a safe and productive working environment. However, the parties do recognize that personal circumstances and/or the staffing requirements of the Police Department may periodically impact the ability of an employee to utilize any or all of his/her annual vacation accrual.

B. Vacation Accrual:

1. Accrual Rate: Employees shall accrue paid vacation time on the basis of years of paid service. The accrual rate shall be as follows:

0 - 6 years eighty-eight (88) hours per year
7 + years Eight additional hours per year to a maximum of two-hundred forty (240) hours per year.
2. Accrual Caps: Except as provided herein, no employee may accrue greater than four

hundred (400) vacation hours.

The total number of vacation hours accrued on or before January 14, 1995 shall not be subject to the above accrual limitation and shall be placed in a separate accrual bank (vacation hours Bank No. 1). The number of vacation hours contained within Bank No. 1 on January 14, 1995 shall not increase except as provided below.

Concurrent with the creation of Bank No. 1, there shall be created a second vacation bank (Bank No.2) that shall have a balance of zero at its inception. Vacation hours accumulated after January 14, 1995 shall be deposited in Bank No. 2. Effective July 1, 2014, vacation hours in Bank No. 2 accrued in excess of 400 hours shall be automatically cashed out as part of the regular payroll process. Said hours shall be cashed out during the pay period in which they are earned. In no case shall an employee be allowed cash out above the cap balance if the employee has not, within the fiscal year, taken advantage of the cash-out provisions of Article 11 of this MOU or has not taken 40 hours of vacation for the year. If an employee has not cashed out as provided in Article 11 or taken forty (40) of vacation, accrual of vacation will cease once the cap is met except for the following provisions.

Only in exceptional circumstances within the City's discretion shall an employee be allowed to exceed the maximum vacation accrual. In no case shall an employee's request to accrue vacation in excess of the accrual cap be granted if the employee has not, within the fiscal year, taken advantage of the cash-out provisions of Article 11 of this MOU. Any approval to accrue in excess of the accrual cap requires a written request from the Police Chief to the City Manager stating that the employee will not be authorized to utilize vacation prior to reaching the accrual cap because of Department staffing requirements. The City Manager's approval is required. The number of hours allowed above the cap shall be in an amount sufficient to allow the employee 60 days to utilize vacation time prior to again reaching the cap. The approved number of hours shall be placed in bank number 1.

- C. Use of Vacation Time: Probationary employees shall be authorized to utilize accrued vacation time prior to conclusion of the probationary test period.

Use of vacation time during the calendar year shall be approved by the Chief of Police or his designee, with due regard for the wishes of the employee, the employee's accumulated vacation credits, and particular regard for the needs of the Department.

ARTICLE 10 - HOLIDAY

Policy: It is the intent and purpose of this holiday leave policy that all employees avail themselves of accrued holiday time in order to promote a safe and productive working environment. However, the parties do recognize that personal circumstances and/or the staffing requirements of the Police Department may periodically impact the ability of an employee to utilize any or all of his/her annual holiday accrual.

Employees of the Police Department who are assigned to work around-the-clock shifts receive thirteen 10-hour (130 hours total) floating "holidays-in-lieu" of specific holidays off.

These holidays shall accrue on the following days:

CITY HALL CLOSED

<u>Regular:</u>	New Year's Day	Thanksgiving Day
	Washington's Birthday	Day After Thanksgiving Day
	Memorial Day	Christmas Eve
	Independence Day	Christmas Day
	Labor Day	New Years Eve Day
	Veteran's Day	

CITY HALL OPEN

<u>Floating:</u>	Admission's Day	Columbus Day
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All other unit employees shall receive eleven (10-hour) paid holidays (see "Regular" holidays listed above), two (10-hour) floating holidays to replace Admission's Day and Columbus Day.

Except as provided herein, no employee may accrue greater than 192 holiday hours.

The total number of holiday hours accrued on or before January 14, 1995 shall not be subject to the above accrual limitation and shall be placed in a separate accrual bank (Bank No. 1). The number of holiday hours contained within Bank No. 1 shall not increase after January 14, 1995 except as provided below.

Concurrent with the creation of Bank No. 1, there shall be created a second holiday bank (Bank No.2) that shall have a balance of zero at its inception. Holiday hours accumulated after January 14, 1995 shall be deposited in Bank No. 2. Except as provided below, if Bank No. 2 should equal 192 hours, then no holiday hours or cash equivalency shall be earned by the employee until the balance in Bank No. 2 is less than 192 hours.

Only in exceptional circumstances in the City's discretion shall an employee be allowed to exceed the maximum holiday accrual. In no case shall an employee's request to accrue holiday in excess of the accrual cap be granted if the employee has not, within the fiscal year, taken advantage of the cash-out provisions of Article 11 of this MOU. Any approval to accrue in excess of the accrual cap requires a written request from the Police Chief to the City Manager stating that the employee will not be authorized to utilize holiday prior to reaching the accrual cap because of Department staffing requirements. The City Manager's approval is required. The number of hours allowed above the cap shall be in an amount sufficient to allow the employee an opportunity to utilize holiday time prior to again reaching the cap. The approved number of hours shall be placed in bank number 1.

ARTICLE 11 - ACCRUAL CASH-OUT

Unit members may elect to, annually, during any fiscal year, cash-out up to a total of eighty (80) hours of accumulated and earned vacation time or holiday time (or a combination thereof). Requests for cash-out are to be submitted in a manner prescribed by the City.

ARTICLE 12 - SICK LEAVE

A. Sick leave with pay shall be granted to every full time employee who has been continuously employed for a period of time in excess of 30 days. Such sick leave shall be granted by the City, at the rate of 8.00 hours per month (96 hours per year) for each full calendar month of continuous employment with the City, including time served in probationary status.

B. Sick leave is paid leave from work that can be used for the following:

- (a) diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or
- (b) for an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

For full time employees, one-half of the employee's accrued and available annual sick leave is protected and may be used for any of the purposes stated above. However, the City permits that a total of eighty (80) hours of sick leave may be used per calendar year for family sick leave purposes.

C. Sick leave accrual and maximum:

- 1. On July 1, 2012, any existing sick leave balance was placed in a separate leave bank and the amount of that bank shall not be increased nor added to. The hours in the bank shall be subject to the reimbursement provisions described below in Section 12H. The employee shall be allowed to utilize this sick leave bank balance to fund future illnesses/sick leave. However, the employee shall not be required to utilize this sick leave account unless or until the employee elects to do so. Employees with sick leave hours in bank #1 who service retire from the City, may receive 50% of the hours in bank #1 paid at his/her base hourly rate of pay at the time of retirement. For

example if an employee had 1,000 hours of sick leave in this account and retired for service, the employee would be provided 50% cash out upon service retirement. Accordingly, the employee has the option of utilizing the following newly created 800 hour sick leave account before utilizing this frozen account. Employees hired on or after July 1, 2012 do not have a sick leave (bank #1) as described in this paragraph.

2. Commencing on July 1, 2012, sick leave earned by bargaining unit members shall be deposited into a second sick leave account which shall be capped at a maximum of 800 hours. Upon accruing 800 hours in this sick leave account there shall be no further accrual of sick leave unless or until use results in a balance of less than 800 hours. Employees who retire from the city with more than 10 total years of city service, beginning from the date of employment, shall be eligible to cash out sick leave in the "second" sick leave account at the rate of 16 hours for each one full year (12 months) of city service. City service, for the purposes of determining hours eligible for cash out, shall be calculated beginning July 1, 2012.
 3. In addition, the City contracts with CalPERS for the Credit for Unused Sick Leave option (Section 20965). Any amount of sick leave accrual not taken as cash payment will be reported to CalPERS for calculation as additional service credit.
 4. Upon death of an employee prior to retirement, the City will pay to the employee's designated beneficiary the employee's accumulated sick leave accrual in an amount consistent with the above retirement-related pay-out schedules as separately set forth in C(1) and C(2) above.
1. In order to receive compensation while absent on sick leave, the employee shall notify his/her immediate supervisor, prior to the beginning of his/her daily duties or as specified by the Police Chief. A supervisor may require an employee to submit a health care provider's statement of illness or other satisfactory verification of illness regardless of the length of an employee's period of absence. Following any period of absence, a supervisor may require of the employee that they submit a health care provider's certificate indicating that they are capable of returning to duty.
- E. The City Manager may, at any time in order to receive further information with respect to the ability of the employee to perform his job duties, request such employee to submit to a medical examination, either physical or mental, at the expense of the City.
 - F. Refusal of any employee to submit to such a medical examination shall constitute insubordination and grounds for disciplinary action.
 - G. Government Code Section 21163 provides in pertinent part that the retirement of a PERS member who has been granted or is entitled to leave, shall not become effective until the expiration of sick leave with compensation, unless the member applies for, or consents to, his or her retirement as of an earlier date, *or unless, with respect to sick leave, the provisions of a*

local ordinance or resolution or the rules or regulations of the employer provide to the contrary. In this regard, it is acknowledged that with regard to non-industrial disability retirements, it is the rules and regulation of the City that no employee shall be entitled to use or receive cash distribution of sick leave on or after the effective date of said retirements and that any such retirement shall be effective regardless of the employee having sick leave remaining in the employee's account. Additionally, it is acknowledged that with regard to individuals suffering from an industrial disability and/or being granted an industrial disability retirement, that the following sick leave rules and regulations shall apply:

1. In any instance where the local safety member has exhausted eligibility for benefits pursuant to Labor Code Section 4850, but is not eligible for disability retirement at said time yet remains incapacitated from performance of the essential duties of the employee's position, then the employee shall have the option of electing to receive their sick leave balance existing at the time of exhaustion of the Labor Code Section 4850 benefits in accordance with the sick leave cash-out schedule contained in Section H of this Article 12 (as eligible based on hire date), with said amounts to be distributed during each payroll period until said 50 percent amount has been exhausted. In no case shall any such distribution during one pay period exceed the gross salary to which the employee would otherwise be entitled during said pay period.
 2. However, if said employee is eligible for an industrial disability retirement prior to exhaustion of benefits under Labor Code Section 4850 or simultaneous with the same, and still has sick leave remaining on account, then the retirement shall still become effective and the safety employee shall be provided a one-time cash distribution of the employee's sick leave balance as it existed on the effective date of the industrial disability retirement in accordance with the sick leave cash-out schedule contained in Section H of this Article 12 (as eligible based on hire date). Further, said employee shall then be paid the cash value of accumulated vacation, holiday, and compensatory time off in one lump sum.
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- J. Upon accumulation of 500 sick leave hours, an employee may elect to cash-out up to ninety-six (96) hours accumulated sick leave, as long as the employee's account contains at least 500 hours after the cash out. Any such cash-out shall be at 75% value (e.g., 96 hours cash-out = 72 hours pay). Requests for cash-out will be processed the first payroll date following December 1st of each year and shall be submitted in a manner prescribed by the City.
 - K. Catastrophic Leave Bank. Membership in the Catastrophic Leave Bank will be voluntary and require an annual sick leave contribution of 8 hours pursuant to the provisions of Administrative Policy No. 30-10.

ARTICLE 13 - BEREAVEMENT LEAVE

Each regular employee may be granted bereavement leave at the discretion of the Chief of Police whenever death occurs to a member of the employee's immediate family. Bereavement leave may not exceed three shifts, however, if travel outside the State of California, or within the State of California but extending beyond a distance of 300 miles from Monterey Park is necessary, bereavement leave may be extended to a total of five shifts. Shifts of Bereavement Leave are to be charged to an account separate from the employee's sick leave account.

Immediate family, for the purpose of bereavement leave, shall include: spouse, registered domestic partner, father, father-in-law, mother, mother-in-law, child, stepchild, grandparents, grandchildren, brother, brother-in-law, sister or sister-in-law of the employee.

ARTICLE 14 - MILITARY LEAVE

Military Leave of Absence shall be granted in accordance with provisions of the City of Monterey Park's Personnel System Rules and Regulations, Administrative Policy 30-14 and under State and Federal law.

ARTICLE 15 - JURY DUTY LEAVE

An employee who is required to serve as a trial juror, or is required to appear in court as a witness except as the litigant in the case, shall be allowed to be absent with pay, from assigned duties within the City, during the period of such service or while necessarily being present in court.

Under such circumstances, the employee shall receive regular salary while on such leave, provided that the employee remits to the City any payments or fees received as a witness, or as a juror, with the exception of travel pay, which may be retained by the employee.

The employee shall immediately advise the Department of receiving a court subpoena or governmental hearing order to serve as a witness. The employee shall be allowed leave with pay during the period of such service.

The employee shall advise the Department upon receiving a court order to appear for the initial examination as a prospective juror, or subsequently to serve as a juror. The granting of such leave with pay shall be subject to the approval of the City Manager.

ARTICLE 16 - LEAVE OF ABSENCE WITHOUT PAY

Except as modified herein, Leave of Absence shall be governed by Personnel Rule XI. Attendance and Leaves, Sec. 4 Leave of Absence, of the Personnel System Rules and Regulations of the City of Monterey Park.

- A. Leave of Absence Without Pay - The City Manager may grant a regular employee a leave of absence without pay for a period not to exceed ninety (90) calendar days. However, no such leave shall be granted unless the employee's Department Director recommends and the City Manager has approved said leave prior to its commencement date. Upon a showing of good and reasonable cause, the City Manager has authority to retroactively define an unauthorized non-paid leave of absence as being approved and sanctioned.

No such leave shall be effective except upon written request of the employee following exhaustion by the employee of all accrued paid leaves of absence (except sick leave - see below), including but not limited to vacation, holiday and compensatory time off. If the non-paid leave of absence is solely attributable to a medical condition which would allow the employee to utilize accumulated sick leave, then said sick leave shall be exhausted prior to the granting of any leave without pay status. However, those employees taking a non-paid leave of absence pursuant to the FMLA/CFRA are not required to use accrued compensatory time earned in lieu of overtime. Additionally, any such employee on a non-paid leave of absence pursuant to FMLA/CFRA, shall be required to use sick leave concurrently with said leave only if the leave is for the employee's own serious condition.

The City Council may authorize a regular employee to utilize leave of absence without pay for a period not to exceed the accumulated total of one hundred and eighty (180) calendar days during the entire term of the employee's service on behalf of the City. For example, if during an employee's length of service with the City, said employee has been granted an accumulated total of one hundred and eighty (180) calendar days of leave without pay, then said employee shall not be eligible for any additional leave without pay status for any duration of time.

The granting of a leave of absence without pay consistent with this policy shall be documented in writing by the City Manager and a copy of said documentation shall be filed with the Director of Human Resources and Risk Management.

In any instance where an employee is utilizing an approved leave of absence without pay for a period of time greater than fifty percent (50%) of a pay period, said employee shall accrue no leave benefits or seniority for the duration of time while in said status.

All requests for approval of leave without pay shall be initiated by the subject employee making said request on a City provided personnel action request form and said form shall become a permanent part of the employee's personnel file.

- B. Maintenance of Insurance Benefits while on Leave of Absence Without Pay - It shall be the policy of the City that when an employee maintains employment status but is in a non-paid leave of absence, then the City shall make no premium or other contributions necessary to maintain in force and effect, any or all insurance coverage for which an employee would be otherwise eligible except as required by law. If such an employee desires to maintain during an authorized non-paid leave of absence, any or all insurance benefits otherwise available to an employee, then said employee shall be required to deposit any and all insurance premium

payments with the City Director of Management Services on the date that the City is otherwise required to remit insurance premium payments to the carrier. Each employee shall be advised in writing of this City policy at the commencement of the authorized leave of absence without pay. There shall be no additional notices of said obligation provided to the employee.

ARTICLE 17 - FMLA/CFRA COMPLIANCE

It is the stated intent and policy of the City that should any provision within a Memorandum of Understanding, these rules and regulations, or any other policies or procedures adopted by the City or any of its subdivisions be in violation of the California Family Rights Act and/or the Federal Family and Medical Leave Act, then such provision is null and void.

ARTICLE 18 - INDUSTRIAL INJURY AND ILLNESS LEAVE

- A. Except as modified herein, Industrial Injury and Illness Leave shall be governed by Personnel Rule XI, Section 4a, Industrial Injury and Illness Leave of the Personnel System Rules and Regulations of the City of Monterey Park and state law.
- B. Subject to the requirement of Article 12, Section A of this Memorandum of Understanding, the City may make application for an employee's industrial disability retirement and said retirement shall not be effective without the member's consent earlier than the date upon which leave of absence without loss of salary under Section 4850 of the Labor Code because of the disability terminates, or the earlier date during the leave as of which the disability is permanent and stationary as found by the Worker's Compensation Appeals Board. (Government Code Section 21164).
- C. An employee who is absent due to an Industrial Injury for an extended period of time will be considered to be on a Monday through Friday 0800 hours - 1700 hours schedule. The employee shall not be required to be at any specific location during this time period, however, must be available by cell phone.

ARTICLE 19- MODIFIED DUTY

- A. It is the policy of the City to return work related injured or ill employees to work as quickly as is medically feasible. Every effort will be made to make "modified work" available to industrially injured employees who are not medically ready to return to full duties, but are able to perform light or modified duties without the likelihood of aggravating the injury. "Modified work" is defined as the performance of limited job tasks which do not encompass all of the essential duties for that particular job class or assignment to job tasks not typically performed by the employee but that provide productive work opportunities. "Modified duty" shall only be made available until the employee's condition becomes "permanent and stationary" or reaches maximum medical improvement under the prevailing workers' compensation statute and in no case shall extend beyond the statutory benefit period afforded

under Labor Code Section 4850 for safety personnel. "Modified duty" shall not be considered a reasonable accommodation since the essential duties for the job are not taken into consideration.

C. Modified duty may be allowed only if all of the following conditions are met:

1. The Chief of Police determines that he/she has productive work available, which is within the work restrictions imposed by the qualified medical specialist. Any such decision by the Chief of Police shall not be subject to administrative or court challenge.
2. The Risk Manager concurs that such work will not impose an unacceptable level of risk to the City or the employee; and
3. The City Manager concurs that the modified work assignment of the named employee is in the best interests of the City.
4. The determination of availability of a modified work assignment shall be made on a case-by-case basis and at the sole discretion of the City.
5. No modified duty assignment shall be made prior to conditions 1-3 being met;
6. There shall be no appeal of any decision which results in no assignment of modified duty being made.

D. Non-Industrial Modified Duty

1. In addition to the above, non-industrial modified duty may be assigned when the following additional criteria are met (pregnancy disability not subject to the restrictions described below):
 - a. Employee meets all the criteria as stated in Section C of this article.
 - b. Employee receives a medical release from the designated City doctor that modified duties may be performed.
 - c. The prognosis is for the injury/illness to exceed 2 weeks (14 days).
 - d. The employee is released to work a full shift (either 5/8, 4/10, or 3/12.5 schedule to be assigned based on modified duty considerations and at the sole discretion of the Police Chief).
 - e. The employee's schedule is to be determined at the sole discretion of the Chief of Police. The Chief's determination shall not be subject to any administrative or court challenge.

- f. Modified duty for non-industrial injury/illness shall not exceed 30 calendar days in a rolling twelve-month period. The Police Chief, at his/her sole discretion, may grant a one-time extension of up to an additional thirty (30) calendar days based on receipt of an updated doctor's note.
- g. An individual on non-industrial modified duty may be assigned to any Division of the Police Department or any Department of the City.
- h. No more than one individual may be assigned non-industrial modified duty at any one time unless it is determined at the sole discretion of the Chief of Police that sufficient work exists to accommodate more than one individual. The Chief's determination shall not be subject to any administrative or court challenge.
- i. No individual may be assigned, or continue to be assigned, non-industrial modified duty if there is any Officer assigned modified duty for an industrial injury unless it is determined at the sole discretion of the Chief of Police that sufficient work exists to accommodate more than one individual. The Chief's determination shall not be subject to any administrative or court challenge.
- j. At all times, industrially injured individuals shall have precedence for modified duty assignments over non-industrial injured individuals.

ARTICLE 21 - UNIFORM ALLOWANCE

- A. The uniform allowance shall be seven hundred and twenty five dollars. Effective the pay period following July 1, 2017, the uniform allowance will be \$725. The City shall continue its credit/retail account program with a retail outlet to be determined by the City, in lieu of cash payment of the uniform allowance for officers required to wear a police uniform (personnel assigned to Patrol, Traffic, and the DARE Officer). All remaining personnel (Detectives, Administration, Training, Technical Services, Professional Standards, and the Community Relations Commander) may choose to receive cash payment for the uniform allowance in October of each contract year or receive credit/retail account with a retail outlet to be determined by the City. All uniform allowance cash payments will be reported on the employee's W-2 form under "Other Compensation" to meet Internal Revenue Service requirements. Uniform allowance shall not be credited to the employee that has been absent, for any reason, from active uniformed service for any time in excess of one-half of the fiscal year. Uniform allowance shall be provided on a prorated basis for those employees.

The parties agree that this is special compensation and shall be reported as such to CalPERS for "classic members", to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(5).

- B. The number of retail outlets utilized for the credit/retail account program will not exceed four locations. The selection of the outlets is to be determined by the City, after consultation with the Association.

A listing of uniform items eligible for purchase, as approved by the Chief of Police, shall be maintained in the Police Department policy manual. All equipment and uniforms must meet departmental standards and expectations. Should the Police Chief or his/her designee identify uniforms or equipment that needs to be replaced or that fails to meet the department standard, the employee will be responsible for replacing the item at his/her cost.

ARTICLE 21 - HEALTH INSURANCE

A.

Medical Insurance (Active Employees)

Employees will receive insurance coverage through CalPERS under the California Public Employees' Medical and Hospital Care Act (PEMHCA). The City's contribution toward medical insurance under PEMHCA will be the minimum employer contribution (MEC) required by PEMHCA (in 2016 the MEC is \$125/month).

B. Retiree Medical Insurance

1. Employees Hired On or After January 1, 2016

Employees who are hired into City service on or after January 1, 2016 and retire from the City, will be eligible for medical insurance provided by PEMHCA and the City will contribute the minimum employer contribution (MEC) as required under PEMHCA. For 2016, this amount is \$125 per month. PEMHCA determines the amount annually and therefore, this is subject to change.

2. Retiree and Employees Hired Prior to January 1, 2016

Current retirees and employees who were hired on or before December 31, 2015 will be eligible for medical insurance provided by PEMHCA and when enrolled in PEMHCA, receive a City contribution equal to the MEC under PEMHCA. The City shall also make a monthly contribution to a retiree Health Reimbursement Account (HRA) for the difference between the MEC and the contribution amount set forth below (subject to the actual premium of the PEMHCA plan):

- a. If the employee retired from City employment with less than 20 years of City service, and remains enrolled in PEMHCA in retirement he/she will receive up to \$485/month (includes the MEC) toward the purchase of medical insurance under PEMHCA for retiree and all eligible dependents.

b. If the employee retired from City employment with 20 or more years of City service, and remains enrolled in PEMHCA in retirement he/she will receive up to \$650/month (includes the MEC) toward the purchase of medical insurance under PEMHCA for retiree and all eligible dependents.

c. Medicare

Retirees must comply with the Medicare enrollment requirements set forth by PEMHCA and the City's health plan program.

C. Dental Insurance

The City will contribute up to seventy-five (\$75) dollars per month toward the premium for eligible employees and all eligible dependents. Effective the pay period following June 30, 2017, the contribution toward dental will increase to ninety-five (\$95) per month. The employee will pay any and all premiums due in excess of the City's contribution under the City's Cafeteria Plan (Section 125).

D. Vision Insurance Plan

The City shall provide a vision insurance plan. The City will contribute up to twenty (\$20) dollars per month for the employee and eligible dependents. The employee will pay any and all premiums due in excess of the City contribution under the City's Cafeteria Plan. The plan design shall be: Examination every 12 months; Frames and Lenses every 24 months. Deductible shall be \$10.00/exam; \$20.00/frame and lenses.

E. Section 125 Cafeteria Plan

1. The City agrees to maintain a premium conversion plan for all active unit members to provide for the pre-tax deduction of the employee's share of premiums toward medical coverage, and when applicable, the employee's share of premiums toward the dental plan as well as any premium payment for CalPERS Long Term Care which the employee may elect to participate in an pay through payroll deduction.

2. The City's contribution under the Section 125 Cafeteria plan for active employees shall be up to one thousand one hundred and seventy-five dollars (\$1,175) per month for employees electing to enroll in a medical plan in PEMHCA. Effective the beginning of the pay period following June 30, 2017, the City's contribution to the Cafeteria Plan for active employees will increase by seventy-five dollars for a total monthly contribution of \$1250 per month. Effective the beginning of the pay period following January 1, 2018, the City's contribution to the Cafeteria Plan for active employees will increase by seventy-five dollars for a total monthly contribution of \$1325 per month. The City's contribution will include the PEMHCA MEC (\$131 per month for 2016) toward the medical plan and the balance may be used for other eligible expenses. Eligible expenses include: (1) medical insurance premiums, (2)

dental insurance premium, (3) disability insurance premium, (4) vision insurance premium, and cash (as set forth below). Employees will be responsible for paying the amount of the total insurance premium that exceeds the City's contribution via the Cafeteria Plan (IRC Section 125 Plan).

3. For employees who elect to waive medical insurance from the City (opt out), the City will pay \$300/month in cash to the employee. In order to receive the opt-out incentive, the employee must certify that he/she has medical insurance coverage in a plan that provides minimum essential coverage under the Affordable Care Act.
4. Specific details of this cafeteria plan will be contained in a plan document available for review by employees at the City's Human Resources Department.

F. **AFFORDABLE CARE ACT REOPENER**

The City may reopen negotiations at any time during the term of the MOU to meet and confer over impacts of the Affordable Care Act.

ARTICLE 22 DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENT & HEALTH REIMBURSEMENT ARRANGEMENT

Effective January 1, 2017, the City will offer a voluntary medical and dependent care flexible spending accounts to employees. The City will pay the administrative fee for the plans and the employee will be responsible for individual account fees.

ARTICLE 23 - LIFE INSURANCE PLANS

- A. Life Insurance –The City shall provide each employee covered under this MOU a term life insurance policy in the amount of \$100,000.
- C. Supplemental Life Insurance may be purchased by each employee in \$10,000 increments with a maximum face value of \$300,000, or three times (3X) the individual's gross salary, whichever is less. Any premium cost for supplemental insurance shall be borne by the employee.

ARTICLE 23 - EDUCATIONAL INCENTIVE PAY

The City agrees to maintain an Educational Incentive Pay Plan which provides additional compensation as follows:

- A. \$275.00 compensation per month for an Advanced POST Certificate, \$400.00 additional compensation per month for a Supervisorial POST Certificate, \$475 additional compensation per month for a Management POST Certificate, for an employee who does not otherwise

qualify for the educational incentive pay as provided for in this article. In no case shall the total additional monthly compensation under this section A of the Education Incentive Pay article exceed \$550 per month.

- B. \$135.00 additional compensation per month for an employee with an Associate of Arts degree or 60 units of college credit from an academic institution accredited by the Western Association of Schools and Colleges or an accrediting organization recognized by the Council of Post Secondary Education in any major.
- C. \$275.00 additional compensation per month for an employee with a Bachelor's degree from an accredited academic institution as described above in a major reasonably related to the employee's work or consistent with a career objective with the City.
- 1. \$325.00 additional compensation per month for an employee with a Master's degree from an accredited academic institution as described above in a major reasonably related to the employee's work or consistent with a career objective with the City.
- 2. If an employee possesses any combination of both a Bachelors/Masters Degree and a Supervisorial/Management POST Certificate, they will be compensated \$550 per month. In no case shall the total additional monthly compensation for possessing a certification as identified in section A and a degree as identified in section B,C,D exceed \$550 per month.
- 3. The above amounts shall not be cumulative.
- 4. The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a) (2) – Educational Incentive Pay.

ARTICLE 24 - EDUCATIONAL ENROLLMENT COST REIMBURSEMENT

Educational costs shall be limited to two thousand dollars (\$2,000) annually per unit member for eligible reimbursement expenses as defined within this Article. The City agrees to reimburse employees for the cost of enrolling in college-level courses in an academic institution accredited by the Western Association of Schools and Colleges or an accrediting organization recognized by the Council of Post Secondary Education directly related to their employment, or compatible with a career goal with the City. Enrollment cost reimbursement is subject to approval by both the Chief of Police and the Director of Human Resources and Risk Management. In rendering a reimbursement determination, the Chief of Police and the Director of Human Resources and Risk Management shall consider whether or not the course(s) for which the reimbursement is sought is related to the employee's then existing principal duties and the availability of funds for reimbursement purposes. No employee shall be entitled to reimbursement unless pre-course enrollment written authorization for reimbursement is received from the Chief of Police and the Director of Human Resources and Risk Management. The reimbursement eligibility determinations described herein are not subject to

any administrative or judicial appeal procedure and the decision of the Chief of Police and the Director of Human Resources and Risk Management shall be final.

Enrollment cost reimbursement will be paid according to the following schedule:

1. If tuition or fees are equal to or less than current California State University at Los Angeles fees, the City will pay 100% of the tuition fees.
2. If tuition or fees exceed California State University at Los Angeles fees, the City will pay an amount equal to 100% of the California State University at Los Angeles fees.

An employee will be reimbursed up to twenty-five dollars (\$25.00) for books each semester or equivalent if he/she is enrolled in six (6) or less units; an employee will be reimbursed up to fifty dollars (\$50.00) for books each semester or equivalent, providing he/she is enrolled in seven (7) or more units. Reimbursement shall only be for books required for the course. All requests for reimbursement shall be accompanied by valid receipts.

ARTICLE 25 - BILINGUAL PAY

The City shall pay an additional one hundred fifty dollars (\$150) per month to each employee, who is capable of speaking and interpreting a foreign language as deemed useful by the City.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(4) – Bilingual Premium.

ARTICLE 26 – SPECIAL ASSIGNMENT PAY

1. Special Assignments

The City agrees to pay two hundred (\$200.00) per month as special assignment pay for employees regularly assigned to the positions of:

Police Lieutenant: Administration, Investigations, Operational Support

Police Sergeant: Technical Services, Traffic Bureau, Detective, and Training/Community Relations

2. Duration of Special Assignments

The term of any one (1) particular special assignment shall be for a period of forty-eight (48) consecutive months from the date of placement in the particular special assignment, with the employee having the option to elect an additional twelve (12) month period of service in the special assignment, resulting in sixty (60) consecutive months of placement within a special assignment. The employee shall notify the Office of the Chief of Police in writing not later

than the end of the forty-fifth (45th) consecutive month of special assignment service, as to whether or not the employee elects an additional twelve (12) month period of service.

At the conclusion of the initial forty-eight (48) month, or the extended sixty (60) month term, the Chief of Police may, at his/her sole discretion, extend the term of an employee's special assignment up to an additional six (6) months if the Chief of Police determines it is in the best interests of the Department to do so because of the employee's involvement in a particular project, investigation or other matter is required.

Any affected employee performing in a specialty assignment may submit a written request to the Chief of Police, proposing that the employee be assigned out of the special assignment. The decision of the Chief of Police as to whether or not such request shall be granted and if so, when the reassignment shall be effective, lies in the sole discretion of the Chief of Police, whose determination shall not be subject to administrative or civil challenge or appeal. .

3. At the conclusion of the above-described term of specialty assignment, or upon being granted exit from said assignment during its term, the affected employee shall be eligible to apply for a different specialty assignment, but shall be ineligible to be appointed to the same specialty assignment which term has just been completed, or from which the employee has exited during the term, for a period of 12 months from the last date of service in the specialty assignment.
4. Reassignment in a specialty position of the same or different type than that, in which the affected employee has previously performed services, shall be subject to all applicable policies, practices and procedures utilized by the Chief of Police for selection of participants in specialty assignments.
5. All affected employees participating in a special assignment, shall be subject to the removal/appeal policies and procedures set forth below in subsection 6.
5. Removal from Special Assignment

Appeal procedures for employees removed from specialty assignments after twelve months or more of receiving the assignment:

A California Court of Appeal case has recently held that in many circumstances, reassignment from a special assignment as described above and loss of bonus compensation, can be implemented only upon the Department stating cause for the reassignment, and with the Officer then having a right to contest the reassignment through all available administrative appeal procedures. In this case, said procedures may include access to a trial-type evidentiary hearing before a hearing officer pursuant to Article 7 of the MOU. (The City does not acknowledge that said court ruling is controlling, yet it does form the basis for the compromise described in this Article.). However, the following limitation shall apply to administrative appeals conducted pursuant to Article 7 of the MOU and which regard reassignment from a

special assignment as that term is used in this Article:

Each party to the Article 7 administrative appeals before a hearing officer shall be limited to a maximum of eight (8) hours of presentation time during conduct of an administrative appeal pursuant to MOU Article 7 (C)(4) Level IV Administrative Hearing. For purposes of time-limit computation only, the Association and any one (1) employee, as well as any other entity that may properly be appearing on behalf of or with an interest similar to the MPPOMMA or employee, shall be jointly deemed to be the same one party for computing the time limitation on presentations. Accordingly, the time limitation shall not be multiplied by the number of individuals or entities appearing, on behalf of, or with an interest similar to, the individual employee who has been reassigned.

"Presentation Time" against which shall be charged the eight (8) hour presentation time limitation, shall include oral opening statement and oral closing argument, direct/redirect examination of witnesses, rebuttal and sur-rebuttal witness testimony, demonstrations and site inspections (excluding travel time to and from the site). Cross examination shall not be counted as part of the "Presentation Time."

The hearing officer shall record and maintain account of all such hours by means of a timekeeping device suitable to the task. Absent stipulation by the parties to extend the eight (8) hour limitation, the hearing officer shall have no authority to extend said limitation.

1. Appeal procedures for employees removed from specialty assignments in less than twelve (<12) months of receiving the assignment:

The following administrative appeal process is established pursuant to Government Code § 3304.5. It shall supplement, though not replace, the disciplinary appeal processes established in other provisions of the Memorandum of Understanding ("MOU") between the City of Monterey Park and the Monterey Park Police Officers' Mid-Management Association.

This procedure shall not apply to disciplinary actions for which officers already are entitled to receive an appeal hearing pursuant to either the Grievance Article or Special Assignment Pay Article of the Memorandum of Understanding. It shall only apply to punitive actions, as that term is defined by Government Code § 3303, for which officers do not already receive an appeal hearing under either Grievance Article or Special Assignment Pay Article of the Memorandum of Understanding. MOU Article 7 Grievance Procedure applies to disciplinary action "as defined by City Personnel Rules and Regulations." Personnel Rule XV(1) defines disciplinary actions as being limited to suspensions without pay, reduction in class position or dismissal. Thus, this particular procedure shall only apply to the removal of employees from their specialized assignment within the first twelve (12) months of receiving such an assignment.

A. Right to Administrative Appeal

1. Any public safety officer (as defined by Government Code § 3301) who is subjected to punitive action (as defined by Government Code § 3303) other than dismissal, demotion (reduction in class position) or suspension is entitled to an administrative appeal pursuant to this procedure. An officer shall be entitled to appeal an action upon receiving written notification of such action.
2. Unit members subjected to dismissal, demotion, or suspension shall continue to be entitled to an appeal in accordance with existing procedures set forth in other provisions of the Memorandum of Understanding.
3. Each Party shall bear their own costs incurred under this procedure.

B. Notice of Appeal

1. Within ten (10) calendar days of receipt by a unit member of written notification of punitive action, the Lieutenant or Sergeant shall notify the Chief of Police in writing of the intent to appeal the punitive action.
2. The notice of appeal shall specify the action being appealed and the substantive grounds for the appeal.
3. Failure to timely serve written notification of an appeal shall result in waiver of any right to appeal.

C. Hearing Officer

The City Manager or designee shall act as the hearing officer. The determination of the City Manager or designee shall be administratively final and binding.

D. Burden of Proof

The City shall have the burden of proving by a preponderance of the evidence the facts which form the basis for the punitive action and the burden of proving that the punitive action was reasonable under the circumstances.

E. Conduct of Hearing

1. For the purposes of this specific hearing regarding the proposed removal of a unit member within the first 12 months of a specialized assignment the provisions of Government Code § 11513 shall apply to the hearing. The City understands that an employee cannot be compelled to testify even if the employee does not testify in the presentation of his/her case.
2. Following the presentation of evidence, if any, the parties may present verbal closing arguments and/or in the sole discretion of the hearing officer, written closing arguments, as well.

F. Record of Hearing

1. The hearing shall be audio recorded. The cost to receive a transcript of the hearing shall be borne by the party requesting the transcript.

G. Representation

The employee may be represented by a representative of his or her choice at all stages of the proceedings. The appointing authority shall also be entitled to representation at all stages of the proceedings.

H. Decision

1. The City Manager or designee shall serve the parties with written notice of his/her decision within thirty (30) calendar days of submission of the case by the parties.
2. The decision shall be served by first class mail upon the appointing authority and the officer as well as his/her attorney or representative. The decision shall advise the officer that the time within which judicial review of the decision may be sought is governed by Code of Civil Procedure § 1094.6.
3. If applicable, the decision to return the employee to his/her specialized assignment shall include back pay.

ARTICLE 26 - SALARIES AND WAGES

Effective the beginning of the pay period following City Council approval of the MOU, the salary range for Police Lieutenant and Police Sergeant will be increased by 5%

Effective the pay period following July 1, 2017, the salary range for Police Lieutenant and Police Sergeant will be increased by 5%.

Effective the beginning of the pay period following January 1, 2018, the salary range for Police Lieutenant and Police Sergeant will be increased by 2.5%

Salary ranges for Police Lieutenant and Police Sergeant are listed in Addendum A.

Longevity: Effective the beginning of the pay period following July 1, 2016, the City will provide a monthly longevity payment of one-hundred dollars (\$100) per month upon completion of twenty (20) years of continuous service. The longevity payment will increase to three-hundred fifty dollars (\$350) per month upon completion of twenty-five (25) years of continuous service.

The parties agree that this is special compensation and shall be reported as such to CalPERS, to the extent legally permissible, pursuant to Title 2 CCR, Section 571(a)(1).

Acting Pay: Unit members assigned by the Police Chief, or his/her designee to perform the duties of a higher level rank shall be compensated with acting pay as \$50 a day extra pay for no more than \$200 in a twenty-eight day scheduling period.

ARTICLE 27 - SENIORITY

Time which has been spent in a position designated by the Department as an "acting position" does not qualify as seniority for time served within the acting position rank as credit for completion of a probationary period for the acting rank, or as credit for time in rank for merit pay step increases.

ARTICLE 28 - RETIREMENT

- A. Retirement Benefits - Retirement Benefits as provided in contract, dated November 1, 1952, with the Public Employees' Retirement System and as follows:
1. Effective June 24, 1989, "Single Highest Year" option;
 2. Effective March 20, 1976, "Post Retirement Survivor" option;
 3. Effective May 8, 1999, "1959 Survivor's Benefit" - Level 4;
 4. Effective August 18, 2001, "3% @ 55" formula Retirement Plan.
 5. Effective November 1, 2003, Military Service Credit as Public Service
- B. All employees who are classic members under the Public Employees Retirement Law shall pay 9% of compensation earnable as the employee contribution to CalPERS.
- C. Employees who are classic members have the retirement formula that existed with the City on December 31, 2012, 3%@55 with single highest year for final compensation. (Tier 1)
- D. Employees who are 'New Members' as defined by the California Public Employees' Pension Reform Act of 2013 (PEPRA) (e.g., an employee hired on or after 1/1/2013 who has never been a CalPERS member or member of a reciprocal system or who has had a break in

CalPERS service of at least 6 months or more) will constitute a second tier and be subject to all the applicable PEPPRA provisions, which include but are not limited to the following retirement benefits:

Tier 2: “New Members” will have the retirement formula 2.7%@57 and the three year average final compensation. New members contribute one-half of the total normal cost of their retirement benefits as determined annually by CalPERS. In 2016, that contribution is 12%.

ARTICLE 29 - MEDICAL EXAMINATION

A medical examination of any employee may be required by the City when job related and consistent with business necessity and will be administered by a medical doctor selected by the City. The City agrees to pay the full cost of the medical examination.

ARTICLE 30 - DEFERRED COMPENSATION PLAN

A deferred compensation plan will be available to all members of the Police Officers Mid-Management Association. Participation in this deferred compensation plan is at the option of the individual employee.

A. One-Time Deferred Compensation Special 457 Catch-up Provision:

(One-Time is defined by law as an election to “catch-up” underutilized deferrals to a 457 plan, once in a singular year or multiple years, not to exceed 3 years) Federal Law allows 457 participants a one-time catch-up provision to make deferrals to “catch-up” underutilized deferrals from prior years during any or all of the three calendar years ending before the tax year they reach the plans normal retirement age. Normal retirement age for “classic” safety members of PERS is fifty-five (55) years old and fifty-seven (57) years old for “new” members of PERS. All 457 plans of an employer must have the same normal retirement age (NRA). For purposes of the deferred compensation special 457 catch-up provision for the City of Monterey Park, the normal retirement age range shall be considered 51 thru 62 years old.

The intent of this section is to facilitate association members in the final three (3) years prior to their stated retirement date in converting the hourly rate of accrued compensable leave to monies into their contribution to one of the City’s deferred compensation providers in accordance with IRS regulations/Federal Law. After an employee defers compensable accrued leave, balances of 120 hours must remain or be maintained in both their sick and vacation accrual banks. If an employee defers compensable leave from a bank that has a formula of payout at retirement (i.e. 50% sick leave at retirement) the deferral does not recalculate the remaining balance. All sick leave hours, per MOU provisions, will be on a fifty percent basis (i.e. a conversion of 100 hours will result in the salary equivalent to 50 hours being deposited into the employees deferred compensation account). In the final three

(3) years prior to an employee's stated retirement date he/she may convert the hourly rate of accrued compensable leave to monies into be included in their contribution to one of the City's deferred compensation providers in accordance with IRS regulations and the schedule outlined below:

3-year Catch-up Plan

1st year: no more than 20% of compensable accrual time of Sick Leave, Vacation Leave and Holiday Leave as allowed by Federal Law.

2nd Year: If a second year is chosen, no more than 35% of compensable leave may be deferred.

3rd Year: If a third year is chosen, no more than 50% of compensable leave may be deferred.

The City is not a party to and accepts no responsibility for the employees obligations under federal law to comply with the IRS and legal requirements of such deferrals allowing 457 participants a one-time catch-up provision to make deferrals to "catch-up" underutilized deferrals from prior years during any or all of the three calendar years ending before the tax year they reach the plans normal retirement age.

ARTICLE 31 - EMPLOYEE SAFETY COMMITTEE

A committee of three MPPOMMA members is to be established. One of the three members will be the Association President, or the Association Vice President. This Committee will meet with appropriate Departments and City officials in matters related to on-duty safety.

Blood borne and Airborne pathogen exposure control training shall be provided to appropriate unit employees and required immunizations will be provided to employees as required at City cost.

ARTICLE 32 – PROBATIONARY PERIOD

All original and promotional appointments to the competitive service shall be tentative and subject to the following probationary periods: twelve months for promotional and lateral appointments to the positions of Police Sergeant and Police Lieutenant.

ARTICLE 33 - WRITTEN NOTICES TO POMMA

Reasonable written notice will be given to MPPOMMA of any rule, ordinance, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council. In cases where the City determines that as a result of an emergency, an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meetings with a MPPOMMA, the City shall provide such notice and opportunity to meet at the earliest practical time following the adoption of such ordinance, rule, resolution or regulation.

MPPOMMA shall be deemed to have met and conferred and agreed to any matter if within thirty

days after mailing of the notice by the City regarding said matter, the employee organization fails to deliver to the City Manager a written request for a meeting.

ARTICLE 34 - GENERAL PROVISIONS

- A. This MOU shall not in any way interfere with the obligation of the parties hereto to comply with the State and Federal laws, or with any rule, regulation, or order issued by such government authority pertaining to matters covered herein. If any provision, or provisions, of this MOU shall be affected by State or Federal laws, or of any rule, regulation, or order issued by such governmental authority, or if any provision, or provisions, should be held invalid by a court of record, the remainder of the MOU shall not be otherwise affected thereby.
- B. The parties hereto agree to continue their long-standing policies in that there shall be no discrimination against any employee because of membership or non-membership in MPPOMMA or based on any protected class.
- C. The parties hereto agree that this MOU cannot be modified, changed, and/or canceled in any way except by mutual consent of said parties in writing.
- D. Nothing contained in the MOU shall act as a waiver of any rights an individual may have under the workers' compensation law.

ARTICLE 35 - SUBSTANCE ABUSE POLICY

The parties have met and conferred in good faith and reached agreement upon modifications to the City Administrative Policy No. 30-10, as regards GUIDELINES FOR CONSUMPTION OF ALCOHOL AND ILLEGAL OR CONTROLLED SUBSTANCES.

ARTICLE 36 - TERM OF MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding shall be in effect for an initial term commencing July 1, 2016 and ending June 30, 2018 and shall continue in effect from year to year thereafter unless or until terminated. Unless specifically described to the contrary herein, all changes in matters within the scope or representation shall be provided prospectively from the date of MOU implementation. The "date of MOU implementation" shall be the date of City Council adoption of the MOU.

This MOU may be terminated as of the end of the initial term or any subsequent contract period by either party giving written notice to the other not less than ninety (90) calendar days prior to the termination date. If no notice is given in accordance with the terms of this Article, the MOU shall automatically renew for an additional year without any change whatsoever.

ARTICLE 37 - CITY COUNCIL APPROVAL

It is however, the mutual understanding of all parties hereto that this Memorandum of Understanding

is of no force or affect whatsoever unless or until ratified and approved by minute action duly adopted by the City Council of the City of Monterey Park.

IN WITNESS HEREOF, the parties hereto have caused this Memorandum of Understanding to be executed this day of 2017.

MONTEREY PARK POLICE OFFICERS'
MID-MANAGEMENT ASSOCIATION

CITY OF MONTEREY PARK

By: _____
Paul Yniguez, President
Monterey Park Police Officers'
Mid-Management Association

By: _____
Ron Bow
Interim City Manager

By: _____
Eric Kim, Lieutenant
Monterey Park Police Officers'
Mid-Management Association

By: _____
Thomas Cody, Director
Human Resources & Risk Management

ADDENDUM A

**CITY OF MONTEREY PARK
CLASSIFICATION AND BASE SALARY LIST
POLICE OFFICERS' MID-MANAGEMENT ASSOCIATION MOU**

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Police Sergeant	3	6883	7227	7588	7968	8366
Police Lieutenant	4	8381	8800	9240	9702	10,187

Effective the beginning of the pay period following City Council approval of the MOU (5%):

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Police Sergeant	3	7227	7588	7968	8366	8784
Police Lieutenant	4	8800	9240	9702	10,187	10,696

Effective the beginning of the pay period following July 1, 2017 (5%):

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Police Sergeant	3	7588	7968	8366	8784	9224
Police Lieutenant	4	9240	9702	10,187	10,696	11,231

Effective the beginning of the pay period following January 1, 2018 (2.5%):

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Police Sergeant	3	7778	8167	8575	9004	9454
Police Lieutenant	4	9471	9945	10,442	10,963	11,512

ADDENDUM B

City of Monterey Park
INTEROFFICE MEMO

DATE: 6/12/2012

TO: All Police Department Staff
FROM: Jim Smith, Chief of Police
SUBJECT: Patrol Sergeant/Lieutenant Overtime Call Out Procedure

The following shall be the overtime call out procedure for replacement of Patrol Sergeants/Lieutenants assigned to Patrol as Watch Commanders or Field Supervisors when a vacancy occurs due to a non-planned event. For purposes of this memo, a "non-planned event" is considered a sick call out or other emergency.

Watch Commander

If a Sergeant/Lieutenant is unavailable for duty as the Watch Commander due to a non-planned event the initial attempt will be to fill the vacancy with on-duty supervisory personnel (Sergeant or Lieutenant) assigned to a special assignment (D.B., Traffic, Admin, etc.). If no special assignment supervisors are on-duty or if they are unavailable, then a replacement will be assigned on an overtime basis. The replacement will be at the rank of the person whose non-planned absence created the vacancy. Initially, Patrol, rank- equivalent personnel, should be contacted on an availability/seniority basis. If none are available, then special assignment, rank-equivalent, personnel should be contacted on a seniority basis. If a rank equivalent is not available, then the replacement may be the next lower rank starting with Patrol personnel by availability/seniority order and if none are available, to special assignment personnel on a seniority basis.

The following are examples:

Example #1: A Lieutenant and Sergeant are assigned to a Patrol Team. The Lieutenant is off due to a planned event (Vacation, Holiday, Training, etc.). The Sergeant is ill and calls in sick (unplanned event). If there is an on-duty supervisor assigned to a special assignment available, that person will be assigned as the Watch Commander. If there is not, then overtime will be used to fill the vacancy of the Sergeant. Sergeants assigned to Patrol will initially be contacted on an availability/seniority basis, until a replacement is found. If no replacement is found, then Sergeants assigned to a special assignment will be contacted on a seniority basis until a replacement is found. If no Sergeants are available, Lieutenants assigned to Patrol will be contacted on an availability/seniority basis will be contacted. If no one is available, Lieutenants assigned to special assignments will be contacted on a seniority basis.

Example #2: Same scenario as above, but the reasons for being off are reversed (Sergeant on vacation, Lieutenant calls in sick). The procedure above would be the same with the exception that the calls for overtime would start with the Lieutenants then work down to the Sergeants if no Lieutenants (Patrol or special assignment) are available for the overtime.

In any situation where the vacancy is in the Watch Commander's position and no Sergeant/Lieutenant desires the overtime, then the Sergeant with the least amount of seniority (regardless of assignment) will be required to work the overtime.

Field Supervisor

If a Sergeant scheduled as the field supervisor has an unplanned absence, then they will be replaced by an Agent that is assigned and scheduled to work that shift. If this leaves the staffing level below minimum, then on-duty special assignment personnel will be used to either maintain minimum patrol staffing or to replace the supervisor (Agent or Sergeant). If there are no special assignment personnel available, then an Officer will be called in to maintain minimum staffing. If there is no Agent scheduled or if no special assignment Agent or Sergeant is available, then overtime will be used to replace the field supervisor. Call outs for this scenario will begin with Sergeants assigned to Patrol and then those assigned to special assignments. If no one is available to work overtime, then Agents will be called starting with those assigned to Patrol on a seniority basis.

If an Agent is scheduled as a field supervisor due to a Sergeant/Lieutenant being on a planned event, and the Agent calls in sick the same procedure as outlined in Example 2 will be followed. If overtime is necessary, the call out procedure will begin with the Agent level and if no Agent is available then Sergeants will be called to fill the vacancy based on seniority starting with those assigned to Patrol then to those assigned to special assignments.

If you have any questions regarding this, please contact me.



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-A.

TO: The Honorable Mayor and City Council
FROM: Annie Yaung, CPFO, Controller
SUBJECT: Warrant Register for the City of Monterey Park of
May 17, 2017

RECOMMENDATION:

It is recommended that the City Council:

- (1) Approve payment of warrants and adopt a Resolution allowing certain claims and demands per Warrant Register dated **May 17, 2017 totaling \$661,337.70** specifying the funds out of which the same are to be paid; and
- (2) take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Disbursements will be made from the funds referenced in the attached Resolution in Warrants numbered **314106-314359** and e-Payables numbered **000627-000641**.

BACKGROUND:

The claims and demands on the attached warrant register have been duly audited. I certify that the said claims and demands are accurate, are proper charges against the City of Monterey Park. I also certify that there are monies available for the payments thereof.

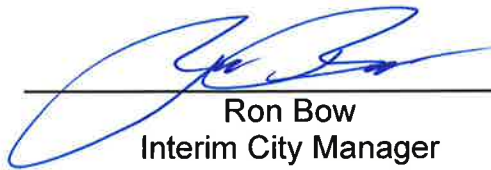
FISCAL IMPACT:

Disbursements from all funds total **\$661,337.70.**

Respectfully submitted:

Approved By:



Annie Young, CPFO
Controller

Ron Bow
Interim City Manager

Attachments 1: Resolution

Attachments 2: Warrant Register

ATTACHMENT 1

Resolution

RESOLUTION NO.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS
PER WARRANT REGISTER DATED
17TH DAY OF MAY 2017
TOTALING \$661,337.70 AND SPECIFYING THE FUNDS OUT
OF WHICH THE SAME ARE TO BE PAID

THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DOES RESOLVE:

SECTION 1. That the following claims and demands have been audited and that the same are hereby allowed from various funds in the following amounts:

General Fund	\$ 458,774.82
State Gas Tax Fund	2,653.16
Refuse Fund	12,432.50
City Shop Fund	27,722.96
Payroll Clearing Account	552.00
Public Safety Impact Fee	607.00
Special Deposits Fund	18,535.95
Business Improvement Area #1	5,133.24
Water Fund	38,498.59
Water Treatment Fund	10,604.00
OPA Proposition A	9,494.66
Library Tax Fund	7,181.29
POST	3,879.50
Recreation Fund	15,333.40
Asset Forfeiture	31,660.09
Air Quality Improvement Fund	5,931.00
Maintenance District 93-1	856.15
Maintenance Grant (075)	8,370.00
ELAC Instructional Serv Prog	1,067.23
Literacy Trust Grant	2,050.16
 TOTAL	 <u>\$ 661,337.70</u>

PASSED, APPROVED AND ADOPTED THE 17TH DAY OF MAY 2017.

Teresa Real Sebastian, Mayor
City of Monterey Park, California

ATTEST

Vincent D. Chang, City Clerk
City of Monterey Park, California

RESOLUTION NO.
Page 2

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

I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Monterey Park at a regular meeting held on the 17th of May 2017 by the following vote of the Council:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAINED:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Vincent D. Chang, City Clerk
City of Monterey Park, California

ATTACHMENT 2

Warrant Register

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 05/17/2017

5

PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
ADJENAI WORRELL	0075-450-0075-08610	200.00	PLAY DAYS PERFORMER (TRUST)		314106	200.00
ROBERTO A AGUIRRE	0075-450-0075-09010	203.91	REIMBURSEMENT SUPPLIES (TRUST)		314107	203.91
	0010-801-6503-31150	50.00	SUMMER CAMP DEPOSIT		314141	50.00
	0010-801-6503-31150	1,155.39	AQUATICS SUPPLIES		314142	1,155.39
ALERT-ALL CORP.	0010-801-3230-39700	2,120.63	EDUCATIONAL SUPPLIES-FIRE		314143	2,120.63
ALFONSO VELAZQUEZ (DBA) MAKING A DJ	0075-450-0075-09010	1,156.00	CHERRY BLOSSOM T-SHIRTS (TRUST)		314108	1,156.00
ALLEN OSHIRO	0075-450-0075-09010	50.00	CHERRY BLOSSOM PERFORMER-TRUST		314109	50.00
ANTHEM BLUE CROSS	0010-801-5102-12330	3,431.45	05/17 MEDICAL INSURANCE		314110	3,431.45
ARTURO M. JUAREZ	0075-450-0075-09010	1,417.00	CHERRY BLOSSOM PRINTING (TRUST)		314111	1,417.00
FRANCISCO CABRAL	0075-450-0075-08520	350.00	CINCO DE MAYO PERFORMER (TRUST)		314112	350.00
CALIFORNIA ASSOCIATION OF	0065-464	552.00	LTD FIREFIGHTERS		314113	552.00
CATARINO MONTOYA	0075-450-0075-08520	350.00	CINCO DE MAYO PERFORMER (TRUST)		314114	350.00
CHARTER COMMUNICATIONS	0092-801-4210-32050	89.98	INTERNET/CABLE SERVICE		314115	89.98
	0010-801-6502-32050	79.99	INTERNET/CABLE SERVICE		314144	
	0010-801-6502-32050	79.99	INTERNET/CABLE SERVICE		314144	

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						159.98
GUILLERMO J. CHAVEZ	0092-801-6508-31990	39.87	CLEAN-UP DAY SUPPLIES		314145	39.87
CITATION MANAGEMENT (DBA)	0010-701-0010-03630	4,667.68	PARKING CITATIONS SERVICE		314116	4,667.68
QIANYE DING	0010-701-0010-07430	35.94	BOOK REFUND		314117	35.94
DIRECTV, LLC	0010-801-3230-32050	131.24	EOC SERVICES		314118	131.24
EXPRESS SERVICE, INC	0010-801-4202-11300	1,431.15	TEMPORARY STAFFING SERVICES		314146	6,003.73
	0010-801-4202-11300	1,421.00	TEMPORARY STAFFING SERVICES		314146	
	0010-801-4202-11300	1,613.85	TEMPORARY STAFFING SERVICES		314146	
	0010-801-4202-11300	1,537.73	TEMPORARY STAFFING SERVICES		314146	
ESPERANZA FLORES	0075-450-0075-08520	300.00	CINCO DE MAYO PERFORMER (TRUST)		314119	300.00
FUJIMA-KANSEI-ODORI-KAI	0075-450-0075-09010	125.00	CHERRY BLOSSOM PERFORMER-TRUST		314120	125.00
COLETTE HAU	0075-450-0075-08665	100.00	LEADERSHIP SCHOLARSHIP (TRUST)		314147	100.00
GRAEME HINDE	0075-450-0075-08610	800.00	PLAY DAYS PERFORMER (TRUST)		314121	800.00
HOME DEPOT CREDIT SERVICES	0010-801-6503-31150	245.28	HARDWARE SUPPLIES		314148	
	0010-801-6503-31150	24.05	HARDWARE SUPPLIES		314148	
	0010-801-6503-31150	59.12-	HARDWARE SUPPLIES-CREDIT		314148	
	0010-801-6503-31150	118.26-	HARDWARE SUPPLIES-CREDIT		314148	
	0010-801-6503-31150	24.03-	HARDWARE SUPPLIES-CREDIT		314148	
	0092-801-6508-31990	28.01	HARDWARE SUPPLIES		314148	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
HOME DEPOT CREDIT SERVICES	0092-801-6508-31990	237.39	HARDWARE SUPPLIES		314148	
	0043-801-6508-39860	78.68	HARDWARE SUPPLIES		314148	
	0043-801-6508-39860	178.70	HARDWARE SUPPLIES		314148	
	0010-801-6517-22400	56.63	HARDWARE SUPPLIES	17-0108	314148	
	0010-801-6503-38100	158.77	HARDWARE SUPPLIES		314148	
	0010-801-3210-22750	382.84	HARDWARE SUPPLIES		314148	
	0010-801-3210-22750	39.02	HARDWARE SUPPLIES	17-0262	314148	
	0010-801-3210-22750	523.59	HARDWARE SUPPLIES	17-0262	314148	
	0010-801-3210-22750	74.08	HARDWARE SUPPLIES	17-0262	314148	
	0010-801-3210-22750	46.73	HARDWARE SUPPLIES	17-0262	314148	
	0010-801-3210-22750	264.73	HARDWARE SUPPLIES		314148	
	0010-801-3210-22750	32.63-	HARDWARE SUPPLIES-CREDIT	17-0262	314148	
	0010-801-4210-23700	150.39	HARDWARE SUPPLIES	17-0241	314148	
	0010-801-4210-23700	1,149.90	HARDWARE SUPPLIES	17-0241	314148	
	0010-801-4210-23700	238.12	HARDWARE SUPPLIES	17-0241	314148	
	0010-801-4210-23700	61.29	HARDWARE SUPPLIES	17-0241	314148	
	0010-801-6505-23050	10.71	HARDWARE SUPPLIES	17-0118	314148	
	0010-801-6505-23050	50.87	HARDWARE SUPPLIES	17-0118	314148	
	0010-801-6505-23050	203.86	HARDWARE SUPPLIES	17-0118	314148	
	0010-801-4202-23950	32.79-	HARDWARE SUPPLIES-CREDIT	17-0214	314148	
	0092-801-4223-22750	195.46	HARDWARE SUPPLIES	17-0141	314148	
	0176-801-4207-23900	51.77	HARDWARE SUPPLIES	17-0241	314148	
	0176-801-4207-23900	61.89	HARDWARE SUPPLIES	17-0241	314148	
						4,245.93
LIAM IGLESIAS	0075-450-0075-08665	100.00	LEADERSHIP SCHOLARSHIP (TRUST)		314149	100.00
OONA IGLESIAS	0075-450-0075-08665	100.00	LEADERSHIP SCHOLARSHIP (TRUST)		314150	100.00
LUPITA INFANTE	0075-450-0075-08520	300.00	CINCO DE MAYO PERFORMER (TRUST)		314122	

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						300.00
KAREN INGO	0075-450-0075-09010	500.00	CHERRY BLOSSOM RAFFLE (TRUST)		314151	500.00
INTERWEST CONSULTING GROUP, INC	0010-701-0010-06100	380.00	PLAN CHECK SERVICES	17-0276	314123	380.00
LIEBERT CASSIDY WHITMORE	0010-801-1801-39400	100.00	HR TRAINING		314152	100.00
	0010-801-1801-39400	880.00	GROUP TRAINING		314153	880.00
MACONDO ICE, INC.	0075-450-0075-09010	332.00	CHERRY BLOSSOM SUPPLIES-TRUST		314124	332.00
MARY JANE MAYEDA (DBA) HANABI TAIKO	0075-450-0075-08610	300.00	PLAY DAYS PERFORMER (TRUST)		314154	300.00
MGT OF AMERICA, INC.	0010-701-0010-08100	3,750.00	STATE MANDATED COST CLAIMING	17-0463	314125	3,750.00
MONTEREY PARK PETTY CASH	0075-450-0075-08420	48.13	PETTY CASH-EXPLORER (TRUST)		314155	
	0075-450-0075-08420	97.41	PETTY CASH-EXPLORER (TRUST)		314155	
	0075-450-0075-08420	47.80	PETTY CASH-EXPLORER (TRUST)		314155	
	0010-801-1703-33200	21.40	PETTY CASH-MILEAGE		314155	
	0010-801-1403-39400	28.19	PETTY CASH-MILEAGE		314155	
	0010-801-1201-39400	30.00	PETTY CASH-PARKING		314155	
	0075-450-0075-08420	73.70	PETTY CASH-EXPLORER (TRUST)		314155	
	0075-450-0075-08520	100.00	PETTY CASH-CINCO DE MAYO-TURST		314155	
	0176-801-6516-38500	9.78	PETTY CASH-SUPPLIES		314155	
	0010-801-1501-33400	42.60	PETTY CASH-PARKING		314155	499.01
MONTEREY PARK WOMAN'S CLUB	0075-450-0075-08610	200.00	PLAY DAYS RECEPTION (TRUST)		314156	200.00

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
ORLANDO MURO	0075-450-0075-08520	500.00	CINCO DE MAYO SUPPLIES (TRUST)		314157	500.00
	0010-801-6508-31990	105.00	REIMBURSEMENT SUPPLIES		314158	105.00
KENNETH DAIKI NAKASHIMO	0075-450-0075-08540	50.00-	VOID CHECK		266437	50.00-
	0075-450-0075-08540	50.00	HHC-POSTER CONTEST WINNER		314126	50.00
NOODLE HOUSE	0010-701-0010-06850	338.00-	VOID CHECK		313431	338.00-
OCIC, INC	0131-801-6003-31700	1,069.33	LIBRARY CATALOGING SERVICE		314127	
	0131-801-6003-31700	1,069.33	LIBRARY CATALOGING SERVICE		314127	
	0131-801-6003-31700	236.40	LIBRARY CATALOGING SERVICE		314127	2,375.06
PARTYLINE EVENTS	0075-450-0075-08520	3,387.06	CINCO DE MAYO RENTAL-TRUST		314128	3,387.06
	0075-450-0075-08610	2,000.00	PLAY DAYS RENTAL (TRUST)	17-0273	314159	
	0075-450-0075-08610	628.44	PLAY DAYS RENTAL (TRUST)		314159	2,628.44
THE PHONE GUY	0092-801-1408-38400	1,882.84	VOICE/DATA CABLING		314160	1,882.84
PITNEY BOWES POSTAGE BY PHONE	0010-801-1301-32200	4.47	POSTAGE		314161	
	0010-801-1403-32200	86.14	POSTAGE		314161	
	0010-801-1406-32200	78.03	POSTAGE		314161	
	0010-801-1701-32200	10.27	POSTAGE		314161	
	0010-801-1702-32200	42.60	POSTAGE		314161	
	0010-801-1801-32200	32.27	POSTAGE		314161	
	0010-801-3101-32200	15.08	POSTAGE		314161	

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
PITNEY BOWES POSTAGE BY PHONE	0010-801-3102-32200	8.08	POSTAGE		314161	
	0010-801-3104-32200	15.16	POSTAGE		314161	
	0010-801-3113-32200	3.15	POSTAGE		314161	
	0010-801-3114-32200	65.38	POSTAGE		314161	
	0010-801-3120-32200	183.54	POSTAGE		314161	
	0010-801-3201-32200	8.79	POSTAGE		314161	
	0010-801-3205-32200	31.76	POSTAGE		314161	
	0010-801-3210-32200	4.28	POSTAGE		314161	
	0010-801-3220-32200	6.77	POSTAGE		314161	
	0010-801-6001-32200	30.36	POSTAGE		314161	
	0010-801-6502-32200	3.68	POSTAGE		314161	
	0043-801-1201-32200	0.67	POSTAGE		314161	
	0043-801-4212-32200	5.48	POSTAGE		314161	
	0075-450-0075-09230	152.95	POSTAGE (TRUST)		314161	
	0092-801-4220-32200	8.80	POSTAGE		314161	
						797.71
PROMOTIONAL DESIGN CONCEPTS, INC.	0010-801-3120-39700	1,735.44	POLICE EQUIPMENT		314129	
						1,735.44
RAMIREZ PRODUCTION	0075-450-0075-08520	800.00	CINCO DE MAYO PERFORMER-TRUST		314130	
						800.00
RODOLFO MORENO (DBA) ARLO ENTERTAIN	0075-450-0075-08610	600.00	PLAY DAYS PERFORMER-TRUST		314131	
						600.00
SAN DIMAS CANYON CLUBHOUSE	0075-450-0075-08420	1,000.00	POLICE-GOLF TOURNAMENT (TRUST)	17-0462	314132	
						1,000.00
YUKI SHINGAKI	0075-450-0075-09010	150.00	CHERRY BLOSSOM PERFORMER-TRUST		314133	
						150.00
SPRINT CORPORATION	0010-801-3115-38400	1,131.93	MOBILE DATA SERVICE	17-0126	314162	
						1,131.93

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
STATE BOARD OF EQUALIZATION	0010-431	100.06	USE TAX		314134	100.06
HANNAH STONE	0075-450-0075-08610	200.00	PLAY DAYS PERFORMER (TRUST)		314135	200.00
RICHARD R. TERZIAN	0010-801-1702-31600	3,800.00	FIRE HEARING	17-0472	314163	3,800.00
THE HABIT RESTAURANTS LLC	0075-450-0075-08420	500.00	GOLF TOURNAMENT CATER (TRUST)		314136	500.00
UNITED PARCEL SERVICE	0010-801-1407-32200	141.90	DELIVERY SERVICES		314137	388.18
	0010-801-3205-32200	246.28	DELIVERY SERVICES		314137	
V & V MANUFACTURING INC	0010-801-3103-22310	6,852.66	POLICE BADGES	17-0469	314164	6,852.66
KASSANDRA VERA	0075-450-0075-08665	100.00	LEADERSHIP SCHOLARSHIP (TRUST)		314165	100.00
VERIZON WIRELESS	0010-801-3205-32050	29.00	WIRELESS VOICE & DATA SERVICE		314138	346.68
	0010-801-3210-32050	190.10	WIRELESS VOICE & DATA SERVICE		314138	
	0010-801-3220-32050	127.58	WIRELESS VOICE & DATA SERVICE		314138	
	0010-801-1408-32050	0.22	WIRELESS VOICE & DATA SERVICE		314166	
	0010-801-1701-32050	38.01	WIRELESS VOICE & DATA SERVICE		314166	
	0010-801-1702-32050	11.56	WIRELESS VOICE & DATA SERVICE		314166	
	0010-801-1703-32050	38.01	WIRELESS VOICE & DATA SERVICE		314166	
	0010-801-3112-32050	132.39	WIRELESS VOICE & DATA SERVICE		314166	
	0010-801-4209-32050	71.88	WIRELESS VOICE & DATA SERVICE		314166	
	0010-801-4212-32050	107.12	WIRELESS VOICE & DATA SERVICE		314166	
	0010-801-6517-32050	54.93	WIRELESS VOICE & DATA SERVICE		314166	
	0092-801-4220-32050	0.26	WIRELESS VOICE & DATA SERVICE		314166	

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
VERIZON WIRELESS	0092-801-4221-32050	53.44	WIRELESS VOICE & DATA SERVICE		314166	
	0092-801-4222-32050	0.22	WIRELESS VOICE & DATA SERVICE		314166	
						508.04
JULIE MARIE VILLANUEVA	0010-801-6006-22450	13.00	PETTY CASH-SUPPLIES		314139	
	0010-801-6004-22450	10.98	PETTY CASH-SUPPLIES		314139	
	0010-801-6006-22450	40.00	PETTY CASH-REGISTRATION		314139	
	0010-801-6006-22450	80.55	PETTY CASH-FLOOR SIGN		314139	
	0010-801-6006-22450	50.00	PETTY CASH-REGISTRATION		314139	
	0010-801-6006-22450	31.88	PETTY CASH-SUPPLIES		314139	
						226.41
JONATHAN PAULL WEST	0075-450-0075-08610	200.00	PLAY DAYS PERFORMER (TRUST)		314167	
						200.00
ANNIE WU	0075-450-0075-08665	100.00	LEADERSHIP SCHOLARSHIP (TRUST)		314168	
						100.00
MARIA-ELENA YEPES	0075-450-0075-08610	350.00	PLAY DAYS PERFORMER (TRUST)		314140	
						350.00
TOTAL FOR PREPAID WARRANTS						65,604.25
	PRINTED	65,604.25				
	E-PAYABLE	0.00				

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
A & J PORTABLE RESTROOM INC	0092-801-6508-39860	1,000.00	FARMERS MARKET RESTROOM		314169	1,000.00
AAA ELECTRICAL SUPPLY, INC.	0010-801-4210-23400	636.30	ELECTRICAL SUPPLIES	17-0253	314170	636.30
ACTION SALES (DBA)	0010-801-3210-24300	327.08	FIRE-SUPPLIES		314171	327.08
ADVANCED BATTERY SYSTEMS, INC.	0060-801-4211-23500	214.11	FLEET PARTS-UNIT 047	17-0040	627 *	428.62
	0060-801-4211-23500	107.05	FLEET PARTS	17-0040	627 *	
	0060-801-4211-23500	107.46	FLEET PARTS	17-0040	627 *	
AERUS ELECTROLUX	0010-801-6001-38400	335.94	LIBRARY SUPPLIES/REPAIR		314172	335.94
ALLSTAR FIRE EQUIPMENT INC.	0010-801-3210-22300	205.07	FIRE SUPPLIES	17-0335	314173	886.37
	0010-801-3210-22300	66.81	FIRE SUPPLIES		314173	
	0010-801-3210-22750	238.55	FIRE SUPPLIES		314173	
	0010-801-3210-22750	375.94	FIRE SUPPLIES		314173	
AMERICAN RED CROSS	0010-801-6503-22300	70.00	AQUATIC CPR/AED TRAINING		314174	70.00
AMTECH ELEVATOR SERVICES	0010-801-6001-38100	759.15	ELEVATOR MAINTENANCE		314175	1,260.80
	0092-801-4210-38400	501.65	ELEVATOR MAINTENANCE		314175	
APWU HEALTH PLAN	0010-701-0010-07960	833.03	REFUND AMBULANCE FEE		314176	833.03
ARAMARK UNIFORM & CAREER APPAREL, I	0010-801-3210-39050	45.19	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	30.47	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	21.75	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	10.97	FIRE UNIFORM SERVICES		314177	

* Indicates an E-Payable transaction

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
ARAMARK UNIFORM & CAREER APPAREL, I	0010-801-3210-39050	6.89	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	13.79	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	13.79	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	23.50	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	6.89	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	27.57	FIRE UNIFORM SERVICES		314177	
	0010-801-3210-39050	6.89	FIRE UNIFORM SERVICES		314177	207.70
ARC IMAGING RESOURCE - CALIFORNIA	0092-801-4212-37500	257.56	ENGINEERING PRINTER	17-0426	314178	257.56
ASTRO PLUMBING SUPPLY CO (DBA)	0010-801-4210-23300	449.49	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	127.92	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	169.94	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	41.66-	PLUMBING SUPPLIES-CREDIT	17-0239	628 *	
	0010-801-4210-23300	32.96	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	334.87	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	484.73	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	112.89	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	98.03	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	124.29	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	353.30	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	1,063.57	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	6,036.40	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	1,981.63	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	34.66	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	1,420.41	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	2,110.24-	PLUMBING SUPPLIES-CREDIT	17-0239	628 *	
	0010-801-4210-23300	359.31	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	68.81	PLUMBING SUPPLIES	17-0239	628 *	

* Indicates an E-Payable transaction

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
ASTRO PLUMBING SUPPLY CO (DBA)	0010-801-4210-23300	264.20	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	62.21	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	610.64	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	236.81	PLUMBING SUPPLIES	17-0239	628 *	
	0010-801-4210-23300	526.06	PLUMBING SUPPLIES	17-0239	628 *	12,801.23
AUTOZONE WEST, INC	0060-801-4211-23500	116.35	FLEET PARTS/SUPPLIES	17-0298	629 *	
	0060-801-4211-23500	103.30	FLEET PARTS/SUPPLIES	17-0298	629 *	
	0060-801-4211-23500	124.96	FLEET PARTS/SUPPLIES	17-0298	629 *	
	0060-801-4211-23500	38.06-	FLEET PARTS/SUPPLIES-CREDIT	17-0298	629 *	306.55
B W GRAPHICS	0092-801-4220-21250	32.62	BUSINESS CARDS-C VEGA		314179	
	0010-801-3210-22750	36.97	BUSINESS CARDS-J BIRRELL		314179	
	0010-801-3210-22750	34.80	BUSINESS CARDS-M KHAIL		314179	
	0010-801-3210-22750	34.80	BUSINESS CARDS-K LEASURE		314179	
	0010-801-3210-22750	40.23	BUSINESS CARDS-M HALLOCK		314179	
	0010-801-1703-39250	30.45	BUSINESS CARDS-T REICHHARDT		314179	
	0010-801-3103-39250	39.15	BUSINESS CARDS-P VILLALOBOS		314179	
	0010-801-3103-39250	34.80	BUSINESS CARDS-R ESPARZA		314179	
	0010-801-3103-39250	39.15	BUSINESS CARDS-G SIMS		314179	
	0092-801-4220-21250	36.98	BUSINESS CARDS-R MAI		314179	
	0092-801-4220-21250	40.25	BUSINESS CARDS-P PEREZ		314179	400.20
BAKER & TAYLOR INC	0131-801-6002-40000	241.79	BOOK(S) 14		314180	
	0131-801-6002-40000	267.19	BOOK(S) 13		314180	
	0131-801-6002-40000	1,151.67	BOOK(S) 66		314180	
	0010-801-6006-40000	42.02	BOOK(S) 7		314180	
	0010-801-6006-40000	14.92	BOOK(S) 1		314180	
	0010-801-6006-40000	51.53	BOOK(S) 4		314180	

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BAKER & TAYLOR INC	0010-801-6006-40000	94.79	BOOK(S) 5		314180	
	0010-801-6006-40000	14.75	BOOK(S) 2		314180	
	0010-801-6006-40000	15.79	BOOK(S) 1		314180	
	0010-801-6006-40000	21.32	BOOK(S) 3		314180	
	0010-801-6006-40000	979.53	BOOK(S) 81		314180	
	0010-801-6006-40000	31.11	BOOK(S) 3		314180	
	0010-801-6006-40000	126.14	BOOK(S) 9		314180	
	0010-801-6006-40000	88.52	BOOK(S) 6		314180	
	0131-801-6002-40000	21.72	BOOK(S) 2		314180	
	0131-801-6002-40000	7.24	BOOK(S) 1		314180	
	0131-801-6002-40000	17.07-	BOOK(S)-CREDIT		314180	
	0010-801-6006-40000	105.56	BOOK(S) 7		314180	
	0010-801-6006-40000	791.69	BOOK(S) 74		314180	
	0010-801-6006-40000	25.97	BOOK(S) 2		314180	
	0010-801-6006-40000	54.22	BOOK(S) 7		314180	
	0010-801-6006-40000	3.28	BOOK(S) 1		314180	
	0010-801-6006-40000	26.59	BOOK(S) 2		314180	
	0010-801-6006-40000	93.13	BOOK(S) 9		314180	
	0010-801-6006-40000	18.73	BOOK(S) 3		314180	
	0010-801-6006-40000	22.25	BOOK(S) 2		314180	
	0010-801-6006-40000	41.11	BOOK(S) 4		314180	
	0010-801-6006-40000	10.81	BOOK(S) 1		314180	
	0010-801-6006-40000	47.32	BOOK(S) 5		314180	
	0010-801-6006-40000	90.83	BOOK(S) 9		314180	
	0010-801-6006-40000	181.51	BOOK(S) 25		314180	
	0010-801-6006-40000	3.94	BOOK(S) 2		314180	
	0010-801-6006-40000	56.30	BOOK(S) 6		314180	
	0010-801-6006-40000	22.23	BOOK(S) 2		314180	
	0010-801-6006-40000	145.79	BOOK(S) 11		314180	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
BAKER & TAYLOR INC	0010-801-6006-40000	15.41	BOOK(S) 2		314180	
	0010-801-6006-40000	23.74	BOOK(S) 3		314180	
	0010-801-6006-40000	701.77	BOOK(S) 58		314180	
	0010-801-6006-40000	15.13	BOOK(S) 2		314180	
	0010-801-6006-40000	123.97	BOOK(S) 10		314180	
	0010-801-6006-40000	31.71	BOOK(S) 2		314180	
	0010-801-6006-40000	66.32	BOOK(S) 6		314180	
	0010-801-6006-40000	21.61	BOOK(S) 2		314180	
	0010-801-6006-40000	21.63	BOOK(S) 2		314180	
	0010-801-6006-40000	8.90	BOOK(S) 1		314180	
	0010-801-6006-40000	14.88	BOOK(S) 1		314180	
	0010-801-6006-40000	10.45	CD (S) 1		314180	
	0010-801-6006-40000	55.49	BOOK(S) 6		314180	
						6,005.23
BATTERY SYSTEMS, INC	0060-801-3210-38400	407.55	FIRE SUPPLIES		314181	407.55
BEAR COMMUNICATIONS INC (DBA) BEARC	0160-801-3103-22750	1,119.04	POLICE SUPPLIES		314182	1,119.04
BEST CONTRACTING SERVICES INC	0010-801-4210-38100	2,479.00	ROOF REPAIRS ELDER PARK		314183	2,479.00
BG PETROSPECS	0060-801-4211-22250	958.80	FLEET SUPPLIES		314184	958.80
BLACK & WHITE EMERGENCY VEHICLES	0060-801-4211-38410	932.44	FLEET PARTS-UNIT 040	17-0034	630 *	932.44
BRODART COMPANY	0010-801-6003-22450	25.23	LIBRARY CATALOG SERVICES		314185	
	0010-801-6003-22450	20.88	LIBRARY CATALOG SERVICES		314185	
						46.11
BSN SPORTS (DBA)	0010-801-6502-31150	202.12	RECREATION SUPPLIES		314186	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						202.12
CAAD LLC	0092-801-1406-32200	164.64	BUSINESS LIC MAILING SERVICE		314187	164.64
CALIFA	0075-450-0075-08250	75.00	LIBRARY TRAINING (TRUST)		314188	75.00
CALIFORNIA ASSOC. OF CODE	0010-801-1702-33200	75.00	CODE ENFORCEMENT TRAINING		314189	75.00
CALIFORNIA POLICE CHIEFS ASSOCIATION	0010-801-3103-39300	100.00	POLICE MEMBERSHIP		314190	
	0010-801-3104-39300	45.00	POLICE MEMBERSHIP		314190	145.00
CALIFORNIA WATER SERVICE CO.	0092-801-4222-36300	15.57	WATER SERVICE		314191	
	0092-801-4222-36300	15.57	WATER SERVICE		314191	
	0092-801-4222-36300	41.07	WATER SERVICE		314191	
	0092-801-4222-36300	234.19	WATER SERVICE		314191	306.40
CALOX, INC	0010-801-3220-24200	144.00	FIRE MEDICAL SUPPLIES		314192	
	0010-801-3220-24200	13.00	FIRE MEDICAL SUPPLIES		314192	
	0010-801-3220-24200	85.00	FIRE MEDICAL SUPPLIES		314192	
	0010-801-3220-24200	29.75	FIRE MEDICAL SUPPLIES		314192	
	0010-801-3220-24200	21.25	FIRE MEDICAL SUPPLIES		314192	293.00
CANON FINANCIAL SERVICES, INC.	0010-801-1403-37500	1,327.21	COPIER MACHINE RENTAL	17-0334	314193	
	0010-801-3210-37500	990.06	COPIER MACHINE RENTAL	17-0197	314193	
	0010-801-3210-38400	937.36	COPIER MACHINE RENTAL		314193	
	0092-801-4220-37500	86.45	COPIER MACHINE RENTAL		314193	
	0010-801-4209-37500	1,050.35	COPIER MACHINE RENTAL		314193	
	0010-801-1408-38400	775.76	COPIER MACHINE RENTAL	17-0059	314193	
	0043-801-1801-38400	775.76	COPIER MACHINE RENTAL	17-0059	314193	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
CANON FINANCIAL SERVICES, INC.	0010-801-6502-38400	775.75	COPIER MACHINE RENTAL	17-0059	314193	
	0010-801-3115-38400	216.82	COPIER MACHINE RENTAL	17-0330	314193	6,935.52
MARLENE A CARDINALI	0159-801-6507-31940	399.00	INSTRUCTOR-RECREATION CLASS		314194	399.00
JONATHAN CHANG	0010-801-3230-39400	175.00	REIMBURSE FIRE TRAINING		314195	175.00
CHARLIES TIRE RECYCLING	0060-801-4211-31950	256.00	FLEET TIRE RECYCLING		314196	256.00
CHINA CLASSICS (DBA)	0131-801-6002-40000	141.70	BOOK(S) 15		314197	141.70
CIGNA HEALTHCARE	0010-701-0010-07960	183.53	REFUND AMBULANCE FEE		314198	183.53
CITATION MANAGEMENT (DBA)	0010-701-0010-03630	3,678.37	PARKING CITATIONS SERVICE		314199	3,678.37
CLINICAL LABORATORY OF	0092-801-4222-31950	15.00	WATER ANALYSIS	17-0386	631 *	
	0092-801-4222-31950	12.00	WATER ANALYSIS	17-0386	631 *	
	0092-801-4222-31950	15.00	WATER ANALYSIS	17-0386	631 *	
	0092-801-4222-31950	15.00	WATER ANALYSIS	17-0386	631 *	
	0092-801-4222-31950	15.00	WATER ANALYSIS	17-0386	631 *	
	0092-801-4222-31950	12.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	12.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	45.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	45.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	24.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	24.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	508.00	WATER ANALYSIS		631 *	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
CLINICAL LABORATORY OF	0092-801-4222-31950	468.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	108.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	192.00	WATER ANALYSIS		631 *	
	0092-801-4222-31950	108.00	WATER ANALYSIS		631 *	1,633.00
COBRA FIRE PROTECTION	0010-801-4210-38100	566.91	FIRE SYS/EXTINGUISHERS SERVICE		314200	
	0010-801-4210-38100	332.15	FIRE SYS/EXTINGUISHERS SERVICE		314200	
	0010-801-4210-38100	388.69	FIRE SYS/EXTINGUISHERS SERVICE		314200	
	0060-801-4211-38400	64.38	FIRE SYS/EXTINGUISHERS SERVICE		314200	1,352.13
COLLICUTT ENERGY SERVICES INC	0092-801-4210-38400	566.71	ANNUAL SERVICE		314201	
	0010-801-4210-38150	596.15	COOLANT LEAK REPAIR		314201	1,162.86
COMMERCIAL AQUATIC SERVICES, INC	0010-801-5004-91738	1,750.00	POOL LANE LIGHTS		314202	1,750.00
COMPUTER SERVICE COMPANY	0010-801-4212-31500	4,244.00	TRAFFIC SIGNAL MAINTENANCE	17-0367	314203	
	0010-801-4212-31500	3,095.00	TRAFFIC SIGNAL MAINTENANCE	17-0367	314203	
	0010-801-4212-31950	12,214.44	TRAFFIC SIGNAL MAINTENANCE	17-0442	314203	19,553.44
COTIVITY	0010-701-0010-07960	1,874.65	REFUND AMBULANCE FEE		314204	1,874.65
DAMEWOOD CONSULTING GROUP	0010-801-1802-39400	670.00	EMPLOYEE SAFETY TRAINING		314205	670.00
DELL MARKETING LP	0010-801-1801-32150	1,175.60	COMPUTER/SUPPLIES		314206	1,175.60
DIVERSIFIED ALARM SERVICE	0092-801-4210-38100	270.00	MONITORING SERVICES		632 *	270.00
DUNN-EDWARDS CORPORATION	0092-801-6508-39860	705.36	PAINT SUPPLIES		314207	

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DUNN-EDWARDS CORPORATION	0010-801-4210-23100	70.19	PAINT SUPPLIES	17-0206	314207	
	0010-801-4210-23100	47.54	PAINT SUPPLIES	17-0206	314207	
	0010-801-4210-23100	46.71	PAINT SUPPLIES	17-0206	314207	
	0010-801-4210-23100	879.44	PAINT SUPPLIES	17-0206	314207	1,749.24
E.R.S. SECURITY ALARM SYSTEMS,	0010-801-6001-38400	135.00	LIBRARY SECURITY MONITORING		314208	135.00
DEAN N EDDOW	0159-801-6507-31940	830.25	INSTRUCTOR-RECREATION CLASS		314209	830.25
EL CAMINO COMMUNITY COLLEGE	0349-801-3201-39400	138.00	FIRE TRAINING		314210	138.00
EMERGENCY RESPONSE CRIME SCENE CLEA	0010-801-3103-38400	650.00	BIOLOGICAL CLEANING		314211	650.00
EMPIRE CLEANING SUPPLY	0010-801-6517-23050	665.55	JANITORIAL SUPPLIES		633 *	665.55
EMS PERSONNEL FUND	0010-801-3220-41100	200.00	PARAMEDIC LICENSE RENEWAL		314212	200.00
EUROFINS EATON ANALYTICAL, INC.	0093-801-4231-31950	230.00	WATER ANALYSIS		314213	
	0093-801-4227-31950	1,325.00	WATER ANALYSIS	17-0358	314213	
	0093-801-4226-31950	2,500.00	WATER ANALYSIS	17-0358	314213	
	0093-801-4230-31950	2,595.00	WATER ANALYSIS	17-0358	314213	
	0093-801-4230-31950	2,595.00	WATER ANALYSIS	17-0358	314213	9,245.00
EVOQUA WATER TECHNOLOGIES LLC	0071-801-3210-38400	107.00	FIRE DI TANK RENTAL		314214	107.00
EZEQUIEL LOPEZ VELASCO (DBA) EFFIC1	0010-801-3113-38250	2,326.88	JAIL JANITORIAL SERVICES	17-0372	314215	2,326.88
FEDERAL EXPRESS CORP.	0092-801-4220-32200	30.69	CARRIER SERVICES		314216	

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						30.69
JIANMIN FENG	0010-701-0010-07430	13.66	BOOK REFUND		314217	13.66
FENSCO SERVICES INC	0010-801-6517-38100	1,379.00	FENCE REPAIR/INSTALLATION		314218	1,379.00
FORD OF MONTEBELLO	0060-801-4211-23500	167.56	FLEET PARTS/REPAIR-UNIT 045		314219	
	0060-801-4211-23500	179.44	FLEET PARTS/REPAIR-UNIT 874		314219	
	0060-801-4211-23500	2.28	FLEET PARTS/REPAIR-UNIT 874		314219	
	0060-801-4211-23500	9.14	FLEET PARTS/REPAIR-UNIT 874		314219	
	0060-801-4211-23500	149.10	FLEET PARTS/REPAIR-UNIT 045		314219	
	0060-801-4211-23500	9.14	FLEET PARTS/REPAIR-CREDIT		314219	
	0060-801-4211-23500	9.44	FLEET PARTS/REPAIR-UNIT 874		314219	507.82
FOX RENT A CAR INC LSE	0010-701-0010-03630	86.00	REFUND CITATION		314220	86.00
WINNIE FUNG	0159-801-6507-31940	504.00	INSTRUCTOR-RECREATION CLASS		314221	504.00
GALL'S, INC. (DBA) GALLS/QUARTERMASTER	0010-801-3210-22310	219.57	FIRE SUPPLIES	17-0452	314222	
	0010-801-3210-22310	191.18	FIRE SUPPLIES	17-0452	314222	
	0010-801-3210-22310	113.00	FIRE SUPPLIES	17-0452	314222	
	0010-801-3210-22310	226.09	FIRE SUPPLIES	17-0452	314222	
	0349-801-3201-39400	58.67	FIRE SUPPLIES		314222	
	0349-801-3201-39400	188.90	FIRE SUPPLIES		314222	
	0349-801-3201-39400	43.28	FIRE SUPPLIES		314222	
	0349-801-3201-39400	399.04	FIRE SUPPLIES		314222	
	0349-801-3201-39400	64.11	FIRE SUPPLIES		314222	1,503.84
GARVEY EQUIPMENT COMPANY	0010-801-6517-24100	152.85	PARKS SUPPLIES	17-0109	314223	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
GARVEY EQUIPMENT COMPANY	0010-801-6517-24100	223.70	PARKS SUPPLIES	17-0109	314223	376.55
GEOBLUE	0010-701-0010-07960	991.72	REFUND AMBULANCE FEE		314224	991.72
GEORGE ENDO	0010-701-0010-07960	257.00	REFUND AMBULANCE FEE		314225	257.00
GRICELDA GOMEZ	0010-801-3205-39400	248.24	FIRE TRAINING		314226	
	0010-801-3210-39050	17.56	FIRE-UNIFORM CLEANING		314226	
	0010-801-3210-39050	3.39	FIRE-UNIFORM CLEANING		314226	
	0010-801-3210-39050	14.57	FIRE-UNIFORM CLEANING		314226	283.76
GOVCONNECTION INC.	0010-801-1703-22750	45.62	COMPUTER SUPPLIES		314227	
	0092-801-4220-39350	450.31	COMPUTER SUPPLIES		314227	
	0092-801-4220-39350	51.78	COMPUTER SUPPLIES		314227	547.71
GRAINGER	0176-801-4207-23900	115.88	BLDG MAINT SUPPLIES	17-0246	314228	
	0010-801-3210-22750	386.28	FIRE SUPPLIES		314228	
	0010-801-6517-22750	1,046.77	PARKS SUPPLIES		314228	1,548.93
GRM INFORMATION MANAGEMENT	0010-801-1301-31950	769.00	DOCUMENT SYSTEM SERVICES	17-0068	314229	
	0010-801-1801-38400	3,105.49	DOCUMENT SYSTEM SERVICES	17-0046	314229	3,874.49
H & H AUTO PARTS WHOLESALE	0060-801-4211-23500	928.55	FLEET PARTS/SUPPLIES	17-0284	314230	
	0060-801-4211-23500	167.74	FLEET PARTS/SUPPLIES	17-0284	314230	
	0060-801-4211-23500	42.05	FLEET PARTS/SUPPLIES	17-0284	314230	
	0060-801-4211-23500	125.06	FLEET PARTS/SUPPLIES-UNIT 042	17-0284	314230	1,263.40
H2O RESTORATION INC.	0010-801-4210-38100	1,993.69	WATER DAMAGE CLEAN UP		314231	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						1,993.69
HARLAND TECHNOLOGY SERVICES	0445-801-6005-38400	927.00	LIBRARY SCANNER MAINTENANCE		314232	927.00
HAROLD'S KEY SHOP, INC.	0010-801-4210-38100	300.00	KEY/LOCK SERVICES		314233	
	0010-801-4210-38100	75.00	KEY/LOCK SERVICES		314233	
	0010-801-4210-38100	30.75	KEY/LOCK SERVICES		314233	405.75
HDL COREN & CONE	0010-801-1403-31400	4,562.50	PROPERTY TAX SERVICES	17-0357	314234	4,562.50
HEALTHCARE PARTNERS	0010-701-0010-07960	144.69	REFUND AMBULANCE FEE		314235	144.69
MARIA HERNANDEZ	0010-701-0010-07960	50.00	REFUND AMBULANCE FEE		314236	50.00
HERSHEY BUSINESS PRODUCTS, LLC	0010-801-6502-31950	223.45	TYPEWRITER MAINTENANCE		314237	223.45
STELLA HO	0010-701-0010-07960	255.08	REFUND AMBULANCE FEE		314238	255.08
HOLLY ELECTRIC, INC. (DBA) BREA ELE	0010-801-4210-38100	1,763.83	BLDG MAINT REPAIR		314239	1,763.83
HOME DEPOT CREDIT SERVICES	0043-801-6508-39860	38.00	HARDWARE SUPPLIES		314240	38.00
BRENDA IGLESIAS	0160-801-3101-39400	42.85	POLICE TRAINING		314241	42.85
ILLINOIS LIBRARY ASSOCIATION	0010-801-6006-22450	1,074.75	READING PROGRAM SUPPLIES		314242	1,074.75
INNOVATIVE INTERFACES, INC.	0010-801-6003-38400	326.72	LIBRARY DATA SERVICE		314243	326.72
INTERNATIONAL ASSO OF PLUMBING & ME	0010-801-1703-39300	250.00	MEMBERSHIP		314244	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						250.00
INTERNATIONAL CODE COUNCIL, INC	0010-801-1703-39300	240.00	BUILDING MEMBERSHIP		314245	240.00
IP LEARNING CENTER	0159-801-6507-31940	2,640.00	INSTRUCTOR-RECREATION CLASS		314246	2,640.00
IRON MOUNTAIN OFF-SITE DATA	0010-850-1403-31700	355.46	COMPUTER DATA STORAGE		314247	355.46
SHELLY MARIE ISHIDA	0159-801-6507-31940	520.50	INSTRUCTOR-RECREATION CLASS		314248	520.50
JAIME YAMASHITA (DBA) J.M. YAMASHITA	0176-850-5002-91590	551.60	GARVEY DEMONSTRATION GARDEN	16-0466	314249	2,160.00
	0010-801-5004-96087	1,608.40	GARVEY DEMONSTRATION GARDEN		314249	
JEANINE CARR (DBA) TIPPI TOES WEST	0159-801-6507-31940	1,782.75	INSTRUCTOR-RECREATION CLASS		314250	1,782.75
JHM SUPPLY INC	0010-801-6517-23300	8.93	PARKS SUPPLIES	17-0112	314251	8.93
JUMPSTART FOR YOUNG CHILDREN, INC.	0445-801-6005-40000	280.80	BOOK(S) 60		314252	280.80
RICHARD KAGEYAMA	0159-801-6507-31940	330.40	INSTRUCTOR-RECREATION CLASS		314253	330.40
GABRIELA KASANJIAN	0159-801-6507-31940	582.40	INSTRUCTOR-RECREATION CLASS		314254	582.40
KATHLEEN GANDARA (DBA) LAW OFFICES	0010-801-1801-31955	2,482.90	INVESTIGATIVE SERVICES		314255	2,482.90
KNIGHT COMMUNICATIONS INC	0160-801-3115-31700	10,250.00	SYSTEM MANAGEMENT SERVICE	17-0122	314256	
	0010-801-1301-38400	497.17	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-1404-38400	464.96	SYSTEM MANAGEMENT SERVICE		314256	
	0043-801-1404-38400	548.29	SYSTEM MANAGEMENT SERVICE		314256	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
KNIGHT COMMUNICATIONS INC	0092-801-1404-38400	714.97	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-1701-38400	376.67	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-1702-38400	376.67	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-1703-38400	376.67	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-1801-38400	733.75	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-3115-38400	1,282.50	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-3201-38400	897.50	SYSTEM MANAGEMENT SERVICE		314256	
	0022-801-4202-38400	524.08	SYSTEM MANAGEMENT SERVICE		314256	
	0092-801-4210-38400	386.75	SYSTEM MANAGEMENT SERVICE		314256	
	0060-801-4211-38400	1,716.66	SYSTEM MANAGEMENT SERVICE		314256	
	0043-801-4212-38400	552.92	SYSTEM MANAGEMENT SERVICE		314256	
	0092-801-4220-38400	1,628.33	SYSTEM MANAGEMENT SERVICE		314256	
	0131-801-6001-38400	853.33	SYSTEM MANAGEMENT SERVICE		314256	
	0010-801-6502-38400	1,110.83	SYSTEM MANAGEMENT SERVICE		314256	
						23,292.05
KNOWLES-MCNIFF	0010-801-1404-31700	783.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0043-801-1404-31700	3,850.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0092-801-1404-31700	3,908.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0010-801-3115-31700	599.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0010-801-3220-31700	209.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0092-801-4221-31700	989.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0093-801-4226-31700	212.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0093-801-4227-31700	259.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0093-801-4228-31700	212.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0093-801-4229-31700	199.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0093-801-4231-31700	265.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0093-801-4232-31700	212.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
	0010-801-6001-31700	803.00	FINANCE SOFTWARE MAINTENANCE	17-0002	314257	
						12,500.00

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
KOA CORPORATION	0010-801-4212-31950	4,109.58	PUBLIC WORKS INSPECTION	17-0451	314258	4,109.58
L.B.I. AIR, INC.	0060-801-3210-38400	2,352.93	FIRE REPAIRS E62		314259	2,352.93
LA CARE HEALTH PLAN	0010-701-0010-07960	124.04	REFUND AMBULANCE FEE		314260	124.04
	0010-701-0010-07960	124.04	REFUND AMBULANCE FEE		314261	124.04
	0010-701-0010-07960	120.53	REFUND AMBULANCE FEE		314262	120.53
LAWN MOWER CORNER/KNG POWER EQUIPME	0176-801-6516-38500	65.23	PARKS TOOLS/SUPPLIES	17-0104	314263	65.23
JAMES LEGA	0010-801-3210-39400	500.00	FIRE TRAINING		314264	
	0010-801-3230-39400	175.00	FIRE TRAINING		314264	675.00
LEHR AUTO ELECTRIC (CA CORP) STOMME	0160-801-5004-99323	485.40	POLICE MDC INSTALLATION	17-0342	314265	
	0160-801-5004-99323	485.40	POLICE MDC INSTALLATION	17-0342	314265	
	0160-801-5004-99323	18,792.00	POLICE MDC INSTALLATION	17-0342	314265	
	0160-801-5004-99323	485.40	POLICE MDC INSTALLATION	17-0342	314265	20,248.20
LE LI	0010-701-0010-07430	15.15	BOOK REFUND		314266	15.15
LIEBERT CASSIDY WHITMORE	0010-801-1601-31600	70.00	LEGAL SERVICES-GENERAL SERVICE		314267	
	0010-801-1601-31600	4,161.00	LEGAL SERVICES-POA NEGOTIATION		314267	
	0010-801-1601-31600	468.00	LEGAL SERVICES-PD MMA NEG		314267	
	0010-801-1601-31600	39.00	LEGAL SERVICES-SEIU NEG		314267	
	0010-801-1801-31953	2,700.00	LEGAL SERVICES-PW DISCIPLINE		314267	
	0010-801-1801-31955	783.00	LEGAL SERVICES-MS DISCIPLINE		314267	

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						8,221.00
LIFE-ASSIST INC	0010-801-3220-22350	67.50	FIRE SUPPLIES	17-0079	314268	
	0010-801-3220-24200	317.63	FIRE SUPPLIES		314268	
	0010-801-3220-22350	189.30	FIRE SUPPLIES	17-0079	314268	
	0010-801-3220-24200	154.97	FIRE SUPPLIES		314268	
	0010-801-3220-24200	701.65	FIRE SUPPLIES		314268	
	0010-801-3220-24200	951.66	FIRE SUPPLIES		314268	
	0010-801-3220-24200	567.68-	FIRE SUPPLIES-CREDIT		314268	
	0010-801-3220-22350	130.60	FIRE SUPPLIES	17-0079	314268	
	0010-801-3220-22350	128.10	FIRE SUPPLIES	17-0079	314268	
	0010-801-3220-22350	65.30	FIRE SUPPLIES	17-0079	314268	
	0010-801-3220-22350	607.94	FIRE SUPPLIES	17-0079	314268	
	0010-801-3220-24200	701.09	FIRE SUPPLIES		314268	
						3,448.06
LINCOLN EQUIPMENT INC.	0010-801-6503-23050	414.88	POOL CHEMICAL/SUPPLIES	17-0323	314269	
	0010-801-6503-23050	517.53	POOL CHEMICAL/SUPPLIES	17-0323	314269	
						932.41
LIONS CLUB	0010-801-6001-39300	229.00	LIBRARY MEMBERSHIP		314270	
						229.00
CINDY YUSHAN LIU	0010-701-0010-07430	8.00	BOOK REFUND		314271	
						8.00
LONG BEACH BMW MOTORCYCLES (DBA)	0060-801-4211-38400	1,849.50	FLEET PARTS/REPAIR-UNIT 024		634 *	
	0060-801-4211-38400	592.72	FLEET PARTS/REPAIR-UNIT 047		634 *	
	0060-801-4211-38400	153.04	FLEET PARTS/REPAIR-UNIT 047	17-0020	634 *	
						2,595.26
LOOMIS ARMORED US, INC.	0010-701-0010-03700	508.28	ARMORED CARRIER SERVICE		314272	
						508.28
LOS ANGELES COUNTY DEPT OF	0010-701-0010-06850	4,798.84	INDUSTRIAL WASTE INSPECTION		314273	

* Indicates an E-Payable transaction

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LOS ANGELES COUNTY DEPT OF	0010-701-0010-06850	844.42	INDUSTRIAL WASTE INSPECTION		314273	
	0010-701-0010-06850	4,571.91	INDUSTRIAL WASTE PERMIT		314273	
	0010-701-0010-06850	3,201.73	INDUSTRIAL WASTE PERMIT		314273	13,416.90
LOS ANGELES TIMES	0010-801-3113-39350	63.98	SUBSCRIPTION		314274	63.98
MAK FIRE PROTECTION ENGINEERING & C	0010-701-0010-06330	1,020.00	FIRE PLAN CHECK	17-0080	314275	
	0010-701-0010-06330	170.00	FIRE PLAN CHECK	17-0080	314275	
	0010-701-0010-06330	170.00	FIRE PLAN CHECK	17-0080	314275	
	0010-701-0010-06330	170.00	FIRE PLAN CHECK	17-0080	314275	1,530.00
MARILYNN HARA (DBA) MARILYNN'S	0010-801-1101-22670	445.06	CITY GIFTS		314276	445.06
MCMASTER-CARR SUPPLY CO.	0092-801-4222-23700	70.46	WATER SUPPLIES	17-0169	314277	
	0092-801-4222-23700	343.18	WATER SUPPLIES	17-0169	314277	
	0092-801-4222-23700	49.64	WATER SUPPLIES	17-0169	314277	463.28
MCNEILL SECURITY AND FIRE SYSTEMS	0010-801-6001-38400	218.67	ALARM SERVICES		314278	218.67
MICHAEL BAKER INTERNATIONAL, INC.	0010-801-5004-96081	10,918.80	GARFIELD TRANSIT VILLAGE SVCS	17-0315	314279	10,918.80
MIDORI GARDENS	0344-701-0344-05400	2,790.00	LANDSCAPE SERVICES	17-0394	314280	
	0344-701-0344-05400	2,790.00	LANDSCAPE SERVICES	17-0394	314280	
	0344-701-0344-05400	2,790.00	LANDSCAPE SERVICES	17-0394	314280	8,370.00
MIDWEST TAPE	0010-801-6002-40000	79.36	DVD/CD(S) 2		314281	
	0010-801-6002-40000	379.17	DVD/CD(S) 25		314281	
	0010-801-6002-40000	55.42	DVD/CD(S) 3		314281	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
MIDWEST TAPE	0010-801-6002-40000	257.58	DVD/CD(S) 11		314281	
	0010-801-6002-40000	216.19	DVD/CD(S) 14		314281	
	0010-801-6002-40000	215.19	DVD/CD(S) 9		314281	
	0010-801-6002-40000	108.66	DVD/CD(S) 7		314281	
						1,311.57
MISSION SUPER HARDWARE	0010-801-4210-23050	10.43	HARDWARE SUPPLIES	17-0203	314282	
						10.43
MONOPRICE, INC	0010-801-3114-21350	290.54	COMPUTER SUPPLIES		314283	
						290.54
PETER MORRIS	0159-801-6507-31940	239.85	INSTRUCTOR-RECREATION CLASS		314284	
						239.85
MOTION PICTURE LICENSING CORP	0010-801-6506-22750	205.21	MOTION PICTURE LICENSE FEE		314285	
						205.21
MR. ROOTER PLUMBING (DBA)	0010-801-4210-38100	9,207.60	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	4,440.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	3,700.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	4,440.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	2,220.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	579.33	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	370.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	1,871.11	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	8,684.54	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	370.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	1,995.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	2,100.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	2,000.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	227.65	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	1,109.56	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	1,067.56	PLUMBING SERVICES	17-0443	314286	

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VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
MR. ROOTER PLUMBING (DBA)	0010-801-4210-38100	1,625.00	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	402.65	PLUMBING SERVICES	17-0443	314286	
	0010-801-4210-38100	1,900.00	PLUMBING SERVICES	17-0443	314286	
	0092-801-4210-38100	2,000.00	PLUMBING SERVICES	17-0443	314286	50,310.00
MT. SAN ANTONIO COLLEGE	0010-801-3220-39400	800.00	FIRE TRAINING		314287	800.00
MUNICIPAL AUDITING SERVICES LLC (DE	0010-701-0010-02010	444.50	BUSINESS LICENSE AUDITING SVCS		314288	
	0010-701-0010-02010	687.75	BUSINESS LICENSE AUDITING SVCS		314288	
	0010-701-0010-02010	654.68	BUSINESS LICENSE AUDITING SVCS		314288	1,786.93
MARGARET NALBANDIAN	0159-801-6507-31940	718.90	INSTRUCTOR-RECREATION CLASS		314289	718.90
NAVARRO'S TOWING	0060-801-4211-31950	75.00	TOWING SERVICES-UNIT 096	17-0016	314290	75.00
NEC CORPORATION OF AMERICA	0010-801-6505-38250	468.00	PHONE SYSTEM SERVICES		314291	
	0010-801-3230-32050	126.25	PHONE SYSTEM SERVICES		314291	
	0010-801-3230-32050	126.25	PHONE SYSTEM SERVICES		314291	
	0010-801-3230-32050	126.25	PHONE SYSTEM SERVICES		314291	
	0010-801-3230-32050	126.25	PHONE SYSTEM SERVICES		314291	973.00
NED R HEALY & CO	0060-801-4211-23500	348.88	FLEET SUPPLIES	17-0015	314292	
	0060-801-4211-23500	71.99	FLEET SUPPLIES	17-0015	314292	420.87
NETWORK INNOVATIONS US INC.	0010-801-3230-32050	31.02	EOC PHONE SERVICE		314293	31.02
NEW MOON VISIONS, INC.	0010-801-1704-34200	1,700.00	CITY BROCHURE	17-0374	314294	1,700.00

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NEW READERS PRESS	0445-801-6005-40000	184.80	BOOK(S) 30		314295	184.80
NOODLE HOUSE	0010-701-0010-06850	38.00	REFUND FIRE PLAN CHECK		314296	38.00
O'REILLY AUTO PARTS	0060-801-4211-23500	15.82	FLEET PARTS/SUPPLIES-UNIT 990	17-0297	314297	15.82
OCLC, INC	0131-801-6003-31700	1,069.33	LIBRARY CATALOGING SERVICE		314298	2,138.66
	0131-801-6003-31700	1,069.33	LIBRARY CATALOGING SERVICE		314298	
OFFICE DEPOT INC.	0092-801-4220-21250	94.56	OFFICE SUPPLIES		314299	
	0092-801-4220-21250	30.63	OFFICE SUPPLIES		314299	
	0092-801-4220-21250	8.39	OFFICE SUPPLIES		314299	
	0010-801-6502-21350	139.79	OFFICE SUPPLIES		314299	
	0010-801-6502-21350	112.95	OFFICE SUPPLIES		314299	
	0010-801-6502-21350	5.86	OFFICE SUPPLIES		314299	
	0010-801-3104-21200	133.98	OFFICE SUPPLIES		314299	
	0010-801-3104-21200	78.19	OFFICE SUPPLIES		314299	
	0010-801-3101-22750	148.69	OFFICE SUPPLIES		314299	
	0109-801-6511-22750	80.38	OFFICE SUPPLIES	17-0310	314299	
	0109-801-6511-22750	570.89	OFFICE SUPPLIES	17-0310	314299	
	0109-801-6511-22750	92.43	OFFICE SUPPLIES	17-0310	314299	
	0109-801-6511-22750	21.29	OFFICE SUPPLIES	17-0310	314299	
	0109-801-6511-22750	21.68	OFFICE SUPPLIES	17-0310	314299	
	0109-801-6511-22750	19.99	OFFICE SUPPLIES	17-0310	314299	
	0075-450-0075-08550	190.50	OFFICE SUPPLIES (TRUST)	17-0310	314299	
	0075-450-0075-08550	10.65	OFFICE SUPPLIES (TRUST)	17-0310	314299	
	0075-450-0075-08550	148.35	OFFICE SUPPLIES (TRUST)	17-0310	314299	
	0075-450-0075-08550	2.81	OFFICE SUPPLIES (TRUST)	17-0310	314299	
	0075-450-0075-08550	56.64	OFFICE SUPPLIES (TRUST)	17-0310	314299	

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OFFICE DEPOT INC.	0075-450-0075-08550	14.63	OFFICE SUPPLIES (TRUST)	17-0310	314299	
	0075-450-0075-08550	3.25	OFFICE SUPPLIES (TRUST)	17-0310	314299	
	0075-450-0075-08550	114.72	OFFICE SUPPLIES (TRUST)	17-0310	314299	
	0010-801-3114-21350	13.54	OFFICE SUPPLIES	17-0075	314299	
	0010-801-3114-21350	7.29	OFFICE SUPPLIES	17-0075	314299	
	0010-801-6006-22450	72.75	OFFICE SUPPLIES		314299	
	0445-801-6005-21350	108.08	OFFICE SUPPLIES		314299	
	0010-801-6001-21350	77.20	OFFICE SUPPLIES		314299	
	0010-801-6001-21350	17.99	OFFICE SUPPLIES		314299	
	0010-801-6006-22450	58.95	OFFICE SUPPLIES		314299	
	0445-801-6005-21350	85.91	OFFICE SUPPLIES		314299	
	0010-801-6001-21350	41.84	OFFICE SUPPLIES		314299	
	0010-801-6001-39250	21.98	OFFICE SUPPLIES		314299	
	0010-801-6001-39250	59.48	OFFICE SUPPLIES		314299	
	0010-801-6001-39250	35.88	OFFICE SUPPLIES		314299	
	0010-801-6001-21350	65.71	OFFICE SUPPLIES		314299	
	0010-801-6002-21350	35.89	OFFICE SUPPLIES		314299	
	0010-801-6003-22450	215.26	OFFICE SUPPLIES		314299	
	0010-801-6006-22450	92.66	OFFICE SUPPLIES		314299	
	0010-801-6002-21350	97.86	OFFICE SUPPLIES		314299	
	0010-801-6003-22450	154.86	OFFICE SUPPLIES		314299	
	0010-801-6002-22450	223.74	OFFICE SUPPLIES		314299	
	0010-801-6001-22150	17.36	OFFICE SUPPLIES		314299	
	0010-801-6003-22450	21.74	OFFICE SUPPLIES		314299	
	0010-801-6003-22450	21.74	OFFICE SUPPLIES		314299	
	0010-801-6004-22450	269.93	OFFICE SUPPLIES		314299	
	0010-801-6006-22450	19.58	OFFICE SUPPLIES		314299	
	0010-801-6006-22450	20.21	OFFICE SUPPLIES		314299	
	0010-801-6006-22450	136.34	OFFICE SUPPLIES		314299	

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OFFICE DEPOT INC.	0010-801-3210-21350	47.06	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21350	35.88-	OFFICE SUPPLIES-CREDIT	17-0199	314299	
	0010-801-3210-21350	59.81	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21350	23.34	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21350	29.73	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21350	41.82	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21300	65.90	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21250	82.64	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21300	723.84	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3210-21300	245.76-	OFFICE SUPPLIES-CREDIT	17-0199	314299	
	0010-801-3205-21350	224.00	OFFICE SUPPLIES	17-0199	314299	
	0010-801-3205-21350	224.00-	OFFICE SUPPLIES-CREDIT	17-0199	314299	
	0010-801-6502-21350	48.27	OFFICE SUPPLIES		314299	
	0010-801-6502-21350	210.74	OFFICE SUPPLIES		314299	
	0010-801-6502-21350	19.37	OFFICE SUPPLIES		314299	
	0010-801-1704-21350	39.52	OFFICE SUPPLIES		314299	
	0010-801-1704-21350	17.87	OFFICE SUPPLIES		314299	
	0010-801-3210-21350	217.99	OFFICE SUPPLIES	17-0199	314299	
	0092-801-4220-21250	0.10	OFFICE SUPPLIES		314299	
						5,441.38
NELSON ONG	0159-801-6507-31940	1,602.00	INSTRUCTOR-RECREATION CLASS		314300	1,602.00
OVERPAYMENT RECOVERY	0010-701-0010-07960	468.03	REFUND AMBULANCE FEE		314301	468.03
PATRICK IBARRA (DBA) THE MEJORANDO	0010-801-1201-39400	7,485.32	GROUP TRAINING	17-0458	314302	7,485.32
PEARSON EDUCATION	0445-801-6005-40000	463.57	BOOK(S) 25		314303	463.57
PERS PUBLIC AGENCY COALITION	0010-801-1403-39300	500.00	PERS PAC MEMBERSHIP		314304	

CITY OF MONTEREY PARK
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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						500.00
THE PHONE GUY	0010-801-3112-32050	991.42	VOICE/DATA CABLING		314305	991.42
PITNEY BOWES GLOBAL FINANCIAL SERV	0010-801-3205-32200	16.62	PRE SORT MAIL		314306	16.62
PRECISION SURVEY SUPPLY LLC	0010-801-3102-38400	110.93	POLICE SUPPLIES		314307	
	0010-801-3102-38400	163.02	POLICE SUPPLIES		314307	273.95
PRUDENTIAL OVERALL SUPPLY	0060-801-4211-22300	25.00	UNIFORMS		635 *	
	0060-801-4211-22300	29.92	UNIFORMS		635 *	
	0060-801-4211-22150	25.17	SHOP RAGS		635 *	
	0010-801-3210-22150	14.63	SHOP RAGS		635 *	
	0060-801-4211-22150	25.17	SHOP RAGS		635 *	
	0010-801-3210-22150	14.63	SHOP RAGS		635 *	134.52
THE PUBLIC RETIREMENT JOURNAL	0010-850-1403-39350	250.00	SUBSCRIPTIONS		314308	250.00
PUI SHEUNG YUK (DBA) YACA EDUCATION	0159-801-6507-31940	606.45	INSTRUCTOR-RECREATION CLASS		314309	606.45
PVP COMMUNICATIONS INC	0010-801-3112-38400	86.65	POLICE EQUIPMENT/PARTS		636 *	86.65
PYRO-COMM SYSTEMS, INC	0010-801-6001-38400	135.00	LIBRARY FIRE ALARM		314310	
	0010-801-6001-38400	410.00	LIBRARY FIRE ALARM		314310	545.00
R S MEANS COMPANY LLC	0010-801-1703-39350	574.93	BUILDING CODE BOOKS		314311	574.93
RAPID-O-PRINT	0010-801-3103-39250	159.14	MPPD RECRUITMENT BROCHURE		314312	159.14

* Indicates an E-Payable transaction

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
RIO HONDO COMMUNITY COLLEGE	0136-801-3101-33250	3,879.50	POST TRAINING	17-0464	314313	3,879.50
RKA CONSULTING GROUP	0010-801-5002-96093	961.25	POTRERO GRANDE BEAUTIFICATION	17-0407	314314	961.25
S C FUELS (DBA)	0060-801-4211-22250	10,495.79	FUEL	17-0349	314315	10,495.79
SAN GABRIEL VALLEY NEWSPAPER	0010-801-6002-40000	508.85	SUBSCRIPTION		314316	508.85
SAN GABRIEL VALLEY WATER CO.	0092-801-4222-36300	51.16	WATER SERVICES		314317	51.16
SAN LUIS BUTANE DISTRIBUTORS, INC	0060-801-4211-22250	32.63	PROPANE	17-0036	314318	149.24
	0060-801-4211-22250	38.80	PROPANE	17-0036	314318	
	0060-801-4211-22250	26.02	PROPANE	17-0036	314318	
	0060-801-4211-22250	33.09	PROPANE	17-0036	314318	
	0060-801-4211-22250	18.70	PROPANE	17-0036	314318	
ROBERT T. SCOTT	0010-801-3210-31900	1,950.00	FIRE CONTINUING EDUCATION		314319	1,950.00
TERESA REAL SEBASTIAN	0010-801-1101-11100	80.00	MAYOR'S EXPENSES		314320	200.00
	0092-801-1101-11100	60.00	MAYOR'S EXPENSES		314320	
	0043-801-1101-11100	60.00	MAYOR'S EXPENSES		314320	
SNAP-ON INDUSTRIAL, A DIVISION OF I	0060-801-4211-38400	350.44	FLEET TOOLS/SUPPLIES	17-0116	637 *	350.44
SOURCE GRAPHICS, INC	0010-801-3230-21300	395.08	PRINTER SUPPLIES		314321	
	0010-801-3230-21350	297.62	PRINTER SUPPLIES		314321	
	0010-801-3230-21350	81.98	PRINTER SUPPLIES		314321	
	0010-801-3230-21250	178.55	PRINTER SUPPLIES		314321	

* Indicates an E-Payable transaction

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						953.23
SOUTHERN CALIFORNIA GAS COMPANY	0109-801-5002-96067	5,931.00	CST SERVICES FEE	17-0147	314322	
	0165-801-5002-96067	5,931.00	CST SERVICES FEE	17-0147	314322	
	0109-801-5002-96067	2,757.00	CST MAINTENANCE FEE	17-0147	314322	
						14,619.00
SPOK, INC.	0010-801-3112-32050	118.59	PAGING SERVICES	17-0054	314323	
	0092-801-4220-32050	4.75	PAGING SERVICES	17-0054	314323	
						123.34
STATUS ONE MEDICAL INC	0010-801-1802-22750	69.55	FIRST AID SUPPLIES		314324	
						69.55
REGGIE STEVENS	0159-801-6507-31940	59.80	INSTRUCTOR-RECREATION CLASS		314325	
						59.80
STRATUS TECHNOLOGIES IRELAND, LTD	0010-801-3115-38400	4,746.00	POLICE CAD/RMS SERVER	17-0244	638 *	
						4,746.00
SUP BOOKSTORE	0010-801-6002-40000	29.76	BOOK(S) 2		314326	
						29.76
SUPERIOR COURT OF CALIFORNIA - COUN	0010-701-0010-03620	11,184.68	CITATION PROCESSING		314327	
						11,184.68
TARTAN ASSOCIATION	0010-801-3103-22750	1,243.55	POLICE-CHAIRS		314328	
						1,243.55
TECHSOUP STOCK (DBA)	0010-801-6003-38400	420.00	LIBRARY SOFTWARE		314329	
						420.00
PETER THAI	0159-801-6507-31940	2,377.50	INSTRUCTOR-RECREATION CLASS		314330	
						2,377.50
THE CHRYSALIS CENTER	0077-801-1111-31950	5,133.24	BID MAINTENANCE	17-0283	314331	
						5,133.24
THOMAS PARTITIONS AND	0010-801-4210-23050	15.81	BUILDING MAINT. SUPPLIES		314332	
						15.81

* Indicates an E-Payable transaction

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
TIRE CENTERS, LLC	0060-801-3210-38400	2,249.05	FIRE ENGINE TIRES-QUINT 61	17-0460	639 *	2,249.05
TOM'S CLOTHING & UNIFORMS INC	0010-801-3112-22310	429.18	UNIFORMS-K CASILLAS	17-0087	314333	
	0010-801-3114-22310	194.28	UNIFORMS-T CHEUNG	17-0087	314333	
	0010-801-3103-22310	178.14	UNIFORMS-T GRANT	17-0087	314333	
	0010-801-3103-22310	423.00	UNIFORMS-B IGLESIAS	17-0087	314333	
	0010-801-3103-22310	141.92	UNIFORMS-S JIMENEZ	17-0087	314333	
	0010-801-3103-22310	189.88	UNIFORMS-T WISNIEWSKI	17-0087	314333	
	0010-801-3103-22310	286.53	UNIFORMS-S CASTILLO	17-0087	314333	
	0010-801-3104-22310	188.41	UNIFORMS-R MINOR	17-0087	314333	
	0010-801-3104-22310	135.43	UNIFORMS-L SALAZAR	17-0087	314333	
	0010-801-3104-22310	56.77	UNIFORMS-T URICH	17-0087	314333	
	0010-801-3104-22310	115.50	UNIFORMS-T URICH	17-0087	314333	
	0010-801-3101-22320	134.09	UNIFORMS-F ACOSTA	17-0087	314333	
	0010-801-3101-22320	38.17	UNIFORMS-D MADRID	17-0087	314333	
	0010-801-3101-22320	24.47	UNIFORMS-S MEJIA	17-0087	314333	
	0010-801-3101-22320	200.00	UNIFORMS-P PETRE	17-0087	314333	
	0010-801-3103-22310	295.12	UNIFORMS-J FRESCAS	17-0087	314333	
	0010-801-3102-22310	53.28	UNIFORMS-A LE	17-0087	314333	3,084.17
LAURA R. TORRES-HOAGLAND	0159-801-6507-31940	33.15	INSTRUCTOR-RECREATION CLASS		314334	33.15
TRI-MOUNTAIN	0010-801-1703-22310	110.50	UNIFORM-BLDG UNIFORM		314335	
	0010-801-1702-22300	151.50	UNIFORM-CODE ENF UNIFORM		314335	
	0010-801-1703-22310	64.50	UNIFORM-BLDG UNIFORM		314335	326.50
LAURINDA SU TRUONG	0159-801-6507-31940	344.40	INSTRUCTOR-RECREATION CLASS		314336	344.40
DOROTHY TSU	0159-801-6507-31940	462.15	INSTRUCTOR-RECREATION CLASS		314337	

* Indicates an E-Payable transaction

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						462.15
RICHARD TULLIUS	0349-801-3201-39400	175.23	REIMBURSEMENT FIRE SUPPLIES		314338	175.23
TURF STAR INC	0060-801-4211-38400	954.09	FLEET PARTS-UNIT 084		314339	954.09
TURNOUT MAINTENANCE COMPANY LLC	0010-801-3210-22300	626.40	FIRE UNIFORM CLEAN/REPAIR		314340	
	0010-801-3210-22300	39.15	FIRE UNIFORM CLEAN/REPAIR		314340	665.55
TWINING INC	0010-801-4212-31500	3,480.00	STREET RESURFACING PROJECT	17-0371	314341	
	0010-801-4212-31500	500.00	STREET RESURFACING PROJECT	17-0371	314341	3,980.00
U S ARMOR CORP	0010-801-3103-22300	633.02	POLICE-FIREARM SUPPLIES		314342	633.02
UNITED HEALTHCARE INS	0010-701-0010-07960	85.00	REFUND AMBULANCE FEE		314343	85.00
V & V MANUFACTURING INC	0010-801-3103-22310	60.85	POLICE BADGES		314344	60.85
VISTA PAINT CO.	0010-801-6517-38100	969.57	PAINT SUPPLIES		314345	
	0010-801-6517-38100	161.39	PAINT SUPPLIES		314345	1,130.96
WALTERS WHOLESALE ELECTRIC CO	0010-801-4210-23400	1,927.14	BLDG MAINT SUPPLIES		314346	
	0010-801-4210-23400	331.12	BLDG MAINT SUPPLIES		314346	
	0010-801-4210-23400	48.52	BLDG MAINT SUPPLIES		314346	2,306.78
MAGGIE WANG	0010-801-6001-33100	18.73	LIBRARY-REIMBURSE MILEAGE		314347	18.73
WARREN DISTRIBUTING, INC.	0060-801-4211-23500	196.16	FLEET PARTS/SUPPLIES-UNIT 049	17-0285	640 *	
	0060-801-4211-23500	80.13	FLEET PARTS/SUPPLIES	17-0285	640 *	

* Indicates an E-Payable transaction

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
WARREN DISTRIBUTING, INC.	0060-801-4211-23500	152.38	FLEET PARTS/SUPPLIES-UNIT 891	17-0285	640 *	
	0060-801-4211-23500	84.22	FLEET PARTS/SUPPLIES	17-0285	640 *	
	0060-801-4211-23500	99.97	FLEET PARTS/SUPPLIES	17-0285	640 *	
	0060-801-4211-23500	421.66	FLEET PARTS/SUPPLIES-UNIT 990	17-0285	640 *	
	0060-801-4211-23500	16.31	FLEET PARTS/SUPPLIES	17-0285	640 *	
	0060-801-4211-23500	118.19-	FLEET PARTS/SUPPLIES-CREDIT	17-0285	640 *	
	0060-801-4211-23500	362.27-	FLEET PARTS/SUPPLIES-CREDIT	17-0285	640 *	
	0060-801-4211-23500	13.05-	FLEET PARTS/SUPPLIES-CREDIT	17-0285	640 *	
	0060-801-4211-23500	13.05-	FLEET PARTS/SUPPLIES-CREDIT	17-0285	640 *	
	0060-801-4211-23500	99.97	FLEET PARTS/SUPPLIES	17-0285	640 *	
						644.24
WEST COAST ARBORISTS, INC.	0043-801-6508-39860	6,344.00	TREE MAINTENANCE SERVICES	17-0282	314348	
	0092-801-6508-39860	19,488.00	TREE MAINTENANCE SERVICES	17-0282	314348	
	0010-801-6516-31190	56,348.00	TREE MAINTENANCE SERVICES	17-0282	314348	
	0010-801-6516-31190	6,218.00	TREE MAINTENANCE SERVICES	17-0282	314348	
	0010-801-6516-31190	13,426.00	TREE MAINTENANCE SERVICES	17-0282	314348	
						101,824.00
WESTCO SERVICE COMPANY	0010-801-4210-38150	1,925.00	AIR CONDITIONING REPAIR		314349	
	0010-801-4210-38150	507.00	AIR CONDITIONING REPAIR		314349	
	0010-801-4210-38150	1,553.00	AIR CONDITIONING REPAIR		314349	
	0010-801-4210-38150	831.00	AIR CONDITIONING REPAIR		314349	
	0010-801-4210-38150	873.00	AIR CONDITIONING REPAIR		314349	
	0010-801-4210-38150	642.00	AIR CONDITIONING REPAIR		314349	
	0010-801-4210-38150	922.00	AIR CONDITIONING REPAIR		314349	
						7,253.00
WESTERN EXTERMINATOR COMPANY	0010-801-4210-38150	65.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	50.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	65.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
WESTERN EXTERMINATOR COMPANY	0010-801-4210-38150	50.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	65.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	45.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	65.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	45.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	50.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	40.00	TERMITES SERVICE		314350	
	0010-801-4210-38150	45.00	TERMITES SERVICE		314350	
						825.00
WHITE CAP CONSTRUCTION SUPPLY	0010-801-4210-23050	120.69	BLDG MAINT TOOL/SUPPLIES		314351	
	0010-801-4210-23050	20.07	BLDG MAINT TOOL/SUPPLIES		314351	
	0010-801-4210-23050	40.14	BLDG MAINT TOOL/SUPPLIES		314351	
						180.90
WHITE NELSON DIEHL EVANS LLP	0010-801-4210-38150	1,020.00	SINGLE AUDIT		314352	
						1,020.00
WOLFF LANG CHRISTOPHER ARCHITECTS,	0071-850-5002-99730	500.00	FIRE STATION REMODELING	16-0680	314353	
	0010-801-5002-99730	80,400.00	FIRE STATION REMODELING	17-0290	314353	
						80,900.00
RICKY WONG	0159-801-6507-31940	143.00	INSTRUCTOR-RECREATION CLASS		314354	
						143.00
THOMAS WONG	0159-801-6507-31940	412.10	INSTRUCTOR-RECREATION CLASS		314355	
						412.10
VICTOR WONG	0159-801-6507-31940	744.80	INSTRUCTOR-RECREATION CLASS		314356	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						744.80
FRANCE WU	0010-701-0010-07960	221.78	REFUND AMBULANCE FEE		314357	221.78
WURTH USA INC	0060-801-4211-23500	472.75	FLEET SUPPLIES	17-0003	314358	472.75
HUA WEI ZHENG	0010-701-0010-07960	257.00	REFUND AMBULANCE FEE		314359	257.00
ZUMAR INDUSTRIES, INC.	0022-801-4206-23800	2,025.22	STREET SIGNS & SUPPLIES		641 *	
	0022-801-4206-23800	103.86	STREET SIGNS & SUPPLIES		641 *	
						2,129.08
	TOTAL FOR REGULAR WARRANTS					595,733.45
	PRINTED	565,760.82				
	E-PAYABLE	29,972.63				

* Indicates an E-Payable transaction

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TOTAL FOR PREPAID WARRANTS	65,604.25
TOTAL FOR PREPAID E-PAYABLES	0.00
TOTAL FOR PRINTED WARRANTS	565,760.82
TOTAL FOR PRINTED E-PAYABLES	29,972.63
TOTAL WARRANTS	661,337.70
TOTAL VOID CHECKS	2
TOTAL PREPAID CHECKS	63
TOTAL PREPAID E-PAYABLES	0
TOTAL CHECKS PRINTED	191
TOTAL E-PAYABLES PRINTED	15
TOTAL CHECKS ISSUED	269

CITY OF MONTEREY PARK
 FINAL WARRANT REGISTER
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 FUND SUMMARY

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FUND	DESCRIPTION	PREPAID	PRINTED	TOTAL
0010	GENERAL FUND	41,834.55	416,940.27	458,774.82
0022	STATE GAS TAX FUND	0.00	2,653.16	2,653.16
0043	REFUSE FUND	263.53	12,168.97	12,432.50
0060	CITY SHOP FUND	0.00	27,722.96	27,722.96
0065	PAYROLL CLEARING ACCOUNT	552.00	0.00	552.00
0071	PUBLIC SAFETY IMPACT FEE FUND	0.00	607.00	607.00
0075	SPECIAL DEPOSITS FUND	17,919.40	616.55	18,535.95
0077	BUSINESS IMPROVEMENT AREA #1	0.00	5,133.24	5,133.24
0092	WATER FUND	2,536.27	35,962.32	38,498.59
0093	WATER TREATMENT FUND	0.00	10,604.00	10,604.00
0109	OPA PROPOSITION A	0.00	9,494.66	9,494.66
0131	LIBRARY TAX FUND	2,375.06	4,806.23	7,181.29
0136	POST	0.00	3,879.50	3,879.50
0159	RECREATION FUND	0.00	15,333.40	15,333.40
0160	ASSET FORFEITURE	0.00	31,660.09	31,660.09
0165	AIR QUALITY IMPROVEMENT FUND	0.00	5,931.00	5,931.00
0176	MAINTENANCE DISTRICT 93-1	123.44	732.71	856.15
0344	MAINTENANCE GRANT (075)	0.00	8,370.00	8,370.00
0349	ELAC INSTRUCTIONAL SERV PROG	0.00	1,067.23	1,067.23
0445	LITERACY TRUST GRANT	0.00	2,050.16	2,050.16
TOTAL		65,604.25	595,733.45	661,337.70



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-B.

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – April 2017

RECOMMENDATION: It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

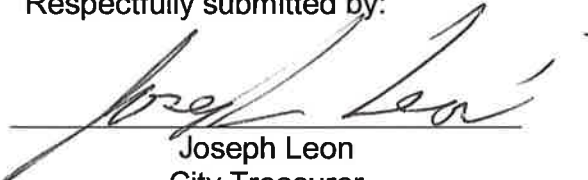
EXECUTIVE SUMMARY:

As of April 30, 2017 invested funds for the City of Monterey Park is \$85,161,568.03.

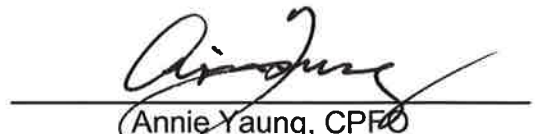
BACKGROUND:

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.

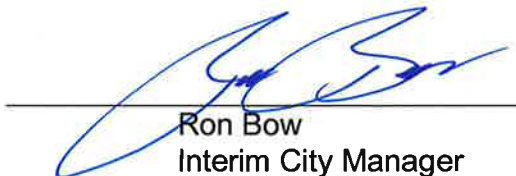
Respectfully submitted by:


Joseph Leon
City Treasurer

Prepared by:


Annie Yaung, CPFA
Controller

Approved by:


Ron Bow
Interim City Manager

**CITY OF MONTEREY PARK
INVESTMENT REPORT
AS OF APRIL 30, 2017**

INSTITUTION NAME	PURCHASE DATE	MATURITY DATE	INTEREST RATE	% OF PORTFOLIO	AMOUNT
INVESTMENTS:					
CERTIFICATES OF DEPOSIT					
AMERICAN PLUS BANK	12/02/15	12/02/17	1.15%		240,000.00
ASIAN PACIFIC NATIONAL BANK	03/04/17	09/04/18	1.25%		200,000.00
CATHAY BANK	08/14/16	08/14/18	1.20%		100,000.00
EVERTRUST BANK	11/14/16	11/15/17	1.20%		100,000.00
EVERTRUST BANK	10/12/16	10/12/17	1.15%		150,000.00
FIRST GENERAL BANK	08/15/15	08/15/17	1.00%		240,000.00
PLAZA BANK	08/30/16	02/28/18	1.25%		245,000.00
PREFERRED BANK	06/06/16	06/06/17	1.10%		100,000.00
PREFERRED BANK	03/03/17	03/03/18	1.25%		140,000.00
ROYAL BUSINESS BANK	06/23/16	06/23/17	1.15%		250,000.00
DISCOVER BANK	05/13/15	05/15/17	0.95%		240,000.00
BLUE HILLS BANK	05/30/14	05/30/17	0.95%		240,000.00
ALLY BK MIDVALE UTAH	09/17/15	09/18/17	1.25%		245,000.00
COMENITY CAP BK SALT LAKE CITY	09/21/15	09/21/18	1.70%		245,000.00
BMW BK NORTH AMERICA	09/23/15	09/18/17	1.20%		245,000.00
KEY BANK, N.A.	09/30/15	10/02/17	1.15%		245,000.00
SALLIE MAE BANK	10/07/15	10/09/18	1.65%		245,000.00
GOLDMAN SACHS BANK	10/14/15	10/16/17	1.15%		245,000.00
CAPITAL ONE NATL BANK	10/21/15	10/23/17	1.15%		245,000.00
MEDALLION BANK	10/26/15	04/26/18	1.25%		245,000.00
WEBBANK	10/30/15	07/30/18	1.25%		245,000.00
WELLS FARGO BANK	11/12/15	11/13/18	1.40%		245,000.00
BMO HARRIS BANK	11/18/15	11/20/17	1.25%		245,000.00
BANKUNITED NATL ASSN.	11/25/15	05/24/17	0.90%		245,000.00
COMPASS BANK BIRMINGHAM	12/09/15	12/11/17	1.30%		245,000.00
CADENCE BANK	02/10/16	02/18/18	1.25%		245,000.00
SANTANDER BANK	02/17/16	08/17/17	1.00%		245,000.00
INVESTOR BANK	02/25/16	05/25/17	0.85%		245,000.00
WORLDS FOREMOST BANK	04/07/16	04/05/19	1.35%		200,000.00
JP MORGAN CHASE BANK	04/19/16	04/19/19	1.20%		245,000.00
BANK NORTH CAROLINA THOMASVILLE	05/27/16	02/27/18	1.00%		245,000.00
FIRST NATIONAL BANK	06/17/16	06/18/18	1.10%		245,000.00
AMERICAN EXPRESS CENTURION BANK	12/01/16	12/03/18	1.40%		245,000.00
FIRST MERCHANTS BANK	12/30/16	06/28/19	1.50%		245,000.00
WHITNEY BANK	01/25/17	01/25/19	1.55%		245,000.00
CAPITAL ONE BANK	02/15/17	08/15/18	1.35%		245,000.00
MERRICK BK SOUTH	04/19/17	04/18/19	1.50%		245,000.00
TOTAL CDs (37)		Average	1.093%	9.80%	<u>8,325,000.00</u>
LA COUNTY TREASURY POOL		ON DEMAND	1.210%	89.90%	<u>76,517,829.99</u>
LOCAL AGENCY INVESTMENT FUND		ON DEMAND	0.780%	0.40%	<u>318,738.04</u>
TOTAL INVESTMENTS				100.00%	<u>\$ 85,161,568.03</u>
BANK BALANCE: ⁽¹⁾					<u>\$ 3,527,911.93</u>

AVERAGE MATURITY DAYS

52

AVERAGE INTEREST RATE FOR THE MONTH

1.210%

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 3RD QUARTER 2016-2017 (CUMULATIVE)

\$ 132,364.93

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

3-MONTH T-BILL

0.80%

CERBT STRATEGY 1 FYTD RETURN:

7.23%

(1) Bank balance is maintained to cover outstanding warrants and payroll checks as well as compensated balances.



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-C.

TO: The Honorable Mayor and City Council

FROM: Vincent D. Chang, City Clerk

SUBJECT: City Council Minutes

RECOMMENDATION:

It is recommended that the City Council

- (1) Approve the minutes from the regular meeting of April 19, 2017 and the special meeting of April 19, 2017; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

None.

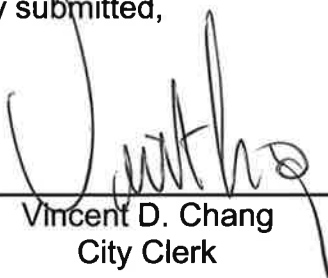
BACKGROUND:

None.

FISCAL IMPACT:

None.

Respectfully submitted,



Vincent D. Chang
City Clerk

Prepared by:



Timothy Huynh
Minutes Clerk

Approved By:



Ron Bow
Interim City Manager

Attachments: April 19, 2017 special meeting minutes
April 19, 2017 regular meeting minutes

ATTACHMENT 1

Minutes

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
SPECIAL MEETING
APRIL 19, 2017**

The City Council of the City of Monterey Park held a Special Meeting of the Council in Room 266, Second Floor of City Hall, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, April 19, 2017 at 5:45 p.m.

CALL TO ORDER:

Mayor Real Sebastian called the meeting to order at 5:45 p.m.

ROLL CALL:

Interim City Manager Bow called the roll:

Council Members Present: Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, Teresa Real Sebastian

Council Members Absent: None

Also Present: Interim City Manager Ron Bow, Assistant City Attorney Karl Berger, Director of Human Resources and Risk Management Tom Cody

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

ORAL & WRITTEN COMMUNICATIONS

None.

NEW BUSINESS

None.

CLOSED SESSION - The City Council adjourned to Closed Session at 5:45 p.m.

1. CONFERENCE WITH LABOR NEGOTIATORS – GOVERNMENT CODE § 54957.6

City Negotiators: Ron Bow, Interim City Manager, Tom Cody, Director of Human Resources and Risk Management

Employee Organizations: Bargaining Units Monterey Park Police Officers' Association (MPPOA); POA/Captains' Unit, Police Officer's Mid-Management Association (POMMA.)

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

2. CONFERENCE LEGAL COUNSEL, EXISTING LITIGATION – GOVERNMENT CODE § 54956.9 (a) – Number of Cases: one

Jeffrey Ward v City of Monterey Park
Case Numbers: ADJ 9053638; ADJ 9053639
DOI: 5/30/13; 11/2/1978-5/29/2013

3. PUBLIC EMPLOYEE APPOINTMENT / PUBLIC EMPLOYMENT – GOVERNMENT CODE § 54957

Title: City Manager

4. CONFERENCE WITH LABOR NEGOTIATORS – GOVERNMENT CODE § 54957.6

Agency Representative: City Attorney's Office

Unrepresented Employee: City Manager Candidate

RECONVENE & ADJOURNMENT

The City Council reconvened from Closed Session with all Council Members present. The meeting was adjourned at 6:56 p.m.

Action Taken: No reportable action taken during Closed Session.

Vincent D. Chang
City Clerk

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
REGULAR MEETING
APRIL 19, 2017**

The City Council of the City of Monterey Park held a Regular Meeting of the Council in the Council Chamber, located at 320 West Newmark Avenue in the City of Monterey Park, Wednesday, April 19, 2017 at 7:00 p.m.

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.

CALL TO ORDER:

Mayor Real Sebastian called the meeting to order at 7:09 p.m.

FLAG SALUTE:

The Monterey Park Police Explorers led the flag salute.

ROLL CALL:

City Clerk Vincent Chang called the roll:

Council Members Present: Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang,
Teresa Real Sebastian

Council Members Absent: None

ALSO PRESENT: Interim City Manager Ron Bow, City Treasurer Joseph Leon, Assistant City Attorney Karl Berger, Fire Chief Scott Haberle, Police Chief Jim Smith, Director of Human Resources and Risk Management Tom Cody, Director of Recreation & Community Services Dan Costley, Director of Community & Economic Development Michael Huntley, Controller Annie Yaung, Interim Public Works Director Tito Haes, Police Captain Kelly Gordon, Police Captain Steven Coday, Recreation Superintendent Robert Aguirre, Deputy City Clerk Cindy Trang

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

None.

ORAL AND WRITTEN COMMUNICATIONS

- Jesus Ortiz, a resident of Monterey Park, invited all residents to the Cinco de Mayo event on May 7, 2017.
- David Barron, resident of Monterey Park, spoke regarding upcoming Chamber of Commerce events and his opposition against the Eve statue proposal by Equitable Vitrines.

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

- Sarkis Antonian, a resident of Monterey Park, announced that this month is Genocide Awareness Month.
- Karl Wong, Shirley Hwong, and Richard Mai, representatives for the Environmental Commission, made an announcement regarding the upcoming Earth Day Bike Ride on April 22, 2017.

1. PRESENTATIONS

None.

2. SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY (SA)

NEW BUSINESS

2A. SUCCESSOR AGENCY MONTHLY INVESTMENT REPORT – MARCH 2017

See Successor Agency minutes.

2B. SUCCESSOR AGENCY (SA) MINUTES

See Successor Agency minutes.

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

3. CITY OF MONTEREY PARK CONSENT CALENDAR

None.

4. PUBLIC HEARING

None.

5. OLD BUSINESS

None.

6. NEW BUSINESS

6A. WARRANT REGISTER FOR THE CITY OF MONTEREY PARK OF APRIL 19, 2017

Disbursements will be made from the funds referenced in the Resolution in Warrants numbered 313657-313898 and e-Payables numbered 000591-000612.

Action Taken: The City Council approved payment of warrants and adopted Resolution No. 11909 allowing certain claims and demands per Warrant Register dated April 19, 2017 totaling \$1,120,128.44 and specifying the funds out of which the same are to be paid.

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

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Resolution No. 11909, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS PER WARRANT REGISTER DATED THE 19TH DAY OF APRIL 2017 TOTALING \$1,120,128.44 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

6B. MONTHLY INVESTMENT REPORT

As of March 31, 2017 invested funds for the City of Monterey Park is \$80,599,934.99.

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

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

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6C. CITY COUNCIL MINUTES

Approve the minutes from the regular meeting of March 15, 2017 and the special meetings of March 14, 2017, March 15, 2017, and March 20, 2017.

Action Taken: The City Council approved the minutes from the regular meeting of March 15, 2017 and the special meeting of March 14, 2017, March 15, 2017, and March 20, 2017 as amended to correct a typographical error on the March 15, 2017 regular meeting minutes.

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

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6D. REQUESTING A DECISION FROM THE CITY COUNCIL ON WHETHER TO APPROVE OR DENY A PROPOSAL BY EQUITABLE VITRINES (A NON-PROFIT ART ORGANIZATION) TO PLACE A STATUE (NAMED EVE) HALFWAY UP THE CASCADES PARK HILL

On Tuesday, March 21, 2017, the Equitable Vitrones non-profit art group sent a proposal to the City asking to temporarily have a statue of 'Eve' placed halfway up the Cascades Park hill, next to the waterfall (Attachment 1). This proposal is an alternative to the Equitable Vitrones original proposal to take out the current Athena statue at the top of the waterfall and replace it temporarily with the Eve statue, which has been created by Chinese artist Xu Wang. It is thought the material for the Eve statue is from the same area of China as the Athena statue was from, perhaps even from the same quarry.

Staff is requesting a decision from the City Council on whether to approve or deny the Equitable Vitrones proposal to have the Eve statue put up halfway up the Cascades Park hill.

Public Speakers:

- Matt Connolly, representative for Equitable Vitrones, was present to answer questions and spoke in favor of the proposed Eve statue at the Cascades.
- Ellie Lee, representative for Equitable Vitrones, was present to answer questions and spoke in favor of the proposed Eve statue at the Cascades.
- City Clerk Chang read into the record two written communications from the Historical Society of Monterey Park and Johnny Thompson who expressed their opposition to the proposal of the Eve statue at the Cascades, and four written communications from Henry Lo, Randall Avila, Guan Rong, Tarrah Krajnak, who expressed their support of the proposal.
- Theresa Amador, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.
- Henry Lo, a resident of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Nancy Arcuri, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.
- Erin Christovale, a resident of Monterey Park, read a letter from the Vincent Price Art Museum's Director Pilar Tompkins Rivas who expressed her support for the proposed statue named Eve at the Cascades located in Monterey Park.

- Johnny Thompson, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.
- Sara Chao, a resident of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Ric Moore, a resident of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Paul G. Perez, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.
- Natalie James, a resident of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Jim Iwaki, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.
- Stevie Weinstein-Forner, a resident of Monterey Park, read a letter from Alexander Keefe, art writer and critic in the City of Claremont, who expressed his support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Bill Zeiger, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.
- Hana Cohn, representative for the Museum of Contemporary Art, Los Angeles, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Seo Yun Son, representative for Tarrah Krajnak a professor at Pitzer College, read a letter expressing support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Cat Yang, representative for Los Angeles County Museum of Art, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Justin Kim, a resident of Monterey Park, was called to speak but was not present to speak.
- Diane Garcia, a frequent visitor of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Carol Chen, an arts journalist, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.

- Thomas Wong, a resident of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Danny Woo, a resident of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Larry Sullivan, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.
- Rongwen Liu, a resident of Monterey Park, spoke in support of the proposed statue named Eve at the Cascades located in Monterey Park.
- Delario Robinson, a resident of Monterey Park, spoke in opposition to the proposed statue named Eve at the Cascades located in Monterey Park.

Action Taken: The City Council denied a proposal by the Equitable Vitrines non-profit art organization to place a statue (named Eve) halfway up the Cascades Park hill, which included providing all maintenance and all potential liability. Due to the City council denying the proposal the City Council did not approve recommendation no. 2 which was to authorize the City Manager to execute a license agreement, in a form approved by the City Attorney, with Equitable Vitrines.

Motion: Moved by Mayor Pro Tem Lam and seconded by Mayor Real Sebastian, motion carried by the following vote:

Ayes:	Council Members:	Ing, Chan, Liang, Lam, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

RECESSED AND RECONVENED

The City Council recessed at 10:00 p.m. and reconvened with all council members present at 10:10 p.m.

6E. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA APPROVING AND ADOPTING THE MEMORANDA OF UNDERSTANDING BETWEEN THE CITY AND THE MONTEREY PARK THE MONTEREY PARK POLICE OFFICERS ASSOCIATION FIXING THE RATE OF COMPENSATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED EMPLOYEES FOR THE TERM JULY 1, 2016 TO JUNE 30, 2018

Representatives of the City of Monterey Park have meet on numerous occasions with representative of the Monterey Park Police Officers Association (MPPOA) regarding wages and employment benefits. The results of these negotiations are contained in the attached Memoranda of Understandings (MOU's), which is being

presented to the City Council for approval and adoption of an implementing Resolution.

The Memoranda of Understandings contain the following as summarized:

- 5% Salary Schedule increase – 7/1/16
- 5% Salary Schedule increase – 7/1/17
- 2.5% Salary Schedule increase – 1/1/18
- Medical increase of \$50 after June 30, 2017 and \$50 after January 1, 2018
- Longevity of \$100 for 20 years, \$350 for 25 years
- Dental increase of \$10 after June 30, 2017 and \$10 after June 30, 2018
- Total 2-year contract is: \$1,203,195

The City has come to terms with the POA Captains' Unit and continues to meet with the representatives of the Monterey Park Police Officers' Mid-Management Association to reach a contract agreement at this time and staff plans to bring either one or both of these MOUs to the Council at their May 3, 2017 meeting.

Public Speakers:

- Nancy Arcuri, a resident of Monterey Park, thanked the Monterey Park Police Officers' for accepting the offer.
- Lee Norris, representative for the Monterey Park Police Officers Association, spoke regarding the recent contract negotiations with the City of Monterey Park.

Recommendation: It is recommended that the City Council (1) adopt a Resolution approving implementation of the Memoranda of Understanding between the City of Monterey Park and the Monterey Park Police Officers' Association (MPPOA); (2) authorized the expenditure of \$329,000 for the 2016-2017 fiscal year, and amend the 2016-2017 Budget accordingly; and (3) approved Side Letter #1 for the Monterey Park Firefighters Association 2016-2018 Memoranda of Understanding.

Action Taken: The City Council (1) adopted Resolution No. 11910 approving implementation of the Memoranda of Understanding between the City of Monterey Park and the Monterey Park Police Officers' Association (MPPOA) and (2) authorized the expenditure of \$329,000 for the 2016-2017 fiscal year, and amend the 2016-2017 Budget accordingly.

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

Ayes:	Council Members:	Ing, Liang, Chan, Lam, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 11910, entitled:

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING FOR CONTRACT YEAR 2016-2018 BETWEEN THE CITY OF MONTEREY PARK AND THE MONTEREY PARK POLICE OFFICERS' ASSOCIATION

Action Taken: The City Council approved Side Letter #1 for the Monterey Park Firefighters Association 2016-2018 Memoranda of Understanding.

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

Ayes:	Council Members:	Ing, Liang, Chan, Lam, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

EXTENSION OF COUNCIL MEETING

Action Taken: The City Council made a motion to extend the City Council Meeting to 11:30 p.m.

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

Ayes:	Council Members:	Ing, Liang, Chan, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	Lam
Abstain:	Council Members:	None

6F. PROFESSIONAL SERVICES AGREEMENT WITH SPIDR TECH, INC. FOR ENGAGE SOFTWARE

Law enforcement agencies have many responsibilities pertaining to protecting and serving their communities. One of those responsibilities involves engaging, involving and partnering with their communities. The SPIDR ENGAGE software is the first of its kind Community Relationship Management (CRM) platform for law enforcement. The software integrates with the City's current records management and dispatch systems (CAD/RMS) to leverage data to engage the City's residents.

The police department will use ENGAGE to send automatically generated reports to victims of crime, create and send targeted surveys and email and text community members.

Action Taken: The City Council authorized the City Manager to execute a software agreement with SPIDR Tech, Inc., in the amount of \$109,780, in a form

approved by the City Attorney and (2) authorized the City Manager to approve change orders up to \$10,978 (up to 10% of agreement amount) for this project.

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

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6G. PURCHASE OF AN ELECTRONIC CITATION SYSTEM AND TRAFFIC COLLISION DATABASE MANAGEMENT SYSTEM

In 2015, the Los Angeles County Superior Court made a decision to mandate electronic data transmission of traffic citations by 2017. Since then the police department has been evaluating systems and looking for funding sources to purchase this type of system. In October of 2016, the Monterey Park Police Department received grant funding from the California Office of Traffic Safety (OTS). Part of that grant is a \$91,000.00 allocation for the purchase of an electronic citation system and a traffic collision database management system.

Action: The City Council (1) authorized the City Manager to execute a software agreement with Crossroads Software Incorporated, in the amount of \$37,000, in a form approved by the City Attorney and (2) authorized the City Manager to execute the purchase agreement with MSA Systems, Inc. for the required pre installed Crossroads' software, handheld computer tablets and printers in the amount of \$53,861.29, in a form approved by the City Attorney.

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

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6H. AUTHORIZE PURCHASE OF REPLACEMENT STORAGE ATTACHED NETWORK AND SOFTWARE

The Police Department needs to routinely update computer hardware and software as current equipment becomes inefficient, obsolete, or no longer supported by the technology industry. The police department's current aged servers cannot support the necessary CAD/RMS software upgrade necessary to improve functionality and efficiency in maintaining public records, statistics, crime and traffic trend information, and the overall function of the CAD/RMS system. Staff recommends

replacing the Storage Area Network (SAN) and necessary software to accommodate the CAD/RMS software upgrade.

Action Taken: The City Council (1) waived bidding requirements pursuant to Monterey Park Municipal Code Section 3.20.050(4) and authorized the City Manager to amend the contract with West Coast Technology in a form approved by the City Attorney, not to exceed \$110,000; (2) waived bidding requirements pursuant to Monterey Park Municipal Code Section 3.20.050(5) and authorized the City Manager to execute an agreement with GovConnection Incorporated in a form approved by the City Attorney, not to exceed \$30,000; and (3) appropriated \$140,000 from General Fund (0010) Capital Improvement (99067), CAD/RMS Software Server Upgrade.

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

Ayes: Council Members: Ing, Liang, Chan, Lam
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: Real Sebastian

6I. **AMBULANCE REMOUNT OF RA 62 – AWARD OF BID**

The Fire Department's Rescue Ambulance RA 62, inventoried in the City Shops as Unit #065, is a 2009 Ford E-350 Type III module Rescue Ambulance. It is unreliable and has been requiring numerous repairs. Staff solicited bids to remount this ambulance with a new 2017 Ford E-350 Ford Gasoline Cutaway Chassis and seeks Council consideration to award the bid to Leader Industries.

Action Taken: The City Council authorized the City Manager to execute an agreement, in a form approved by the City Attorney, with Leader Industries for a total amount of \$95,942.80. Funds in the amount of \$95,000 have been budgeted in Fiscal Year 2016-2017 Account Number 0060-801-4211-54130 and the overage of \$942.80 to be expended from Account Number 0060-801-3210-38400.

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

Ayes: Council Members: Ing, Liang, Chan, Lam, Real Sebastian
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

6J. AWARD OF CONTRACT – FIREFIGHTER UNIFORM PURCHASES

In accordance with the Memorandum of Understanding between the City of Monterey Park and the Firefighters Association, the Firefighters are entitled to new uniform purchases each fiscal year. In preparation for the upcoming fiscal year, staff recently solicited bids for the purchase of firefighter uniforms and accessories and seeks City Council approval to award a contract to Galls.

Action Taken: The City Council (1) based on MPMC §3.20.040 awarded an agreement to Galls for the purchase of firefighter uniforms from Account Nos. 0010-801-3210-22310 and 0010-801-3210-22320 and (2) authorized the City Manager to execute a multi-year agreement for Fiscal Year 2017-2018, 2018-2019, and 2019-2020, in a form approved by the City Attorney.

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

Ayes:	Council Members:	Ing, Liang, Chan, Lam, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

6K. REQUEST TO ADVERTISE THE FIRE STATION PARKING LOT NO. 61 PARKING LOT RECONSTRUCTION PROJECT

The City Council approved funds to reconstruct the parking lot at Fire Station No. 61, 350 West Newmark Avenue in the Adopted Fiscal Year 2016-2017 budget. Plans for the reconstruction have been completed and staff seeks City Council consideration to advertise a Notice Inviting Bids in order to obtain a contractor to do the work.

Action Taken: The City Council adopted Resolution No. 11911 authorizing staff to advertise the Fire Station No. 61 Parking Lot Reconstruction Project as amended to correct the order of the elected officials in the staff report's appendix.

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

Ayes:	Council Members:	Ing, Liang, Chan, Lam, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 11911, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK APPROVING THE DESIGN AND PLANS FOR THE FIRE STATION NO. 61 PARKING LOT RECONSTRUCTION PROJECT PURSUANT TO GOVERNMENT CODE §830.6 AND ESTABLISHING A PROJECT PAYMENT ACCOUNT

6L. ESTABLISHMENT OF AN APPEALS BOARD

Monterey Park Municipal Code (“MPMC”) §§ 16.01.010 and 16.01.040 incorporate the administrative provisions of the California Building Codes. These provisions are specifically intended to establish the administrative practices for administering and enforcing the building and safety codes. In November of 2016, the City Council approved the most recent editions of the California Building Codes (“CBC”) which went into effect on January 1, 2017.

As staff reviewed the administrative provisions of the code, it was determined that an Appeals Board needed to be established as identified in these provisions. The Appeals Board would be authorized to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the CBC and MPMC. The easiest means of accomplishing this would be to designate the Planning Commission as the Appeals Board. As such, it is staff’s recommendation that the City Council approve the attached resolution establishing the Planning Commission as the Appeals Board.

Action Taken: The City Council adopted Resolution No. 11912 establishing the Planning Commission as the Appeals Board as amended to direct staff to seek an expert’s advice in the specific area as needed should an appeal be filed with the City.

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

Ayes:	Council Members:	Ing, Liang, Chan, Lam
Noes:	Council Members:	Real Sebastian
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 11912, entitled:

A RESOLUTION ESTABLISHING AN APPEALS BOARD PURSUANT TO CALIFORNIA BUILDING CODE §§ 1.8.8.1 AND 112.1, AS ADOPTED BY MONTEREY PARK MUNICIPAL CODE §§ 16.01.010 AND 16.01.040.

6M. APPOINTMENT OF COMMISSION, BOARD AND COMMITTEE MEMBERS FOR A ONE-YEAR TERM BEGINNING MAY 1, 2017 AND ENDING APRIL 30, 2018

Per Monterey Park Municipal Code ("MPMC") Chapter 2.82, each council member appoints his/her respective representative(s) to the City's nine commissions to serve a one year term beginning on May 1st and ending April 30th. Commissioners may serve not more than eight consecutive one year terms on the same commission.

Action Taken: The City Council appointed the following Commission/Board/Committee members as listed in Attachment 1 of the staff report and made the appointments for a one-year term beginning May 1, 2017 and ending April 30, 2018. Council Members Ing, Liang, and Chan reappointed all the current members. Mayor Pro Tem Lam reappointed all members excluding Daniel Fong and Wei Han Young. Mayor Real Sebastian will notify the City Clerk of her reappointments. No motion taken.

6N. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA DECLARING WEDNESDAY, APRIL 26, 2017 TO BE "DENIM DAY MONTEREY PARK"

"Denim Day" was established in 1999 after the California Legislature's Women's Caucus learned of a protest of a court decision that occurred in Italy. Enraged by the verdict and the judge's statement, within a matter of hours the women of the Italian Parliament launched into immediate action and protested by wearing jeans to work. This call to action motivated the California legislators to do the same. Peace Over Violence, a Los Angeles County based Sexual Assault and Domestic Violence victims' advocacy organization promoted the idea and the first "Denim Day-L.A." was created. "Denim Day" is now recognized throughout the United States.

Action Taken: The City Council adopted Resolution No. 11913 declaring Wednesday, April 26, 2017 as "Denim Day Monterey Park".

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

Ayes:	Council Members:	Ing, Liang, Chan, Lam, Real Sebastian
Noes:	Council Members:	None
Absent:	Council Members:	None
Abstain:	Council Members:	None

Resolution No. 11913, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK, CALIFORNIA DECLARING WEDNESDAY, APRIL 26, 2017 TO BE "DENIM DAY MONTEREY PARK", SUPPORTING SEXUAL ABUSE AWARENESS AND THE BELIEF THAT THERE IS NO EXCUSE AND NEVER AN INVITATION TO RAPE

7. COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

Council Member Ing invited all residents to the Cherry Blossom Festival this weekend at Barnes Park.

Council Member Chan announced he will be unable to make it to the Cherry Blossom Festival and Earth Day Celebration this year.

Council Member Liang did not have anything to announce.

Mayor Pro Tem Lam invited all residents to the Cherry Blossom Festival this weekend at Barnes Park.

Mayor Real Sebastian did not have anything to announce.

7A. UPDATE ON THE DROUGHT AND WATER CONSERVATION (REQUESTED BY MAYOR REAL SEBASTIAN)

Discussion only – No action taken.

EXTENSION OF COUNCIL MEETING

Action Taken: The City Council made a motion to extend the City Council Meeting to 11:45 p.m.

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

Ayes: Council Members: Chan, Lam, Real Sebastian

Noes: Council Members: Ing, Liang

Absent: Council Members: None

Abstain: Council Members: None

7B. REWARD FOR INFORMATION LEADING TO THE ARREST OF JIN YUAN YANG WHO WAS INVOLVED WITH THE DEATH OF ABEL CASTELLANOS (REQUESTED BY MAYOR REAL SEBASTIAN)

Discussion only – No action taken.

**7C. DISCUSSION ON AIRPLANE SYMBOLIC ORDINANCE (REQUESTED BY
MAYOR REAL SEBASTIAN)**

Discussion only – No action taken.

8. CLOSED SESSION

None.

ADJOURNMENT

There being no further business for consideration, the meeting was adjourned at 11:37 p.m.

Vincent D. Chang
City Clerk



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-D.

TO: The Honorable Mayor and City Council
FROM: Tim Shay, Support Services Manager
SUBJECT: Authorize Contract for Professional Services and Data Migration

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the Interim City Manager to enter into an agreement, in a form approved by the City Attorney, with West Coast Technology in the amount of \$10,000, to provide data migration services.
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

City staff recommends entering into an agreement with West Coast Technology to provide data migration services to complete the installation of the City's newly replaced storage area network.

BACKGROUND:

At the February 15, 2017 meeting, the City Council approved replacement of the City's storage area network (SAN) for a total of \$225,000. The Storage Area Network (SAN) that was approved by Council at the February 15, 2017 meeting had a disaster recovery element included, but was upgraded to a larger unit when the equipment was being ordered. That larger disaster recovery unit has a greater storage capacity and staff plans to eventually move this unit to an offsite location to complete the disaster recovery plan for the City.

Once the equipment is fully operational, this will allow staff to utilize the greater storage capacity to store all necessary information and reduce the amount of data that is currently sent to 3rd party companies to store the data securely. The approved budget of \$225,000 consisted of equipment, licensing, and data migration. Though the approved budget for this project was not exceeded, the equipment portion of the total cost was greater than originally anticipated due to the higher capacity of the upgraded disaster recovery component. In order to bring the system into working order the data will need to be migrated over from the old equipment to the new equipment. The cost to do this data migration is \$10,000 and will be performed by West Coast Technology.

FISCAL IMPACT:

The \$10,000 cost for data migration services will be funded by the Technology Internal Service Fund (0063).

Respectfully submitted by:



Tim Shay
Support Services Manager

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. West Coast Technology Quotation Dated April 27, 2017
2. Image of Existing SAN Equipment
3. Image of New SAN Equipment
4. Staff Report from February 15, 2017 meeting

ATTACHMENT 1
West Coast Technology Quotation
Dated April 27, 2017



WCT
27141 Aliso Creek Rd.
Suite #215
Aliso Viejo, CA 92656
Ph: (949) 360 - 9048
Fx: (949) 360 - 9037

QUOTE

Sold To: City of Monterey Park
Tim Shay
320 W. Newmark Ave.
Monterey Park, CA 91754

Phone: (626) 307-1208
E-mail: tshay@montereypark.ca.gov

Date	Quote #
04/27/2017	WCTQ13654

Terms	Sales Rep
NET30	Carmen Armendariz

Part #	Qty	Description	List Price	Unit Price	Ext. Price
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PROFESSIONAL SERVICES FOR DATA MIGRATION AND SET UP INCLUDES COMPLETE CONFIGURATION FOR CITY AND PD.

PROFESSIONAL SERVICES

PS-MIG	40	Professional Services - Assistance with Data Migration and Symplivity	\$250.00	\$250.00	\$10,000.00
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Manufacturer Certified On-Site Installation & Training

On-site and Remote services include the following:

- System installation: Installation of system(s) into customer supplied rack(s), connection and routing network and power cabling, labeling of cables, and cable dressing to meet the customers' environment.
- System software installation: Installation of software, configuration, and verification of new software functioning correctly with customers' environments.
- Data Migration: Manage, Guide, and Aide in data movement from old to new systems installed. verifying of data moved is backed up and newly data moved is fully functional as prior to migration.
- Tuning: Manage, Guide and aide in tuning the systems and software installed to meet best practice, functionality and efficient.
- Research: Perform needed research for customer needed functions. I.e. Vlan creations, boot drives, etc.
- Travel: Travel time to customers but not to exceed one hour per visit. All travel expenses are included in travel time.
- Training: Product knowledge transfer.

*** WCT IS NOT RESPONSIBLE NOR CAN THEY BE HELD LIABLE FOR ERRORS OR OMISSIONS MADE IN THIS QUOTE ***

NOTE:

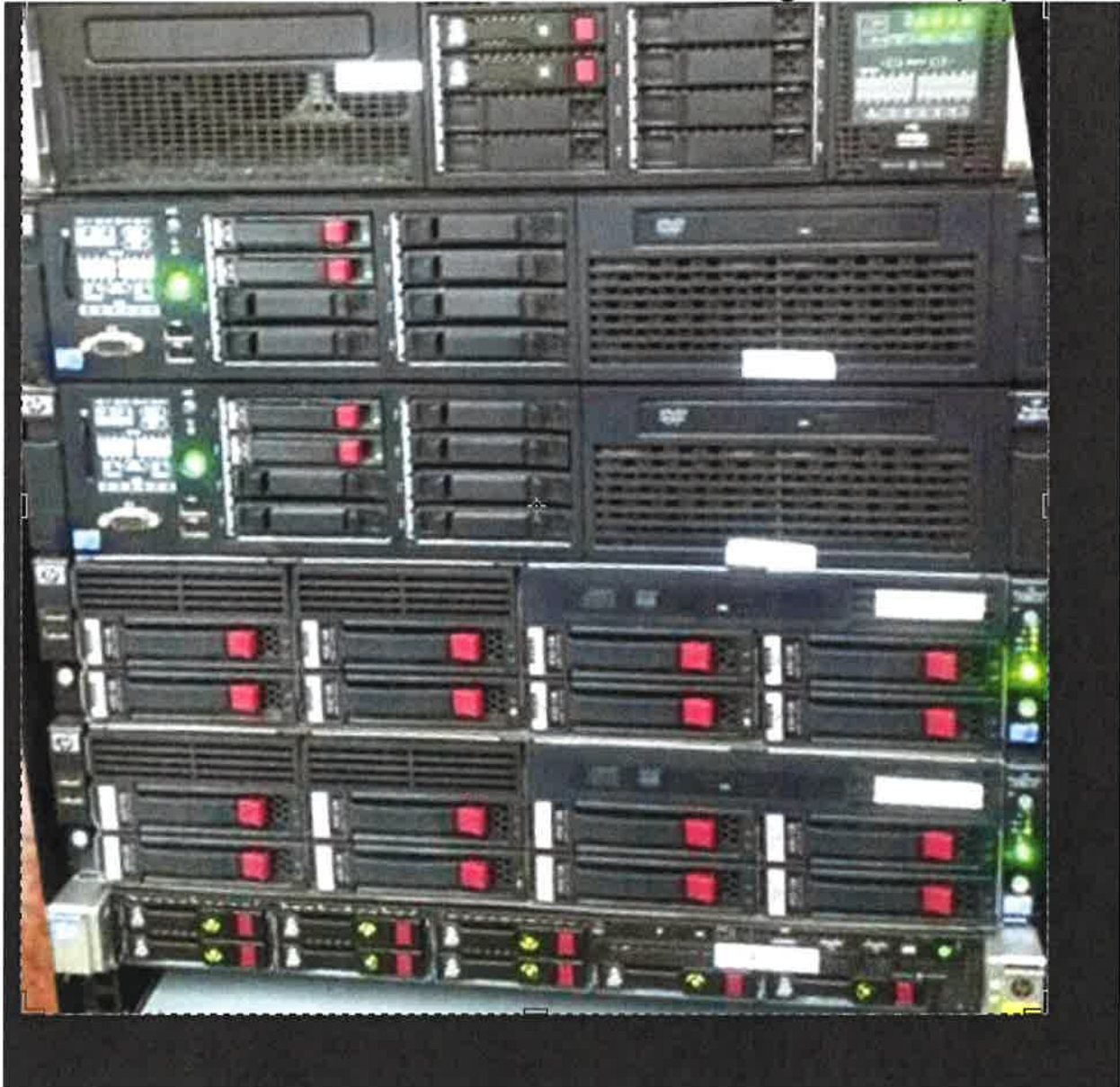
1) Items labeled OPTIONAL are NOT INCLUDED

2) Sales Tax and Freight (If applicable) are NOT INCLUDED

SubTotal	\$10,000.00
TOTAL	\$10,000.00

ATTACHMENT 2

Picture of Existing SAN Equipment



ATTACHMENT 3

Picture of New SAN Equipment



ATTACHMENT 4
Staff Report from February 15, 2017 Meeting



City Council Staff Report

DATE: February 15, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-E.

TO: The Honorable Mayor and City Council
FROM: Chu Thai, Director of Management Services
SUBJECT: Authorize purchase of Replacement Storage Attached Network and Software

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorize the City Manager to execute an agreement with West Coast Technology in a form approved by the City Attorney, not to exceed \$225,000.
2. Appropriate \$225,000 Technology Internal Service Fund (0063) balance to this project.
3. Take such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The City needs to routinely update computer hardware and software as current equipment becomes inefficient, obsolete, or no longer supported by the technology industry. Staff recommends replacing the Storage Area Network (SAN) and necessary software. The new server will consolidate all existing servers into a single system and reduce maintenance and operating costs.

BACKGROUND:

A storage area network is an essential part of the City's computer network of servers, and most of the City's critical data is stored within it. Approximately two dozen enterprise software such as the City's email, file storage, finance software, utility billing software, building permit software and other critical applications and data are stored on the SAN. The existing Hewlett Packard P4300 G2 SAN 2.2 TB, is 7 years old, running out of disk space and will no longer be supported. The proposed SAN will provide the extra space and speed to keep in pace with the current technologies and demands.

The ESX host is a set of three physical servers designed to host multiple "virtual" servers using VMWare 5.5. Multiple physical servers provide the necessary redundancy in case one fails. The current ESX host was purchased 5 years ago and needs to be replaced at the same time as the SAN to assure system compatibility, performance efficiency and network dependability.

A request for proposal was issued on October 17, 2016, and West Coast Technology was the only company to respond. The total cost is approximately \$220,000. Please note that tax is applied to hardware and software, and not to labor and support.

<i>Item</i>	<i>Price</i>
Hardware and 3 year Support	\$176,223
VMWare Licensing	\$20,949
Professional Service – Data Migration Assistance	\$10,000
Applicable Tax	\$13,582
Total	\$220,754

FISCAL IMPACT:

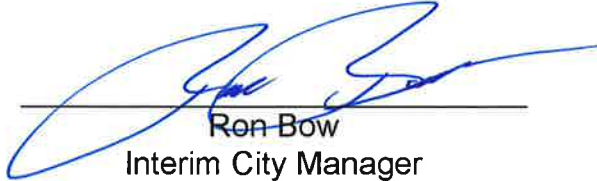
The project will be funded by the Technology Internal Service Fund (63).

Respectfully submitted by:



 Chu Thai
 Director of Management Services

Approved by:



 Ron Bow
 Interim City Manager

Reviewed by:



 Karl H. Berger
 Assistant City Attorney

Attachment: WCT Proposal

ATTACHMENT 1

WCT Proposal



October 26, 2016

City of Monterey Park
320 W. Newmark Avenue
Monterey Park, CA 91754

Attention: Mr. Tim Shay

Subject: Request for Proposals (RFP) No. 819
Storage Area Network Replacement SAN

Dear Mr. Shay,

Thank you for considering West Coast Technology (WCT) for the Storage Area Network Replacement project.

Based on previous discussions with the City of Monterey Park and the requirements outlined in the subject RFP WCT determined that the best solution to meet the city's current and future goal objectives is the SimpliVity OmniStack Lenovo x3650 HyperConverged system.

The SimpliVity Data Virtualization Platform delivered on hyperconverged infrastructure will simplify IT and operations, and will uniquely enable data mobility and efficiency. It will reduce IOPS, capacity and bandwidth requirements, and provide native data protection, eliminating additional hardware and tools thereby resulting in approximately a 300% TCO savings.

Included in Section 8 of our proposal are the following quotes that itemize the cost of the solution:

- **Quote WCTQ13501-A** - Itemized cost for the SimpliVity HyperConverged System 3650 which Includes three (3) years support, installation and knowledge transfer.
- **Quote WCTQ13651** - VMware licensing required by SimpliVity which includes six (6) VMware VSphere Standard and two (2) VMware VCenter Server Standard. Approved solution for SimpliVity solution quoted.
- **Quote WCTQ13653** - VMware licensing requested in the RFP. Which includes six (6) VMware VSphere with Operations Management Enterprise and one (1) VMware VCenter Server Standard? SimpliVity does not require the VSphere with Operations Management Enterprise
- Operations Management provides it may be used in lieu of the VMware VSphere standard. Also the quantity of VMware VCenter licenses required will depend on the connection between the two sites. If connection is good then one license only will be required.



RFP 819

- **Quote WCTQ13654** - Professional Services Onsite Option to assist with data migration. Total of 40 hours quoted. Customer will be invoiced on an hourly basis for only the hours used by the customer not to exceed 40 hours.
- **Quote WCTQ13655** - Professional Services Remote Option to assist with data migration remotely. Total of 40 hours quoted. Customer will be invoiced on an hourly basis for only the hours used by the customer not to exceed 40 hours.

The proposal addresses the different sections outlined in the RFP; however, if additional information is required or you have any questions do not hesitate to contact me either by phone at (949) 460-9048 x105 or by email at rick@wct.com.

Thank you once again for your consideration and we look forward to earning your business.

Best Regards


Rick Crane
C.E.O.
West Coast Technology

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West Coast Technology

Request for Quote No. 819

SECTION 1 INTRODUCTION

WEST COAST TECHNOLOGY

Pacific Alliance Capital Inc., dba West Coast Technology (WCT) is a small, privately –held , debt-free company established in 2000, headquartered in Aliso Viejo, California. Its sole focus has been in providing state –of-the-art, best –of-breed solutions to its diverse customer base in enterprise, federal, state and local government and SMB markets.

WCT has developed and maintained strong business partnerships with the leading data storage manufacturers. Its highly trained sales and technical teams work closely with the manufacturer it determines best addresses customer requirements.

Together the teams review current environment and architect a solution to meet current needs while providing the flexibility and scalability for future growth ensuring that the recommended solution will compliment and integrate with other components in the environment.

Based on information gathered regarding the customer's environment and its goal objectives it was determined that SimpliVity's HyperConverged system would be the best solution.

SIMPLIVITY

SimpliVity is a privately held company founded in 2009, with headquarters in Massachusetts with offices throughout the United States, Europe, Middle East, Africa and the Pacific Rim.

SimpliVity launched its first product in 2013, with the world's leading companies relying on SimpliVity hyperconverged infrastructures to transform their data centers. It has been recognized by the industry for its stellar leadership team, channel acumen and friendliness as well as product innovation.

It has raised significant capital to develop and introduce the SimpliVity's hyperconverged infrastructure to the market. It has been the first infrastructure company to reach a \$1B valuation in just 23 months.



West Coast Technology

Request for Quote No. 819

SECTION 2 EXPERIENCE

In its 16 year history West Coast Technology (WCT) has architected and installed along with their manufacturing partners data storage solutions to address all tiers of storage to various government agencies as well as commercial accounts. Some of which do not lend themselves to be used for references due to policies in place.

The following is a sampling of customers WCT that have provided permission to be used as a reference site; however it is requested that advance notification be given to WCT so that a date and time can be scheduled with the customer that will be convenient for all.

Both technical and economical requirements were met for these customers.

Project Name	Storage Area Network (SAN)	Did Firm Meet Project Schedule? Yes
Client	American Federal Bank	May 2016 Solution included a 2+1 SimpliVity OmniCubes configured with 20x1TB HDD, 4x480GB SSDs Two of the OmniCubes configured, with Lenovo were installed at the main site and the 3 rd was installed at a DR site
Description of Work Performed	Customer needed to refresh older storage and server systems	
Total Project Cost	\$135,876.00	
% Of Work Firm Was Responsible For	100%	
Period Work Was Completed	within 30 days from date of purchase	
Client Contact Information	Jeff Baumann 701-235-4248 jbaumann@americanfederal.net	



West Coast Technology

Request for Quote No. 819

**SECTION 2
EXPERIENCE – CONTINUED**

Project Name	Storage Area Network (SAN)	Did Firm Meet Project Schedule? Yes
Client	Del Mar Fairgrounds	September 2015 Solution included 2 SimpliVity OmniCube with 8x3TB HDD, 4x400GB SSDs Both OmniCubes were installed at the main data center and will be adding a 3 rd for their DR in the cloud.
Description of Work Performed	Customer had EqualLogic SAN and needed a refresh that included servers	
Total Project Cost	\$103,345.00	
% of Responsibility	100%	
Period Work Was Completed	within 30 days from date of purchase	
Client Contact Information	Ron Rogers 858-792-4265 rrogers@sdfair.com	
Project Name	Storage Area Network (SAN)	Did Firm Meet Project Schedule? Yes
Client	Bakersfield City School Dist.	Data growth required customer to address replacing existing SAN with new SAN to meet its needs. Other network systems were not required so a traditional SAN was architected to provide 672TBs of storage.
Description of Work Performed	Designed a SAN solution to meet their growing data requirements	
Total Project Cost	\$151, 000.00	
% of Responsibility	100%	
Period Work Was Completed	within 30 days from date of purchase	
Client Contact Information	Jonathan Foth 661-631-4854 fothj@bcsd.com	



West Coast Technology

Request for Quote No. 819

SECTION 3 PROJECT OVERVIEW

The City of Monterey Park requested that a recommended solution be provided to address the replacement of their existing HP 4300 SAN and the HP Proliant DL380 host servers with a HyperConverged system that would integrate servers, virtualization, hardware, backup and Disaster Recovery.

Based on the customer's environment and goal objectives it was determined that the SimpliVity OmniStack 3650 HyperConverged system would be the best solution to address the requirements discussed with the flexibility to meet future goal objectives.

West Coast Technology and SimpliVity will work as a team to:

- Correlates storage environment information and plans the migration to the new hyperconverged system
- Conduct an implementation review meeting
- Validate the equipment is on site
- Perform installation – SimpliVity team will be remote, WCT team will be onsite
- WCT will assist with data migration
- Conduct basic functional overview

Refer to following pages for technical information for solution proposed.



West Coast Technology

Request for Quote No. 819

**OMNISTACK 3650
BILL OF MATERIAL**

<u>Part Number</u>	<u>Quantity</u>	<u>Description</u>
8871K4U	3	Lenovo System x3650
00YJ199	3	SP Xeon E5-2640 2.4GHz 2133MHz 90W
46W0833	45	SM 32GB PC4-19200 DDR4 2400MHz (2Rx4)
00FK658	3	System x3650 M5 Rear 2x 2.5"; HDD Kit
00FK661	6	System x3650 M5 Plus 8x 2.5"; HS HDD Ass
00ML706	3	MECH SD Media Adapter w/ 2 blank media
00WG685	6	HDD 300GB 10K 12Gbps SAS 2.5" G3HS HDD
00YC529	12	SSD 480GB 2.5" SATA M500DC Mainstream
00AJ141	60	IBM 1TB 7.2K 6Gbps NL SATA 2.5in G3HS HDD
46C9114	3	ServerRAID M1215 SAS/SATA Controller for IBM System x
47C8664	3	ServerRAID M5200 Series 2GB Flash/RAID 5 Upgrade for IBM Systems
47C8706	3	ServerRAID M5200 Series RAID 6 Upgrade for IBM Systems-FoD
47C8710	3	ServerRAID M5200 Series Performance Accelerator for IBM Systems-FoD
00KA498	3	MECH PCIe Riser 2x8 FH/FL+1x8 FH/HL
49Y7960	3	Intel x520 Dual Port 10GbE SFP+ Adapter for IBM System x
00FK936	3	System x 900W High Efficiency Platinum A
00YD071	3	MECH System x3650 M5 EIA L
90Y3901	3	IBM Integrated Management Module Advanced Upgrade
00FK622	3	System x Enterprise 2U Cable Management
660-000008	3	Omnistack Card Kit
OS-L-X3650M5-M2-10C	3	OmniStack for Lenovo X3650M5 20x1TB HDD, 4x480GB, SSD, 2x10 core CPU
90Y9433	6	5m IBM Passive DAC SFP+ Cable



West Coast Technology

Request for Quote No. 819

Technical Information

Section 1:

- **De-duplicate, Compress & Optimize ALL data inline, in real-time. Please explain how your solution provides: Deduplication, Compression, Optimization, without performance or utilization penalties**

Answer: SimpliVity's data architecture is a globally-aware file system and object store with data optimization techniques and data services. It abstracts data from its underlying hardware, enabling hypervisor and x86 hardware independence. It shifts policies and management from an infrastructure component orientation to the application workload/virtual machine level.

The Data Virtualization Platform performs deduplication, compression and optimization in real-time, as the data is first written to the datastore. This is in contrast to post-processing deduplication, which allows data to be written first without deduplication and at some later stage, performs the deduplication process. The big problem with post-processing deduplication is that it uses more IOPS since data is written, read, deduplicated/compressed, and written again.

- Executes in real-time.
- Once and forever processing (no need for a second pass, or hydration/dehydration inefficiencies).
- Deduplicates across all tiers of data within a system.
- Deduplicates across all data sets.
- Deduplicates across all locations, including the public cloud.
- Executes without impacting performance.

When a write is issued by a virtual machine to the NFS datastore, the OmniStack Virtual Controller captures the write and ensures that it is sent to a local and remote OmniStack Accelerator Card. This protects the data from any single points-of-failure, and allows the OmniStack Accelerator to acknowledge the write back to the virtual machine. The write is then serialized and coalesced by the Accelerator before being written to disk, which solves the IO blender issue (where many virtual machines are all hitting disk in a random manner). Another huge advantage of using a PCIe flash device is that there is a very long life expectancy when compared to an SSD. Within a given SimpliVity hyperconverged infrastructure system, deduplication makes each storage media tier—DRAM, Flash, SSD, and HDD—more efficient, thereby dramatically lowering the cost of the system compared to traditional offerings.

Section 2: Global Federated Management. Please explain how your solution provides:

- **Global federation**

Answer: The federation represents a global SimpliVity deployment and is a collection of clusters normally running in multiple sites. The federation is a self-learning, self-healing fabric that connects all of the OmniStack instances. This means that there is no reconfiguration required if systems are added or removed from the federation. All VM-centric protection policies continue to run without any reconfiguration required. The federation learns the topology of the customer



West Coast Technology

Request for Quote No. 819

environment and will intelligently warn and alarm the administrator of any issues within the fabric upon connection.

- **Single pane of glass management through VMware vCenter**

Answer: SimpliVity provides Global Unified Management as a vCenter Plugin. All sites and VMs can be managed via 1 GUI.

- **Globally aware deduplication, compression and optimization**

Answer:

While deduplication within a single hyperconverged infrastructure system provides great efficiencies and cost savings, the additional groundbreaking value lies in SimpliVity's global federation—the network of connected SimpliVity hyperconverged infrastructure nodes that provide high availability (HA), resource sharing, simplified scale-out, and replication for VM movement and disaster recovery. Additionally, with deduplication at the core, the Data Virtualization Platform architecture has been designed and optimized for managing a very large set of fine-grained data elements, across a federation of systems that are both local (within the same data center) and remote (dispersed data centers), including the public cloud. For example, a modest federation of a few systems contains tens of billions of de-duplicated, compressed and optimized 4KB elements. The Data Virtualization Platform enables this federation to efficiently track and manage all elements, and make real-time decisions about which data elements to send via replication and which need not be sent due to the existence of an exact match at the destination site.

With the data permanently in an efficient fine-grained state, and an overall architecture designed to manage and track billions of elements across a global network of systems, all of the core functionality of OmniStack is enabled:

- Efficient data mobility within and across data centers.
- Intelligent data movement within the federation.
- Data sharing for high availability.
- Cache-accelerated performance.
- A single point of global management that's automated and VM-centric.

- **Programmatic interface to enable automated tasks like failover I failback**

Answer: RapidDR

- Rapid recovery through automation. When disaster strikes, SimpliVity RapidDR minimizes service disruptions by automating remote site recovery. Eliminate time-consuming manual recovery processes. SimpliVity RapidDR lowers recovery times by 70% or more compared to manual recovery procedures. Automatically power on and reconfigure VMs with a single mouse click.
- Simplified DR setup and execution. SimpliVity RapidDR eliminates complicated DR scripting processes and complex runbooks that consume IT time, resources and budget. An intuitive, VM-centric GUI guides the system administrator through the configuration
-



West Coast Technology

Request for Quote No. 819

- process streamlining setup. Avoid the added expense and complexity of special-purpose DR automation tools.
- Improved compliance and reduced risk. Ensure strict compliance with stringent disaster recovery and business continuity regulations. Produce well documented and fully validated DR plans and detailed historical reports for compliance audits. Mitigate financial risks and legal exposure.
- Single-vendor solution. Simplify product licensing, logistics and support with a single-vendor solution. SimpliVity is the only hyperconverged solution to feature built-in data protection and disaster recovery automation as part of a complete, integrated solution.
- **Integrations points to top level management tools for workflow and failure reporting**
Answer: Global Unified Management is vCenter plug-in. Federation, sites and VMs can be managed via this GUI. Error reporting is also displayed via VMware events panel.

Section 3: Open Architecture. Please explain how your solution provides:

- **The ability to connect existing x86 virtualized compute nodes into the federation**
Answer: Another area where SimpliVity's approach is different than other vendors in the industry is our support for compute nodes, which addresses one of the perceived limitations cited by Abbott: fixed scaling or the requirement to purchase compute and storage together rather than independently. With compute nodes, SimpliVity customers can connect existing x86 servers to their SimpliVity hyperconverged infrastructure systems should they require additional compute capacity. This enables customers to leverage more of their existing infrastructure and add more compute capacity into their environment as needed.
- **Global management of compute and storage from a single pane of glass - VMware vCenter**
Answer: SimpliVity provides Global Unified Management as a vCenter Plugin. All sites and VMs can be managed via 1 GUI.

Programmatic interface to enable automated tasks like failover I failback

Answer: RapidDR

- Rapid recovery through automation. When disaster strikes, SimpliVity RapidDR minimizes service disruptions by automating remote site recovery. Eliminate time-consuming manual recovery processes. SimpliVity RapidDR lowers recovery times by 70% or more compared to manual recovery procedures. Automatically power on and reconfigure VMs with a single mouse click.
- Simplified DR setup and execution. SimpliVity RapidDR eliminates complicated DR scripting processes and complex runbooks that consume IT time, resources and budget. An intuitive, VM-centric GUI guides the system administrator through the configuration



West Coast Technology

Request for Quote No. 819

- process streamlining setup. Avoid the added expense and complexity of special-purpose DR automation tools.
- Improved compliance and reduced risk. Ensure strict compliance with stringent disaster recovery and business continuity regulations. Produce well documented and fully validated DR plans and detailed historical reports for compliance audits. Mitigate financial risks and legal exposure.

Section 4: Scale-out. Please explain how your solution provides:

- **Modular building blocks**

Answer:

OmniCube is a simple to manage, 2U rack-mounted building block that delivers numerous storage, computing, and networking services for the virtual machine environment. Two or more OmniCube systems are deployed together to form an OmniCube Global Federation, a massively scalable pool of shared resources that enables efficient data movement, extensive scalability, and enterprise-class system availability—all managed globally from a single pane of glass.

- Simplified, extensive scale-out
- Global, unified VM-centric management
- Real-time, inline global deduplication and compression across entire data lifecycle, geographies, and the cloud
- Bandwidth efficient, deduplicated, and compressed replication
- Advanced data protection: tunable RPO on per-VM basis
- Low cost, easy to manage disaster recovery
- Public cloud integration
- Cache accelerated performance

- **Seamless additions or subtractions of infrastructure as the environment grows or shrinks**

Answer: Yes. Adding node or removing node doesn't require downtime with Simplivity.

- **Online upgrades, No downtime**

Answer: VMs can be migrated to remaining hosts during upgrade maintenance window.

- **All HDD and SSD disk in the proposed solution must be hot swappable.**

Answer: Yes

- **All servers must include hot swappable redundant power supplies.**

Answer: Yes

Section 5: VM-Centricity and Mobility. Please explain how your solution provides:

- **One-click VM backups, moves, clones**



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Answer: Yes, included with Simplivity.

- **VM-level backup instead of forcing protection at the datastore or protection domain level**

Answer: With Simplivity, data protection is built in. Backup policies established at the virtual machine level dictate the frequency of virtual machine copies, storage destination (local, remote site, or public cloud), retention time, and preference for application- or crash-consistent copies. This eliminates the need for additional backup software, backup hardware, replication, backup deduplication, and cloud gateway solutions. And, since data remains in a highly-optimized state, backup, recovery and replication of even large data sets occur rapidly and take up minimal storage capacity.

- **VM-level replication instead of forcing protection at the datastore or protection domain level**

Answer: With Simplivity, data protection is built in. Replication policies established at the virtual machine level dictate the frequency of virtual machine copies, storage destination (local, remote site, or public cloud), retention time, and preference for application- or crash-consistent copies. This eliminates the need for additional backup software, backup hardware, replication, backup deduplication, and cloud gateway solutions. And, since data remains in a highly-optimized state, backup, recovery and replication of even large data sets occur rapidly and take up minimal storage capacity.

- **Seamless data migrations**

Answer: Simplivity Rapid Move allows seamless site-to-site data migration

- **Minimized data transfer over the WAN Section**

Answer: Only unique, optimized blocks are being transferred site-to-site, requiring minimal amount of available bandwidth.

Section 6: Data Protection. Please explain how your solution provides:

- **Backup software functionality as a feature instead of a separate server I software license**

Answer: With Simplivity, data protection is built in. Backup policies established at the virtual machine level dictate the frequency of virtual machine copies, storage destination (local, remote site, or public cloud), retention time, and preference for application- or crash-consistent copies. This eliminates the need for additional backup software, backup hardware, replication, backup deduplication, and cloud gateway solutions. And, since data remains in a highly-optimized state, backup, recovery and replication of even large data sets occur rapidly and take up minimal storage capacity. No additional licensing is needed.

- **Backup to disk appliance functionality as a feature instead of a separate appliance**

Answer: Yes, included as standard features on Simplivity.



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- **Disaster Recovery | Replication functionality as a feature instead of a separate server | software license**

Answer: With Simplivity, data protection is built in. Replication policies established at the virtual machine level dictate the frequency of virtual machine copies, storage destination (local, remote site, or public cloud), retention time, and preference for application- or crash-consistent copies. This eliminates the need for additional backup software, backup hardware, replication, backup

deduplication, and cloud gateway solutions. And, since data remains in a highly-optimized state, backup, recovery and replication of even large data sets occur rapidly and take up minimal storage capacity. No additional licensing is needed.

- **The ability to define backup policy per VM**

Answer: Yes, backup policies can be assigned to individual VMs.

- **The ability to define backup policy per a group of VMs**

Answer: Yes, backup policies can be assigned to a group of VMs.

- **Minimized IOPS to the HDDs during backup operations**

Answer: Simplivity backups are simply copies of metadata and not blocks themselves, therefore, minimal IOPs to HDDS during speedy backup operations.

Section 7: Additional information. Please explain how your solution provides:

- **The system must be highly available.**

Answer: Yes. Simplivity protects data through these scenarios: 3-5 disks failures per node, and 1 node down.

- **The system must be easy to quote and must not include hidden costs. All features should be included with one SKU includes, software, hardware and all features.**

Answer: Yes, there are no hidden costs for Simplivity hardware, software.

SimpliVity Services Description: Remote Deployment

Overview

SimpliVity offers remote deployment services to ensure your Omnicube/Omnistack solution launches to production in a timely manner. This document describes all the phases and activities required for a successful deployment, include responsible parties for each step.

Phase 1: Project Preparation & Planning

The goal of this phase is to establish a plan outlining the actions required for a timely deployment of the SimpliVity federation composed of the desired application(s), architecture, and number of OmniCube/OmniStack procured by the Customer.

SimpliVity (or Accredited Service Partner) and the Customer will establish communications and conduct meetings to establish project logistics:

1. Project milestones, timelines and any external factors
 - a. Product shipments dates
 - b. Customer environment readiness dates
 - c. Deployment date
 - d. Knowledge Transfer
 - e. Go-live date
2. Identification and sharing of Customer, SimpliVity and all Third Party project team members contact details
3. Agreement on architecture, backup policies, and test plan contents

SimpliVity (or Accredited Service Partner) and the Customer will conduct meetings to perform an engineering review:

1. Review of the Customer's network architecture including:
 - a. Ensure Customer has access to and has viewed SimpliVity provided videos to assist with completion of the pre-flight checklist
 - b. Review of the pre-flight checklist
 - c. Internal and External network addressing schemes
 - d. All switching, routing and VLAN configurations
 - e. Complete pre-flight checklist
 - f. Review completed pre-flight checklist for correctness
2. Review of the VMware architecture including:
 - a. Current vCenter version to comply with SimpliVity supported versions
 - b. Current vSphere client version to comply with SimpliVity supported versions
 - c. Review of SimpliVity's Arbiter installation requirements

Phase 2: Hardware Installation

It is the Customer's or an appropriately trained Third Party vendor's responsibility to ensure the environment is prepared for SimpliVity OmniCube/OmniStack hardware installation following guidelines provided in SimpliVity videos and documentation:

1. Required cabinet space is available for the number of OmniCube/OmniStack units procured
2. Required power draw and number of surged protected power supplies are available
3. Required network switch ports available and cabled correctly

It is also the Customer's responsibility or an appropriately trained Third Party vendor to perform hardware installation of the OmniCube/OmniStack systems:

1. Remove OmniCube/OmniStack systems from the shipping packaging
2. Remove provided rails, and install in the cabinets
3. Install the OmniCube/OmniStack systems on the rails
4. Run all required 1Gb and 10Gb networking cables to the OmniCube/OmniStack systems
5. Plug power cables from the OmniCube/OmniStack systems into the surge protected power outlets

Phase 3: IPMI/CIMC Configuration for Remote Console Capability

On each OmniCube/OmniStack system, it is the Customer's (or Accredited Service Partner) responsibility to enable and configure the appropriate remote console interface:

1. Configure IPMI/CIMC networking as documented in the pre-flight checklist:
 - a. Static IP address
 - b. Subnet mask
 - c. Default gateway
 - d. VLAN ID (if required)

Phase 4: Deployment of SimpliVity required Tools

SimpliVity or an Accredited Service Partner will assist with the installation of the following:

1. SimpliVity Arbiter on the vCenter server
2. SimpliVity vSphere plug-in
3. VMware OVF tools (available on the VMware site)

Phase 5: OmniCube/OmniStack ESXi Host Configuration

On each OmniCube/OmniStack system, SimpliVity or an Accredited Service Partner will enable and configure the required ESXi host networking elements:

1. Configure ESXi host networking as documented in the pre-flight checklist:
 - a. Static IP address
 - b. Subnet mask
 - c. Default gateway
 - d. VLAN ID (if required)
 - e. DNS server(s) and suffixes

SimpliVity Services Description: Remote Deployment

Phase 6: Deploy OmniCube/OmniStack

It is SimpliVity's (or an Accredited Service Partner) responsibility to complete the following steps required to deploy the SimpliVity federation:

1. Create new vCenter Data Center, or join an existing one
2. Create a new cluster (if required) and set HA requirements
3. Add the OmniCube/OmniStack system to the cluster
4. Configure Storage vSwitch and PortGroup requirements
5. Deploy each OmniCube/OmniStack
6. Upon successful creation, create a Datastore
7. Present Datastore(s) to existing ESXi hosts

Phase 7: Validation and Knowledge Transfer

It is SimpliVity's (or an Accredited Service Partner) responsibility to demonstrate the functionalities of the federation through the SimpliVity management tab in vCenter. SimpliVity provides a comprehensive validation plan that can be modified to reflect the Customer environment.

Out Of Scope

When fulfilled by SimpliVity, this service does not include the following tasks. These may be available as services offered by a SimpliVity Accredited Service Partner:

1. Physical networking switch configuration
2. DNS server installation and/or configuration
3. Installation and configuration of vCenter
4. Physical-to-Virtual or Virtual-to-Physical server transformation and migration
5. Integration with any Third Party backup applications
6. Integration with any other Third Party applications

OmniStack™ Solution with Lenovo® System x3650 M5



SimpliVity's mission is to simplify IT. The OmniStack Solution with Lenovo System x3650 M5 converges all IT infrastructure below the hypervisor into 2U building blocks on Lenovo servers. The solution assimilates eight to twelve core data center functions including the hypervisor, compute, storage, network switching, backup, replication, cloud gateway, caching, WAN optimization, real-time deduplication, and more.

The OmniStack Solution for the Lenovo System x3650 M5 rack-mount server is designed for high availability with no single point of failure, for enterprise-class reliability. The OmniStack solution is designed to handle diverse workloads and radically simplify the way infrastructure for virtualized workloads is deployed and managed today.

Cloud Economics with Enterprise Capabilities and TCO Savings

With 3x TCO savings, OmniStack with Lenovo System x3650 M5 delivers the best of both worlds - enterprise-class performance, protection and resiliency that enterprises require with cloud economics businesses demand - for single-site businesses to large-scale multi-site Global 2000 enterprises.

The Technology: Attacking Complexity at the Source

Today's infrastructure complexity problem is caused by an antiquated data architecture not suited for modern virtualized and cloud-integrated applications. SimpliVity's data architecture consists of the OmniStack Data Virtualization Platform and OmniStack Accelerator Card. SimpliVity's data architecture is a globally-aware file system with data optimization techniques that enables a single shared compute and storage resource pool across multiple sites, and provides highly-efficient data storage, management, and mobility. It abstracts data from its underlying hardware, shifting policies and management from infrastructure components to the application workload/virtual machine level. The OmniStack Accelerator Card is a purpose-built PCIe card that offloads global inline deduplication, compression, and optimization processes to ensure primary CPU resources are available to server business applications.

Features and Benefits

-  **Fully Integrated System:** Combines Lenovo System x3650 M5 rack-mount servers with OmniStack to assimilate all IT infrastructure and services below the hypervisor.
-  **10GB Unified Network Fabric:** Low-latency, lossless, wire-once deployment means fewer interface cards, cables, and ports to maintain.
-  **Intel Xeon x86 Processor Product Families:** Powerful, dual CPU x86 configuration availability delivers an outstanding combination of performance, flexibility, and efficiency gains.
-  **TCO Reduction:** Eliminate the need to purchase multiple discrete components, optimize storage capacity with 40:1 data efficiency, and prevent over-provisioning for performance and capacity with on-demand expansion.
-  **Efficiency and Agility:** Streamline operations with VM-centric management and mobility, and speed time to deploy infrastructure for new workloads.
-  **Mitigate Risk:** Significantly improve RPOs and RTOs, reduce storage and network requirements for data protection with VM-centric backup and WAN-optimized replication for DR.

The OmniStack Data Virtualization Platform delivers three breakthrough innovations:

- 1. Accelerated Data Efficiency:** On average, SimpliVity customers achieve 40:1 data efficiency while simultaneously increasing application performance. OmniStack deduplicates, compresses, and optimizes all data inline, in real-time, at inception, once and forever across all stages of the data lifecycle, globally.
- 2. Built-in Data Protection:** With OmniStack, data protection is built in and ultra efficient. OmniStack natively includes policy-based VM-centric backup and WAN-optimized replication for disaster recovery, reducing backup and restore times from hours to minutes.

- 3. Global Unified Management:** OmniStack provides policy-based VM-centric management and mobility to improve IT agility for single and multi-site deployments of all sizes. Administrators are no longer required to manage LUNs and volumes; instead, they can manage all resources and workloads centrally, using familiar interfaces, such as VMware vCenter, VMware vRealize Automation, and OpenStack.

OmniStack with Lenovo System x3650 M5

The flexible architecture of OmniStack and Lenovo allows a range of models for a variety of environments and use cases.

Specifications	SimpliVity OmniStack Solution for Lenovo System x3650 M5 Servers		
	Lenovo System x3650 M5 Small Enterprise	Lenovo System x3650 M5 Midsized Enterprise	Lenovo System x3650 M5 Large Enterprise
Targeted Use Case	All workloads in small to medium environments, remote office / branch office (ROBO)	Majority of workloads across a wide range of environments from smallest IT organizations to large enterprises	Ultra high-performance workloads in the enterprise and cloud providers
Configuration	2 x 480GB SSD 8 x 1TB 7.2K RPM HDD	4 x 480GB SSD 20 x 1TB 7.2K RPM HDD	4 x 480GB SSD 20 x 1.2TB 10K RPM HDD
Effective Capacity	5-10TB*	18-36TB*	20-40TB*
CPU	Single or Dual Intel E5-2600 v3 (Haswell) 8 - 36 Cores	Single or Dual Intel E5-2600 v3 (Haswell) 8 - 36 Cores	Single or Dual Intel E5-2600 v3 (Haswell) 8 - 36 Cores
RAM Usable Capacity	71GB-1479 GB**	156GB-1436 GB**	284GB-1436 GB**
Network Connections	4 x 1GbE 2x10 GbE cards with SFP+	4 x 1GbE 2x10 GbE cards with SFP+	4 x 1GbE 2x10 GbE cards with SFP+
Physical Dimensions	Height: 8.65 mm (3.4 in), width: 44.56 mm (17.5 in), depth: 71.2 cm (29.7 in)	Height: 8.65 mm (3.4 in), width: 44.56 mm (17.5 in), depth: 71.2 cm (29.7 in)	Height: 8.65 mm (3.4 in), width: 44.56 mm (17.5 in), depth: 71.2 cm (29.7 in)
Weight	19-24 kg (42-75 lbs)	19-24 kg (42-75 lbs)	19-24 kg (42-75 lbs)
Power Supply	Dual Redundant 900W	Dual Redundant 900W	Dual Redundant 900W

* Effective capacity varies by environment, and is a function of the realized deduplication and compression rates. The capacities mentioned above offer a conservative range based on compression and deduplication rates found in standard primary storage use cases.

** RAM usable capacity represents estimated memory resources available to virtual applications.

For more information, visit:

www.simplivity.com

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vmware®
READY



System x



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SECTION 4 WORK PLAN

Project Management

The following activities focus on managing the initiation, planning, execution, and closure of the project including coordinating delivery resources and communicating with stakeholders:

- Manage WCT/SimpliVity resources assigned to the project.
- Work with customer assigned single point of contact to coordinate project tasks and the resources assigned to complete said tasks
- Determine the engagement process and schedule
- Conduct a pre-deployment meeting to review the project scope, expectations, communication plans and availability of resources.
- Conduct periodic status meetings, if necessary, to review project process, issues and identify potential risks, if any. Frequency of meetings will be mutually agreed upon by WCT/SimpliVity teams and City of Monterey Park.
- Coordinate project closure, review and sign-off.

WCT/SimpliVity and City of Monterey Park Responsibilities

City of Monterey Park acknowledges that its timely provision of and access to office accommodations, facilities, equipment, assistance, cooperation, complete and accurate information and data from City of Monterey Park officers, agents, and employees, suitably configured computer products, systems and networks (including such systems and networks required for functional testing), and network access, including, without limitation, remote network access (collectively, "cooperation") are essential to the performance of any services (whether performed onsite and/or offsite locations) set forth in this document. City of Monterey Park acknowledges that WCT/SimpliVity's ability to perform the services and any financial estimate related thereto depends upon the project assumptions discussed. If City of Monterey Park fails to provide the requisite cooperation on a timely basis, WCT/SimpliVity shall be relieved of any schedule or milestone commitments associated with the services.

Notwithstanding anything in the Agreement or this document to the contrary, City of Monterey Park agrees to assume full responsibility of having a backup of its data and acknowledges and agrees that WCT/SimpliVity is not responsible for any loss of, damage to, loss or access to or unrecoverable data in connection with the Services.



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SECTION 4
WORK PLAN – Continued

- Provide WCT/SimpliVity with reasonable access to City of Monterey's functional, technical and business staff as necessary for WCT/SimpliVity to perform services.
- Assign a primary contact and point of authorization as the city's project manager. The single point of contact will be responsible for issue resolution, activity scheduling, and information collection and dissemination. The Project Sponsor is responsible to ensure compliance with the city's obligations.
- Provide WCT/SimpliVity onsite and offsite personnel with access to the city's systems and networks (including without limitation, remote systems and networks access) , current processes and procedures, workflow diagrams, architectural designs, (visio or equivalent) and on-site resource personnel who will participate in the functional overview.
- Supply a list of all of the city's provided hardware to be used in the implementation to the WCT/SimpliVity team to allow WCT/SimpliVity to verify the equipment conforms to the WCT/SimpliVity support Matrix and applicable compatibility matrixes.
- Ensure all required site preparations have been successfully met for any new non-WCT/SimpliVity system components. City of Monterey Park will ensure its facilities (or facilities provided through a third-party) are capable of accepting and supporting any new products ordered from WCT before the project start date. This includes but not limited to, adequate HVAC, power, floor space, security, etc.
- Make appropriate system maintenance windows available for WCT/SimpliVity (or authorized agents) as needed to prepare equipment.
- Provide (as required) implementation of communications and infrastructure and components
- Provide technical support for implementation teams, all vendors, and third parties as necessary.
- Assume responsibility for all network connectivity, performance and configuration issues.
- Identify the current operating system patch set level required or this engagement, and install any recommended patch set(s) prior to the engagement commencement.
- Ensure that adequate backup and restore process exists and is operational.
- Obtain and provide, at its own cost and expense, all third party licenses and maintenance agreements necessary for WCT/SimpliVity to complete the projet.



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SECTION 5 PROJECT SCHEDULE

Estimated delivery of SimpliVity system approximately four (4) weeks from receipt of order

The following provides information on the Deployment Process:

- Pre-deployment meeting
- Pre-flight review
- Rack and stack system
- Pre-deployment readiness checks

At the completion of final pre-deployment verification by Remote Services the deployment phase will be initiated.

Time-frame for installation and knowledge transfer with SimpliVity nodes up and running is estimated to be to two (2) weeks.

Once all nodes have successfully been deployed and post-deployment checklist is completed the post-deployment phase will consist of:

- Post deployment checks
- Functional review with customer
- Best practices review
- Capacity balance FCO will be opened as needed
- Confirmation of successful deployment is emailed and customer to acknowledge and sign-off.

Upon completion of the SimpliVity nodes and ready to "go-live" data migration assistance will be provided for a period of not to exceed forty (40) hours.

It is estimated that the project from start to completion of installation will require approximately 1 week or less. Migration of data assistance will be no more than 40 hours commencing at the completion of installation and will be invoiced in hourly rate as quoted.



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**SECTION 6
CONFLICTS OF INTEREST**

Based on information collected and discussions with the City of Monterey Park WCT/SimpliVity does not see or anticipate any conflicts of interest.



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**SECTION 7
INSURANCE**

All insurance requirements are met, refer to Certificate of Liability Insurance form included in this section



Policy Number:

Date Entered: 03/29/2016

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/21/2016

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

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER SHORES INSURANCE AGENCY, INC. 23651 Birtcher Dr Lake Forest, CA 92630	CONTACT NAME: CAL SHORES PHONE (A/C, No, Ext): (949) 855-0112 FAX (A/C, No): (949) 855-1828 E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: CNA INSURANCE INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED PACIFIC ALLIANCE CAPITAL, INC dba: WEST COAST TECHNOLOGY (WCT) 27141 ALISO CREEK ROAD # 215 ALISO VIEJO, CA 92656	NAIC # 20427

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:		2090688096	6/20/2016	6/20/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$1,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$1,000,000 Deductible \$0
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☒ ALL OWNED AUTOS ☒ HIRED AUTOS ☐ SCHEDULED AUTOS ☒ NON-OWNED AUTOS		2090688096	6/20/2016	6/20/2017	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Deductible \$0
	UMBRELLA LIAB EXCESS LIAB ☐ OCCUR ☐ CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N N/A					☒ PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Property		2090688096	6/20/2016	6/20/2017	DED. 500.00 50,000
A	Professional Liab		2090688096	6/20/2016	6/20/2017	DED. 10,000 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

30 DAYS NOTICE IN THE EVENT OF CANCELLATION AND 10 DAYS NOTICE FOR NON PAYMENT OF PREMIUM
All certificate holders are additional insureds

CERTIFICATE HOLDER

City of Monterey Park

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Cal Shores

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**SECTION 8
SIGNATURES**

Proposal cost included in this section is hereby authorized and binding according to the requirements of the Request for Quote. The proposal will be valid for 90 days.

Signed by:



Rick Crane
Pacific Alliance Capital, Inc.
Dba West Coast Technology
C.E.O.

dated: October 26, 2016



West Coast Technology

Request for Quote No. 819

SIMPLIVITY OMNISTACK 3650 HYPERCONVERGED SYSTEM

QUOTATION WCTQ13501-A



West Coast Technology

WCT
27141 Aliso Creek Rd.
Suite #215
Aliso Viejo, CA 92656
Ph: (949) 360 - 9048
Fx: (949) 360 - 9037

Sold To: City of Monterey Park
Tim Shay
320 W. Newmark Ave.
Monterey Park, CA 91754

Phone:
E-mail: tshay@montereypark.ca.gov

QUOTE

Date	Quote #
10/26/2016	WCTQ13501-A

Terms	Sales Rep
NET30	Rick Crane

Part #	Qty	Description	List Price	Unit Price	Ext. Price
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STORAGE AREA NETWORK REPLACEMENT (SAN) SIMPLIVITY HYPERCONVERGED SYSTEM RESPONSE TO RFP No. 819

SIMPLIVITY OMNISTACK 3650 SOLUTION					
8871K4U	3	Lenovo System x3650	\$3,379.00	\$3,359.00	\$10,077.00
00YJ199	3	SP Xeon E5-2640 2.4GHz 2133MHz 90W	\$1,425.00	\$1,425.00	\$4,275.00
46W0833	45	SM 32GB PC4-19200 DDR4 2400MHz (2Rx4)	\$799.00	\$231.00	\$10,395.00
00FK658	3	System x3650 M5 Rear 2x 2.5"; HDD Kit	\$379.00	\$256.00	\$768.00
00FK661	6	System x3650 M5 Plus 8x 2.5"; HS HDD Ass	\$659.00	\$367.00	\$2,202.00
00ML706	3	MECH SD Media Adapter w/ 2 blank media	\$299.00	\$132.00	\$396.00
00WG685	6	HDD 300GB 10K 12Gbps SAS 2.5" G3HS HDD	\$309.00	\$156.00	\$936.00
00YC529	12	SSD 480GB 2.5" SATA M500DC Mainstream	\$1,269.00	\$771.00	\$9,252.00
00AJ141	60	IBM 1TB 7.2K 6Gbps NL SATA 2.5in G3HS HDD	\$509.00	\$283.00	\$16,980.00
46C9114	3	ServeRAID M1215 SAS/SATA Controller for IBM System x	\$219.00	\$158.00	\$474.00
47C8664	3	ServeRAID M5200 Series 2GB Flash/RAID 5 Upgrade for IBM Systems	\$575.00	\$430.00	\$1,290.00
47C8706	3	ServeRAID M5200 Series RAID 6 Upgrade for IBM Systems-FoD	\$49.00	\$49.00	\$147.00
47C8710	3	ServeRAID M5200 Series Performance Accelerator for IBM Systems-FoD	\$49.00	\$41.00	\$123.00
00KA498	3	MECH PCIe Riser 2x8 FH/FL+1x8 FH/HL	\$89.00	\$51.00	\$153.00
49Y7960	3	Intel x520 Dual Port 10GbE SFP+ Adapter for IBM System x	\$699.00	\$258.00	\$774.00
00FK936	3	System x 900W High Efficiency Platinum A	\$399.00	\$140.00	\$420.00



West Coast Technology

WCT
27141 Aliso Creek Rd.
Suite #215
Aliso Viejo, CA 92656
Ph: (949) 360 - 9048
Fx: (949) 360 - 9037

Sold To: City of Monterey Park
Tim Shay
320 W. Newmark Ave.
Monterey Park, CA 91754

Phone:
E-mail: tshay@montereypark.ca.gov

QUOTE

Date	Quote #
10/26/2016	WCTQ13501-A

Terms	Sales Rep
NET30	Rick Crane

Part #	Qty	Description	List Price	Unit Price	Ext. Price
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STORAGE AREA NETWORK REPLACEMENT (SAN) SIMPLIVITY HYPERCONVERGED SYSTEM RESPONSE TO RFP No. 819

SIMPLIVITY OMNISTACK SOLUTION - CONTINUATION

00YD071	3	MECH System x3650 M5 EIA L - VGA	\$29.00	\$29.00	\$87.00
90Y3901	3	IBM Integrated Management Module Advanced Upgrade	\$299.00	\$156.00	\$468.00
00FK622	3	System x Enterprise 2U Cable Management	\$29.00	\$25.00	\$75.00
660-000008	3	Omnistack Card Kit	\$0.00	\$0.00	\$0.00
OS-L-X3650M5-M2-10C	3	OmniStack for Lenovo X3650M5 20x1TB HDD, 4x480GB SSD, 2x10 core CPU	\$47,940.00	\$23,395.00	\$70,185.00
90Y9433	6	5m IBM Passive DAC SFP+ Cable	\$259.00	\$82.00	\$492.00

ONSITE INSTALLATION

SPLVTINT	3	Simplivity Solution Integration	\$3,000.00	\$2,000.00	\$6,000.00
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3 YEAR SUPPORT

01GX546	3	Warranty 3 Year Tech Inst 24x7x4	\$790.00	\$766.00	\$2,298.00
OS-SUPPORT-M2-10C-T 23	3	3 Year Business Critical Support for OmniStack M2-10C	\$23,300.00	\$11,371.00	\$34,113.00
SVC-DEPLOY-PER-STAC K	3	SimpliVity fulfilled remote software deployment for a single OmniStack	\$1,500.00	\$1,281.00	\$3,843.00

Quantity must match product quantity

*** WCT IS NOT RESPONSIBLE NOR CAN THEY BE HELD LIABLE FOR ERRORS OR OMISSIONS MADE IN THIS QUOTE ***

NOTE:

- 1) Items labeled **OPTIONAL** are **NOT INCLUDED**
- 2) Sales Tax and Freight (If applicable) are **NOT INCLUDED**

SubTotal \$176,223.00

TOTAL \$176,223.00



West Coast Technology

Request for Quote No. 819

VMWARE LICENSING

OPTION 1 – SIMPLIVITY RECOMMENDED REQUIREMENT

QUOTATION WCTQ13651



West Coast Technology

WCT
27141 Aliso Creek Rd.
Suite #215
Aliso Viejo, CA 92656
Ph: (949) 360 - 9048
Fx: (949) 360 - 9037

Sold To: City of Monterey Park
Tim Shay
320 W. Newmark Ave.
Monterey Park, CA 91754

Phone:
E-mail:

QUOTE

Date	Quote #
10/26/2016	WCTQ13651

Terms	Sales Rep
NET30	Carmen Armendariz

Part #	Qty	Description	List Price	Unit Price	Ext. Price
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VMWARE LICENSES REQUIRED BY SIMPLIVITY VCENTER STANDARD AND VSPHERE STANDARD REFERENCE RFQ 819

VS6-STD-C	6	VMware VSphere 6 Standard for 1 Processor	\$995.00	\$905.00	\$5,430.00
VCS6-STD-C	2	VMware VCenter Server 6 Standard for VSphere 6 (per instance)	\$5,995.00	\$5,447.00	\$10,894.00

THREE (3) YEAR SUPPORT

VS6-STD-3P-SSS-C	1	Production Support Subscription VMware VSphere 6 Standard for 1 Processor for 3 years	\$852.00	\$820.00	\$820.00
VS6-STD-3P-SSS-C	1	Production Support Subscription VMware VCenter Server 6 Standard for VSphere 6 (per Instance) for three (3) years	\$3,957.36	\$3,805.00	\$3,805.00

*** WCT IS NOT RESPONSIBLE NOR CAN THEY BE HELD LIABLE FOR ERRORS OR OMISSIONS MADE IN THIS QUOTE ***

NOTE:

- 1) Items labeled **OPTIONAL** are **NOT INCLUDED**
- 2) Sales Tax and Freight (If applicable) are **NOT INCLUDED**

SubTotal \$20,949.00

TOTAL \$20,949.00



West Coast Technology

Request for Quote No. 819

VMWARE LICENSING

**OPTION 2
CUSTOMER REQUESTED**

QUOTATION WCTQ13653



West Coast Technology

WCT
27141 Aliso Creek Rd.
Suite #215
Aliso Viejo, CA 92656
Ph: (949) 360 - 9048
Fx: (949) 360 - 9037

Sold To: City of Monterey Park
Tim Shay
320 W. Newmark Ave.
Monterey Park, CA 91754

Phone:
E-mail:

QUOTE

Date	Quote #
10/26/2016	WCTQ13653

Terms	Sales Rep
NET30	Carmen Armendariz

Part #	Qty	Description	List Price	Unit Price	Ext. Price
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VMWARE LICENSES REQUESTED BY CITY OF MONTEREY PARK VSPHERE 6 WITH OPERATIONS MANAGER AND VCENTER SERVER 6 STANDARD

VMWARE LICENSE

VS6-OEPL-C	6	VMware VSphere 6 with Operations Management Enterprise Plus for 1 Processor	\$4,395.00	\$3,855.00	\$23,130.00
VCS6-STD-C	1	VMware VCenter Server 6 Standard for VSphere 6 (per instance)	\$5,995.00	\$5,447.00	\$5,447.00

THREE (3) YEAR SUPPORT

VS6-OEPL-3P-SSS-C	6	Production Support Subscription VMware VSphere6 with Operations Management Enterprise Plus for 3 Years	\$2,901.00	\$2,789.00	\$16,734.00
VCS6-STD-3P-SSS-C	1	Production Support Subscription VMware VCenter Server 6 Standard for VSphere 6 (per Instance) for 3 years	\$3,957.00	\$3,804.00	\$3,804.00

*** WCT IS NOT RESPONSIBLE NOR CAN THEY BE HELD LIABLE FOR ERRORS OR OMISSIONS MADE IN THIS QUOTE ***

NOTE:

- 1) Items labeled **OPTIONAL** are **NOT INCLUDED**
- 2) Sales Tax and Freight (If applicable) are **NOT INCLUDED**

SubTotal \$49,115.00

TOTAL \$49,115.00



West Coast Technology

Request for Quote No. 819

PROFESSIONAL SERVICES

OPTION 1 - ONSITE

QUOTATION WCTQ13654



West Coast Technology

WCT
27141 Aliso Creek Rd.
Suite #215
Aliso Viejo, CA 92656
Ph: (949) 360 - 9048
Fx: (949) 360 - 9037

QUOTE

Sold To: City of Monterey Park
Tim Shay
320 W. Newmark Ave.
Monterey Park, CA 91754

Phone: (626)307-1208
E-mail:

Date	Quote #
10/26/2016	WCTQ13654

Terms	Sales Rep
NET30	Carmen Armendariz

Part #	Qty	Description	List Price	Unit Price	Ext. Price
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PROFESSIONAL SERVICES FOR DATA MIGRATION (ONSITE)

REFERENCE: RFQ 819

PROFESSIONAL SERVICES

PS-MIG	40	Professional Services - Assistance with Data Migration Billed as hourly rate (not to exceed 40 hours)	\$250.00	\$250.00	\$10,000.00
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*** WCT IS NOT RESPONSIBLE NOR CAN THEY BE HELD LIABLE FOR ERRORS OR OMISSIONS MADE IN THIS QUOTE ***

NOTE:

1) Items labeled OPTIONAL are NOT INCLUDED

2) Sales Tax and Freight (If applicable) are NOT INCLUDED

SubTotal	\$10,000.00
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TOTAL	\$10,000.00
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West Coast Technology

Request for Quote No. 819

PROFESSIONAL SERVICES

OPTION 1 – REMOTE ASSISTANCE

QUOTATION WCTQ13655



West Coast Technology

WCT
27141 Aliso Creek Rd.
Suite #215
Aliso Viejo, CA 92656
Ph: (949) 360 - 9048
Fx: (949) 360 - 9037

QUOTE

Sold To: City of Monterey Park
Tim Shay
320 W. Newmark Ave.
Monterey Park, CA 91754

Phone: (626)307-1208
E-mail:

Date	Quote #
10/26/2016	WCTQ13655

Terms	Sales Rep
NET30	Carmen Armendariz

Part #	Qty	Description	List Price	Unit Price	Ext. Price
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PROFESSIONAL SERVICES FOR DATA MIGRATION (REMOTE ASSISTANCE) REFERENCE: RFQ 819

PROFESSIONAL SERVICES

PS-MIG-R	40	Professional Services - Assistance with Data Migration Billed as hourly rate (not to exceed 40 hours)	\$200.00	\$200.00	\$8,000.00
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*** WCT IS NOT RESPONSIBLE NOR CAN THEY BE HELD LIABLE FOR ERRORS OR OMISSIONS MADE IN THIS QUOTE ***

NOTE:

- 1) Items labeled OPTIONAL are NOT INCLUDED
- 2) Sales Tax and Freight (If applicable) are NOT INCLUDED

SubTotal	\$8,000.00
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TOTAL	\$8,000.00
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West Coast Technology

Request for Quote No. 819

**SECTION 9
SAMPLE BILLING**

Refer to the sample invoice that will be submitted for payment in this section.



West Coast Technology

Invoice

SEND PAYMENT TO:

27141 Aliso Creek Rd., Suite 215
Aliso Viejo, CA 92656
Ph: 949-360-9048
Fx: 949-360-9037

Invoice Number: 00102116-IN
Invoice Date: 10/21/2016
Order Number: 00102116
Order Date: 10/21/2016
Salesperson: MPC
Customer Number: 00-CIT1208

Sold To:

City of Monterey Park
Knight Communications
320 W. Newmark Ave.
Attn: Jason Sam
Monterey Park, CA 91754

Ship To:

City of Monterey Park
Knight Communications
320 W. Newmark Ave.
Attn: Jason Sam
Monterey Park, CA 91754

Confirm To:

Customer P.O.	Ship VIA	F.O.B.	Terms
WCTQ13501-A	FREIGHT		Net 30 Days

Item Number / Description	Unit	Ordered	Shipped	Back Ordered	Price	Amount
SIM8871K4U SimpliVity - Lenovo System x3650	EACH	3	3	0	3,359.00	10,077.00

THIS IS JUST A SAMPLE INVOICE OF THE FIRST LINE ITEM ON THE QUOTE

NOTE: Overdue invoices are subject to a recurring charge of 1.5% per month of the total invoice amount as an interest charge starting on the 60th day from the invoice date.

RMA's are subject to the terms set forth by WCT. Please contact WCT for details.

Net Invoice: 10,077.00
Freight: 0.00
Sales Tax: 0.00
Invoice Total: 10,077.00



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-E.

TO: The Honorable Mayor and City Council
FROM: Tito Haes, Interim Director of Public Works
Annie Yaung, Controller
SUBJECT: Pavement Management Report Funding Update

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing this informational report;
2. Directing staff to explore potential funding sources to address the City's street maintenance and rehabilitation needs; and
3. Taking such additional, related action that may be desirable.

CEQA (California Environmental Quality Act):

The Pavement Management Program 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 the project is the preparation of a plan. The Pavement Management Program does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment and will not result in direct or indirect physical changes in the environment.

EXECUTIVE SUMMARY:

The Management Services and Public Works Departments created a report to summarize the City's current expenditures on Road Repair and possible funding to meet the maintenance and repair demands described in the 2015 Pavement Management Program Report. The overall Pavement Condition Index (PCI) rating for the City's entire roadway system is 62.6 which categorizes the streets in "Good" condition. Arterial/collector streets were rated at 71.0 "Very Good to Good" condition and local streets were rated at 57.3 "Good to Fair." Based on the 2015 report, in order to maintain the overall PCI rating at 62.6 requires a funding level of \$2 million per year. To increase our rating from 62.6 to 70 requires a funding level of \$3 million per year.

Staff analyzed the existing and future funding sources available for street maintenance to meet these recommended demands and recommends the City Council provide direction based on the information provided.

BACKGROUND:

On October 5, 2016, staff presented a report to the City Council on the 2015 Pavement Management Program. The report described the pavement maintenance and rehabilitation needs of the City. The City owns and maintains approximately 122.9 miles of streets consisting of 43.1 miles of arterial/collector streets and 79.8 miles of local residential streets.

Arterial streets are defined as high-capacity roads that function as a way to deliver traffic from collector roads to freeways. Examples in Monterey Park are Garfield Avenue and Atlantic Boulevard. Collector streets are low to moderate capacity roads that move traffic from local streets to arterial streets. Newmark Avenue, El Repetto Drive, and Casuda Canyon Drive are all examples of collector streets. Local streets are intended to provide direct access to abutting properties.

The 2015 Pavement Management Program Report rates street sections using a scoring system known as the Pavement Condition Index (PCI). The PCI is a numerical index between 0 to 100 used to indicate the general condition of any given street section with 0 being the lowest or failed, and 100 the highest or excellent. Overall, the PCI rating for the City's entire roadway system is 62.6 or Good Condition.

Below is a table summarizing the Pavement Management Program PCI ratings for the entire City street network:

PCI RANGE	CONDITION	ARTERIAL/ COLLECTOR (MILES)	LOCAL (MILES)	TOTAL (MILES)	% OF NETWORK
86-100	Excellent	21.9	17.7	39.6	32.2
71-85	Very Good	7.9	10.8	18.7	15.2
56-70	Good	5.5	16.6	22.1	18.0
41-55	Fair	3.9	16.0	19.9	16.2
26-40	Poor	3.5	16.4	19.9	16.2
11-25	Very Poor	0.4	2.2	2.6	2.1
0-10	Failed	0.0	0.1	0.1	0.1
TOTALS		43.1	79.8	122.9	100

As you can see, 32.2% of the city's street sections are in Excellent condition and 47.4% of street sections are rated Very Good to Excellent. However, most residents notice the 34.6% of street sections that are at the lower end or Fair to Failed. The Report states that in order for the City to maintain its overall rating of 62.6, the City must invest at least \$2 million per year over the next five years; or to increase our PCI rating to 70, a funding level of \$3 million a year is required.

Following is a description of the fund types (not including one-time grants) the City has used or can use on street maintenance.

Fund 0022 - State Gas Tax: *Funds can be used for street repair on all streets.* On April 6, 2017, the state legislature passed “The Road Repair and Accountability Act of 2017.” This act will provide \$5.2 billion annually for road repair statewide. Based on the April 2017 California Department of Finance, Monterey Park is projected to receive \$1.7 million in FY 2017-18 and \$2.4 million in FY 2018-19. For FY 2017-18, the City will only receive a portion of the additional funds and anticipates a balance of \$74,000. However, in FY 2018-19, the City anticipates a balance of \$750,000 for Capital Improvement Projects.

Fund 0110 - Measure R: *Funds can be used for street repair on all streets.* For FY 2017-18, staff anticipates a balance of \$545,000, which \$380,000 will be budgeted for street and ADA rehabilitation projects.

Fund 0166 - Proposition C: *Funds can be used only on streets that carry regularly scheduled, fixed-route public transit services and on streets that carry public paratransit trips.* These funds cannot be used for the majority of local streets. For FY 2017-18, staff anticipates a balance of \$92,000, which the 2017-18 proposed budget will use this balance plus additional Prop C reserve for traffic signal upgrades.

FY 2017-18				
Fund	Description	Revenue	M&O/Personnel Budget	Balance
0022	State Gas Tax	\$ 1,714,000	\$ 1,640,000	\$ 74,000
0110	Measure R	\$ 717,000	\$ 172,000	\$ 545,000
0166	Prop C	\$ 949,000	\$ 857,000	\$ 92,000
Funds Available for Capital Improvements				\$ 711,000

For FY 2017-18, the projected total amount of funds available for Street Capital Improvements is \$711,000. This is short of the \$2 million per year required to maintain our current PCI of 62.6 and far short of the \$3 million per year to increase the PCI rating to 70.

Beginning in FY 18-19, the full revenues from the Road Repair and Accountability Act of 2017 are projected at an additional \$700,000 in revenue per year. The table below summarizes FY 2018-19 funding.

FY 2018-19				
Fund	Description	Revenue	M&O/Personnel Budget	Balance
0022	State Gas Tax	\$ 2,439,000	\$ 1,804,000	\$ 635,000
0110	Measure R	\$ 739,000	\$ 190,000	\$ 549,000
0166	Prop C	\$ 977,000	\$ 943,000	\$ 34,000
Funds Available for Capital Improvements				\$ 1,218,000

As you can see, the City almost doubles the amount of funding that could be used towards the Pavement Management Program but still falls short of the \$2 million and \$3

million targets. There are options available to make up the difference in projected funding available and the target amounts.

General Fund - The City could make up the difference between available funding with the general fund. FY 2017-18, would require a general fund contribution of \$1,300,000 and \$782,000 for FY 2018-19.

Grant Funding - The City could continue to seek grant funding. However, this is a hit or miss approach and very competitive.

Special Assessments – The City could create Special Assessment Districts for the purpose of funding pavement improvements. This approach has been successful in other cities in California such as San Clemente in 1995, Elk Grove in 2003, and La Habra Heights in 2007. However, it would be dependent upon approval of the affected property owners.

Financing - The City could pursue dedicating a portion of the annual Gas Tax to finance road repairs. This would provide money up front towards repairing a greater portion of the City's lower rated street sections. Should the City repair the lower PCI streets earlier, future maintenance costs would be reduced as regular maintenance, High Density Mineral Bond, Slurry and Cape Seals cost (22¢ to 65¢ per square foot) are less expensive than major repair, Asphalt/Concrete Overlay and Reconstruction (\$2.25 to \$9.50 per square foot).

There are existing programs available such as the Total Road Improvement Program (TRIP) available through the California Statewide Communities Development Authority. This program offers a pooled securitization program to assist local agencies to bond against future payments in order to fund projects today. This pooled program allows agencies to use economies of scale to reduce issuance costs and get better interest rates than stand alone issues. Staff can also investigate other financing opportunities to determine which one is the most cost effective.

Staff recommends the City Council direct staff to pursue bonding against future Gas Tax payments and creating a new Ten Year Pavement Management Capital Improvement Program to maximize the City's PCI.

FISCAL IMPACT:

There is no fiscal impact associated with providing staff directions. Future fiscal impact will depend upon the funding option(s) the Council directs staff to pursue. Should the Council direct staff to pursue financing against future Gas Tax revenues, the City would incur an annual debt service payment for the term of the loan. Staff would return with a detailed staff report for the City Council to consider prior to incurring any fiscal impact.

Respectfully submitted by:

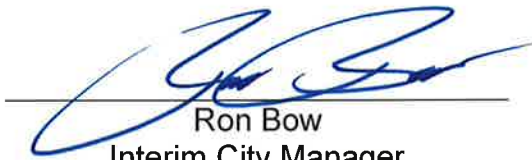


Tito Haes
Interim Director of Public Works



Annie Yaung
Controller

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-F.

TO: The Honorable Mayor and City Council
FROM: Tito Haes, Interim Director of Public Works
SUBJECT: Transit Center Phase II Improvements – Authorization to Advertise

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution authorizing staff to advertise the Transit Center Phase II Improvements; and
2. Taking such additional, related action that may be desirable.

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).

EXECUTIVE SUMMARY:

The Engineering Division has prepared bid specifications for the Transit Center Phase II Improvements and is requesting the City Council's authorization to advertise the project for bids.

BACKGROUND:

In 2013, the City constructed the Transit Center located on Collegian Avenue at East Los Angeles College (ELAC). As intended, the Transit Center has become a heavily used hub for the Metro, Montebello and Spirit Bus Lines. The Phase II Improvements will enhance the Transit Center by providing a new small restroom building for the bus drivers; kiosk with an electronic message board; sign monument; bus shelter with decorative concrete waiting area on Cesar Chavez Avenue; and a security camera system to be monitored by the Monterey Park Police Department.

The bid opening date is anticipated to be in late June, and the work is expected to be completed this Fall.

FISCAL IMPACT:

The project is funded by federal SAFETEA-LU grant funds (Account No. 0342-5003-91750) that require a 20% local match. The local match will be split 50/50 between East Los Angeles College (Account No. 0346-5003-91750) and the City. The City's portion will be paid for out of its Proposition A Local Returns (Account No. 0109-5003-91750).

Respectfully submitted by:



Tito Haes
Interim Director of Public Works

Prepared by:



Rey Alfonso
Assistant City Engineer

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. Resolution

ATTACHMENT1

RESOLUTION

RESOLUTION NO. ____

**A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE
TRANSIT CENTER PHASE II IMPROVEMENTS PURSUANT TO
GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT
PAYMENT ACCOUNT.**

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

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

- A. City staff has prepared bid specifications for the Transit Center Phase II Improvements ("Project");
- B. The City Engineer reviewed the completed design and plans for the Project and agrees with staff that the plans are complete and the Project may be constructed;
- C. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2: *Environmental Assessment.* The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 3: *Design Immunity; Authorization.*

- A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms with the City's General Plan.
- D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.
- F. The City Manager, or designee, may solicit bids for the Project in

accordance with applicable law.

SECTION 4: Project Payment Account. For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish an account allocating Federal SAFETEA-LU, East Los Angeles College, and Proposition A Funds from the current fiscal year budget to pay for the Project ("Project Payment Account"). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 5: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 6: This Resolution will become effective immediately upon adoption.

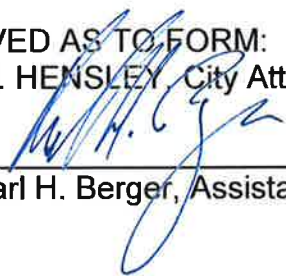
PASSED AND ADOPTED this ____ day of _____, 2017.

Teresa Real-Sebastian, Mayor

ATTEST:

Vincent D. Chang, City Clerk

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

By: 

Karl H. Berger, Assistant City Attorney



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-G.

TO: The Honorable Mayor and City Council
FROM: Tito Haes, Interim Director of Public Works
SUBJECT: 2017 Various Street Resurfacing – Authorization to Advertise

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution authorizing staff to advertise the 2017 Various Street Resurfacing project; and
2. Taking such additional, related action that may be desirable.

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).

EXECUTIVE SUMMARY:

The Engineering Division has prepared bid specifications for the 2017 Various Street Resurfacing and is requesting the City Council's authorization to advertise the project for bids.

BACKGROUND:

The project involves the resurfacing of the following streets:

Street	Limits
College View Drive	Ridgecrest Street to Valley Vista Drive
Copa Way	Casuda Canyon Drive to Arriba Drive
Crest Vista Drive	Brightwood Street to Wandering Drive
De La Fuente Street	Sevilla Street to Cadiz Street
Fulton Avenue	Kempton Avenue (N) to Kempton Avenue (S)
Keller Street	Garfield Avenue to Kempton Avenue
Kingsford Street	Cadiz Street to Newmark Avenue
McPherrin Avenue	Garcelon Avenue to Emerson Avenue
Moore Avenue	Newmark Avenue to Garvey Avenue
Schoolside	1 st Street to Cesar Chavez Avenue
Woods Avenue	Cesar Chavez Avenue to Floral Drive

The work includes cold milling the existing asphalt pavement and constructing a rubberized asphalt overlay; adjusting utility covers to grade; constructing new ADA curb ramps; replacing traffic loop detectors; restoring traffic striping and pavement markings; and providing and maintaining traffic control during construction.

FISCAL IMPACT:

The project is included in the FY 2016-17 adopted budget and will be funded with Measure R funds in the amount of \$515,000 (Account No. 0010-5001-91943) and Proposition C funds in the amount of \$250,000 (Account No. 0166-5001-91943).

Respectfully submitted by:



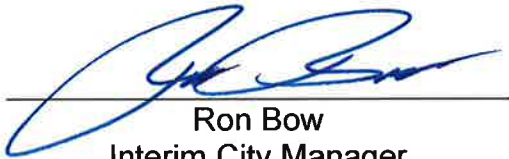
Tito Haes
Interim Director of Public Works

Prepared by:



Rey Alfonso
Assistant City Engineer

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. Resolution

ATTACHMENT1

RESOLUTION

RESOLUTION NO. ____

**A RESOLUTION APPROVING THE DESIGN AND PLANS FOR THE
2017 VARIOUS STREET RESURFACING PURSUANT TO
GOVERNMENT CODE § 830.6 AND ESTABLISHING A PROJECT
PAYMENT ACCOUNT.**

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

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

- A. City staff has prepared bid specifications for the 2017 Various Street Resurfacing ("Project");
- B. The City Engineer reviewed the completed design and plans for the Project and agrees with staff that the plans are complete and the Project may be constructed;
- C. The City Council wishes to obtain the immunities set forth in Government Code § 830.6 with regard to the plans and construction of the Project.

SECTION 2: *Environmental Assessment.* The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations § 15301 as a Class 1 categorical exemption (Existing Facilities). The project results in minor alterations to existing public facilities involving no significant expansion of the existing use. The project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project.

SECTION 3: *Design Immunity; Authorization.*

- A. The design and plans for the Project are determined to be consistent with the City's standards and are approved.
- B. The design approval set forth in this Resolution occurred before actual work on the Project construction commenced.
- C. The approval granted by this Resolution conforms with the City's General Plan.
- D. The City Engineer, or designee, is authorized to act on the City's behalf in approving any alterations or modifications of the design and plans approved by this Resolution.
- E. The approval and authorization granted by this Resolution is intended to avail the City of the immunities set forth in Government Code § 830.6.
- F. The City Manager, or designee, may solicit bids for the Project in

accordance with applicable law.

SECTION 4: Project Payment Account. For purposes of the Contract Documents administering the Project, the City Council directs the City Manager, or designee, to establish an account allocating Measure R and Proposition C Funds from the current fiscal year budget to pay for the Project ("Project Payment Account"). The Project Payment Account is the sole source of funds available for the Contract Sum, as defined in the Contract Document administering the Project.

SECTION 5: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 6: This Resolution will become effective immediately upon adoption.

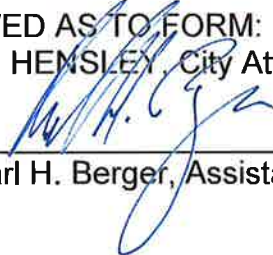
PASSED AND ADOPTED this ____ day of _____, 20____.

Teresa Real-Sebastian, Mayor

ATTEST:

Vincent D. Chang, City Clerk

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

By: 
Karl H. Berger, Assistant City Attorney



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-H.

TO: The Honorable Mayor and City Council
FROM: Tito Haes, Interim Director of Public Works
SUBJECT: Purchase of a 2017 One Ton Dual Rear Wheel Cab Chassis

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the Interim City Manager to purchase a 2017 Ford F350 dual rear wheel cab chassis truck from Downtown Ford Sales at a cost of \$31,918; and
2. Taking such additional, related action that may be desirable.

EXECUTIVE SUMMARY:

The current Public Works Graffiti/Clean Team truck is over 15 years old, currently inoperable, and in need of replacement. Staff recently went through the bidding process for a replacement truck and recommends purchase of a 2017 Ford F350 Dual Rear Wheel Cab Chassis.

BACKGROUND:

The existing Graffiti/Clean Team vehicle, unit #846, is a 1999 GMC C3500 flat bed truck. This truck has 81,998 miles and Fleet Maintenance staff determined that the internal engine crankshaft bearings are worn out and the crankshaft is damaged. To repair the existing truck requires replacing the engine assembly, a very costly procedure. Due to the vehicle's age and condition, staff believes it is not cost effective to repair the existing truck and scheduled it for replacement. As such, staff recently completed the RFP bidding process for a replacement truck. Bid packages were sent to the following (14) dealerships:

Camino Real Chevrolet
Sierra Chevrolet
Puente Hills Chevrolet
George Chevrolet
Montebello Chevrolet

Quality Chevrolet
Felix Chevrolet
Wondries Ford
Advantage Ford
Puente Hills Ford

Elk Grove Ford
Downtown Ford Sales
Montebello Ford
Fritts Ford

On April 17, 2017 staff received one response: Downtown Ford Sales \$31,918.

Because only one bid was received, staff contacted several dealers to determine why they failed to submit a bid. Some dealerships never responded to messages, some said they didn't have the exact vehicles in stock, and most said they didn't respond because they couldn't match the prices listed in the State of California Department of General Services California Multiple Award Schedule (CMAS). Downtown Ford Sales was the lowest, responsible bidder and staff recommends the City Council authorize the City Manager to purchase the vehicle through Downtown Ford Sales.

The proposed cab chassis truck is powered by a 6.2L gasoline engine, automatic transmission and dual rear wheels. Equivalent trucks powered by propane or compressed natural gas (CNG) are available. However, the retrofitted vehicles cost approximately \$56,000, which was more than was budgeted. Also, the propane or CNG vehicles require additional fuel tanks which would either reduce the bed size and/or require a longer wheel base causing the truck to be less maneuverable. Since the recommended Ford F-350 truck is certified compliant (low emission output) by the Air Quality Management District (AQMD) and California Air Resources Board (CARB), staff recommends not purchasing an alternative fuel vehicle.

FISCAL IMPACT:

The FY budget 2016-17 includes \$50,000 for the replacement of the Graffiti Truck in the Auto Shop Funds Account Number 0060-801-5002-96088. The total cost for the recommended 2017 Ford F350 Dual Rear Wheel Cab Chassis from Downtown Ford Sales is \$31,918 and is within the budgeted amount.

Respectfully submitted by:



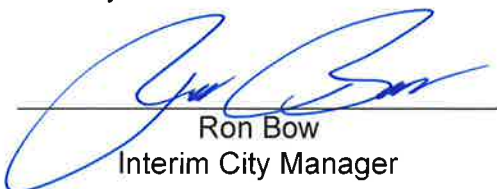
Tito Haes
Interim Director of Public Works

Prepared by:



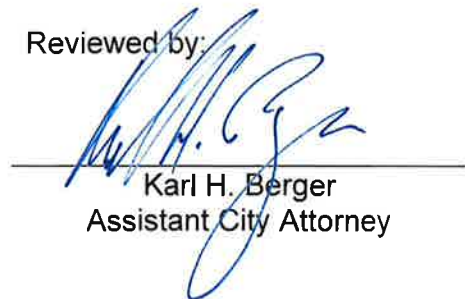
Niles Boyer
Interim Public Works
Maintenance Manager

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT(S):

1. Downtown Ford Sales Bid 17-2

ATTACHMENT1

Downtown Ford Sales Bid 17-2

CITY OF MONTEREY PARK

320 West Newmark Avenue Monterey Park, CA. 91754-2896

Phone: 626-307-1285 Fax: 626-280-6775 E-mail nboyer@montereypark.ca.gov



CITY OF MONTEREY PARK

NOTICE INVITING BIDS

YEAR 2017 F350/3500 Cab Chassis

BID NO. 17-2

April 27, 2017

Sealed proposals must be received before 10:00a.m. Thursday April 27, 2017 by the City Clerk's office for the City of Monterey Park 320 West Newmark Ave. Monterey Park, CA. 91754-2896 for procurement of a 350/3500 cab chassis.

The specifications in this notice are a part of any contract awarded in accordance with this RFP.

If you have any questions or comments regarding this bid prior to the bid opening date, please contact Niles Boyer at (626) 307-1285

Sincerely,

A handwritten signature in blue ink, appearing to read "Niles Boyer", is written over a light blue horizontal line.

Niles Boyer

Interim Public Works Maintenance Manager

CITY OF MONTEREY PARK

REQUEST FOR BIDS

BID # 17-2

BIDS ARE DUE: NOT LATER THAN 10A.M. April 27, 2017.

The City of Monterey Park invites sealed bids for: 2017 350/3500 cab chassis.

The City of Monterey Park is seeking bids to provide 2017 350/3500 cab chassis.

1. Return original of Bid to:

City of Monterey Park
City Clerk
320 W. Newmark Ave.
Monterey Park, CA 91754

2. Bidder must honor bid prices for sixty (60) days.
3. Bids must include this Bid form and be signed by the vendor's authorized representative.
5. Award of a contract will be made by the City Council based upon the criteria set forth in this bid solicitation.

BIDDER TO READ

I have, read, understood, and agree to the terms and conditions on all pages of this bid. The undersigned agrees to furnish the commodity or service stipulated on this bid as stated above.

Downtown Ford Sales
Company

Robert Minsky
Name (Print)

916 442 6931
Company Phone No.

525 N. 16TH STREET
Address

[Signature]
Signature

FLEET SALES
Title of Person Signing Bid

CA
91754

BID INSTRUCTIONS

1. Submitting Bids. (a) Bids must include this form, in its entirety, in a sealed envelope with the wording "Bid," bid number and closing date marked on the outside; (b) Bids/corrections received after the closing time will not be opened. The City is not responsible for bids not properly marked and delivered. Upon award, all submissions become a matter of public record.
2. Alternatives. Any changes or alternatives must be set forth in a letter attached to this bid. The City has the option of accepting or rejecting any alternative bid.
3. Currency. All references to dollar amounts in this solicitation and in vendor's response refer to United States currency.
4. Preparation. All bids must be typed or written in black ink. Errors may be crossed out and corrected in ink, then initialed in ink by the person signing the bid.
5. Rejection. The City may reject any or all bids and waive irregularity in any bid.
6. Default. In case of default by the vendor of any of the conditions of this bid or contract resulting from this bid, the vendor agrees that the City may procure the services from other sources and may deduct from the unpaid balance due the vendor, or collect against the bond or surety, or may invoice the vendor for excess costs so paid, and prices paid by the City will be considered the prevailing market price at the time such purchase is made.
7. Assignment. No assignment by the vendor of contract or any part hereof, or of funds to be received hereunder, is binding upon the City unless the City gave written consent before such assignment.
8. Sub contractors. The Bidder must list any subcontractors that will be used, the work to be performed by them, and total number of hours or percentage of time they will spend on the project.
9. Indemnification. The extent of a successful contractor's obligation to indemnify and defend the City is set forth in the sample contract.
10. Bid Rejection. The City may reject the bid of any bidder who previously failed to perform properly, or complete on time, contracts of a similar nature, or to reject the bid of a bidder who is not in a position to perform such a contract satisfactorily. The City may reject the bid of any bidder who is in default of the payment of taxes, licenses or other monies due to the City of Monterey Park.

11. Contract Pricing. Except as otherwise provided, price bids must remain consistent through the term of this contract.
12. Bid Questions.

Questions should be forwarded on letterhead to:

City of Monterey Park
Department of Public Works
Maintenance Services Division
Attn: Niles Boyer
320 W. Newmark Ave.
Monterey Park, CA 91754

Questions may also be faxed to (626) 280-6775

The last day for questions and site visits will be the Friday before the bids are due.

CONTRACT SAMPLE

The successful bidder will be required to enter into the sample contract that is attached as Exhibit "A."

STATEMENT OF WORK

The City of Monterey Park (City) requests bids for the following purpose according to the terms and conditions attached. In the preparation of this Request for Bid the words "Bidder," "Contractor," and "Consultant" are used interchangeably.

The purpose of the bid is to purchase 2017 350/3500 cab chassis meeting the technical specifications set forth in attached Exhibit "B," which is incorporated by reference.

Bid Requirements

Three copies of the bid must be received by the City of Monterey Park, 320 W. Newmark Ave., Monterey Park, CA 91754, Attn: City Clerk, not later than 10:00a.m. on April 27, 2017.

Evaluation of Bids

The bids will be reviewed by City staff **during the week of May 1, 2017**. Bids will be evaluated based on the following qualifications criteria:

1. Contractor's understanding of scope of work.
2. Price.

Contract Award

The successful contractor will be selected by the City based upon the criteria set forth above and the City's sole discretion. The City is under no obligation to contract with any applicant.

1. Response Submittal Requirements.

Submitted bids must follow the format outlined below and all requested information must be supplied. Failure to submit bids in the required format will result in elimination from bid evaluation.

Each bid must be submitted in two parts:

Part I must relate to the Technical Bid

Part II must relate to the Cost Bid

PART I - TECHNICAL BID

Objective, Scope, Nature of Proposed Program (Section 1) - Describe the overall approach to any challenges, including the objective and scope of work to be performed by the contractor

Work Program (Section 2) - Describe the work or tasks to be performed.

Methodology (Section 3) - Describe the methodology and techniques to be employed.

Schedule (Section 4) - List the proposed schedule of activities including labor hours.

Program Monitoring (Section 5) - Describe the quality control procedures to be utilized during the project to ensure conformance with the scope of work.

Subcontractors (Section 6) - If subcontractors are to be used, identify each of them in the bid. Describe the work to be performed by them and the number of hours or the percentage of time they will devote to the project. Provide a list of their assigned staff, their qualifications, and relationship to project management, schedule, costs, and hourly rates.

Contractor Capability and References (Section 7) - Provide a summary of the firm's relevant background experience. Discuss the applicability of such experience to this bid solicitation. Include examples of projects completed for other similar agencies that are of a similar nature and a contact person for each of those clients.

Time of Delivery: NO LATER THAN 90 days from time of signed Purchase Order, 2017.

Delivery of the vehicle/equipment shall be made to:

City of Monterey Park
Department of Public Works
Maintenance Facility
ATTN: Niles Boyer
751 S. Alhambra Ave.
Monterey Park CA 91755

PART II - COST BID

The Cost Bid must list the name and complete address of the bidder in the upper, left-hand corner.

The Cost/Price format for the bid must be as outlined in the Agreement for services. Exhibit B.

Total cost must be clearly indicated at the end of the Cost Bid and entered on the first page of the bid.

Costs must be itemized per the agreement for services.

Charges for supplies, equipment, travel, and subcontractors will be paid at cost. It is expected that general, overhead, and administrative costs are included in the hourly rate for labor. Bids submitted will be held to the total cost given in the response quote. It will be assumed that all contingencies and/or anticipated escalations are included. No additional funds will be paid above and beyond the original quote given by the selected bidder.

All bids must be submitted according to specifications set forth above and this section. Failure to adhere to these specifications may be cause for rejection of bid.

- I. Signature. An authorized representative of the bidder MUST sign all bids.
- II. Due Date. The bidder must submit THREE (3) complete copies of the bid in a sealed envelope, plainly marked in the upper, left-hand corner with the name and address of the bidder and the words "Request for Bid # 17-2." All bids must be received before 10:00 a.m. on April 27, 2017, and should be directed to:

City Clerk
City of Monterey Park
320 W. Newmark Ave.
Monterey Park, CA 91754

Late bids/bids will not be accepted. Any correction or resubmission done by the bidder will not extend the submittal due date.

- III. Addenda. City may modify the bid and/or issue supplementary information or guidelines relating to the bid solicitation during the bid preparation period of 5 to 10 calendar days.

- IV. Rejection. A bid may be deemed nonresponsive and may be immediately rejected if:

- It is received at any time after the exact date and time set for receipt of bids and/or;
- It is not prepared in the format prescribed and/or;
- It is signed by an individual not authorized to represent the firm.

- V. Disposition of Bids. The City reserves the right to reject any or all bids. All responses become the property of the City. One copy of the bid must be retained for City files. Additional copies and materials will be returned only if requested and at the bidder's expense.

- VI. Bid Changes. Once submitted, bids, including the composition of the contracting team, cannot be altered without the prior written consent of the City. All

bids constitute an offer to the City and may not be withdrawn for a period of sixty (60) days after the last day to accept bids.

CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park, CA. 91754-2896
Phone 626-307-1285 • Fax 626-280-6775 • E-mail nboyer@montereypark.ca.gov



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EXHIBIT A

PURCHASE ORDER NO. 16-0364

VENDOR NUMBER:

To Vendor Name & Address



CITY OF MONTEREY PARK

320 west newmark ave, monterey park, ca 91754-2986

Phone (626) 307-1346

SHIP PREPAID TO:

CITY OF MONTEREY PARK
ATTN: CITY YARD
751 S ALHAMBRA AVE
MONTEREY PARK, CA 91755

Date of Order	Department	Requisition No.	Delivery Date
10/06/2015	BUILDING MAINTENANCE	4210	ASAP
Description			
OPEN PURCHASE ORDER FOR FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016, FOR MISC. SMALL TOOLS AND MINOR EQUIPMENT			
AUTHORIZED PERSONNEL:			
FOR FISCAL YEAR 2015-2016			
NET 30			
Total Amount F.O.B. MONTEREY PARK, CA			\$10,000.00

Approved by Purchasing Authority on 10/7/2015

Purchasing Authority

SIGNATURE _____

_____/_____/_____

EXHIBIT B
YEAR 2017 MODEL 350/3500 SERIES CAB CHASSIS
BID NO. 17-2
TERMS AND CONDITIONS

1. Each bidder shall meet all of the specifications. Non substantial deviations may be considered provided that the bidder submits a full description and explanation of and justifications for the proposed deviations. Final determination of any proposed deviation will be made by the City of Monterey Park. The City of Monterey Park, California, reserves the right to purchase the equipment which in our opinion represents the best value to the City for the duty to be performed.
2. Each bid must be submitted on the form provided in the bid package. Bid documents shall be enclosed in an envelope which shall be sealed and addressed to the Fleet Services Manager, 320 West Newmark Avenue, Monterey Park, California 91754, (only one bid per envelope is permitted). Additionally, the completed bid sheets should be clearly labeled with the bid title, and name of bidder.
3. TIME OF DELIVERY is a part of the consideration and must be stated in definite terms and must be adhered to.
4. TERMS of less than 30 days for cash discount will be considered as net.
5. ALL QUOTATIONS must be signed with the firm's name by a responsible officer or employee. Obligations assumed by such signature must be filled.
6. The City of Monterey Park reserves the right to reject any or all quotations, waive any informality in bids, and to accept or reject any items thereon.
7. Cost of inspection on deliveries or offers for delivery, which do not meet the specifications, will be for the account of the vendor.
8. The vendor shall hold the City of Monterey Park, its officers, agents, servants, and employees, harmless from liability of any nature or kind on account of use of copyrighted or uncopyrighted composition, secret process, patented or unpatented invention, article or appliance furnished or used under the quotation.
9. Quotations are subject to acceptance at any time within 90 days after opening of same unless otherwise stipulated.
10. Verify your quotations before submission, as they cannot be withdrawn or corrected after being opened.
11. If you do not quote, return the Bid Submission Form and state reason. Otherwise, your name will be removed from the mailing list.

EXHIBIT B
YEAR 2017 MODEL 350/3500 SERIES CAB CHASSIS
BID NO. 17-2
TERMS AND CONDITIONS

12. Extension of Contract to Other Public Agencies

The prices, terms and conditions of this bid shall be extended to other public agencies for the below stated period of time after bid award by the City of Monterey Park. All requirements of the specifications, purchase orders, invoices, and payments with other agencies shall be handled directly by the additional agency(ies) and the Contractor. The City of Monterey Park shall be notified immediately of any agency(ies) added to the contract.

Yes _____ No ✓ _____ Period of time

13. Recycling

The City of Monterey Park encourages all vendors to use recycled materials whenever possible.

14. Delivery of the vehicle/equipment shall be made to:

City of Monterey Park
Department of Public Works
Maintenance Facility
751 S. Alhambra Ave.
Monterey Park, CA 91755

EXHIBIT B
YEAR 2017 MODEL 350/3500 SERIES CAB CHASSIS
BID NO. 17-2
SPECIFICATIONS

GENERAL: This vehicle covered by these specifications shall be complete with all necessary equipment and accessories. This vehicle shall conform in all aspects to the State of California Vehicle Code, CAL/OSHA and Federal requirements. Only new models in current production will be considered. Proposed vehicles shall be equipped with all items designated, preferably as standard equipment, by the manufacturer, and include, but not be limited to the following specifications:

- CAB: A. ☒ Regular Cab –BED DELETE
- CHASSIS: A. ☒ Wheelbase – 165" (84"CA).
B. ☒ GVWR – 13,500 lbs. Minimum
- ENGINE: A. ☒ 8 or 10 cylinder (V8 or V10) .
B. ☒ Displacement – 6.2-liter minimum, with engine oil cooler.
C. ☒ Oil Filter - full flow disposable type.
D. ☒ Air Cleaner - High Capacity.
E. ☒ Fuel System – Fuel Injection, with 40 gallon minimum tank capacity.
- TRANSMISSION: A. ☒ Electronically controlled automatic 5 or 6 speed w/OD and torque converter clutch.
B. ☒ Heavy duty/severe service cooling package.
- COOLING SYSTEM: A. ☒ Heavy duty, highest capacity available, with the ability to operate all accessories continuously for a minimum of three hours without overheating in 100+ degree temperature.
- ELECTRICAL: A. ☒ Alternator-heavy duty, 200 amp minimum, with the ability to provide sufficient current with all accessories continuously operating for a minimum of three hours, in 100+ degree heat, without compromising proper operation of the charging system or battery.
B. ☒ Battery-factory dual battery arrangement, 12 volt with 750 CCA minimum.
C. ☒ 3 extra 12V power outlets (cigarette lighter style) adaptors mounted under dash (waived if factory equipped).
D. ☒ Aftermarket accessories will be powered by the auxiliary battery.
- BRAKES: A. ☒ Front - Heavy duty power disc.
B. ☒ Rear - Heavy duty power disc .
C. ☒ 4-wheel anti-lock.

NO
650 CCA

ONE
AFTERMARKET

EXHIBIT B
YEAR 2017 MODEL 350/3500 SERIES CAB CHASSIS
BID NO. 17-2
SPECIFICATIONS

- SUSPENSION: A. ~~NO~~ Front – mono-beam spring type.
B. ☒ Rear – multi-leaf spring type.
C. ☒ **HD gas shock absorbers**
D. ☒ Extra heavy service suspension
- AXLES: A. Front – 4,850 lb minimum.
B. ☒ Rear – 9,750 lb minimum.
Dual wheel arrangement, with full floating axles.
C. Differential – 3.73 ratio, minimum.
- STEERING: ☒ A. Power
- WHEEL & TIRES: ☒ A. Wheels (7) – 17.0" minimum, painted steel.
(Spare tire, wheel and jack).
B. Tires – 245/75R17.0 Blackwall.
- MIRRORS: ☒ A. Interior - One rearview.
☒ B. Exterior – Telescoping electric trailer tow manual mirrors
with/adjustable glass.
- BUMPERS: ☒ A. Front - Standard chrome (factory issue).
- EMISSION CONTROLS: *** Meet California emission standards (OBD II compliant) and meet
SCAQMD LEV standards, minimum.
- SEATING CAPACITY: ☒ Driver plus two passengers, minimum.
- INTERIOR: ☒ A. Seats – Bench w/ vinyl upholstery.
☒ B. Factory installed heater/defroster.
☒ C. Factory installed Air Conditioning
(R134a refrigerant)
D. Radio - AM/FM with clock.
☒ E. Wipers – 2-way and intermittent operation.
NO F. Vehicle shall be equipped with factory all season floor mats.
- COLOR: ☒ A. Exterior to be painted with base-coat / clear-coat
system and standard white finish.
☒ B. Interior - standard blue or gray.
- MANUALS: ☒ A. A minimum of one set of **factory** service manuals shall be
provided upon delivery of vehicle.
☒ B. A minimum of five (5) sets of keys shall be supplied at delivery
for truck

EXHIBIT B
YEAR 2017 MODEL 350/3500 SERIES CAB CHASSIS
BID NO. 17-2
SPECIFICATIONS

- OPTIONS:
- A. Angular cab steps
 - B. Daytime running lights
 - C. Extra heavy suspension
 - D. Shop manual
 - E. Parts manual
 - F. Tow command brake controller
 - G. XL value package
 - H. Upfitter switches
 - I. Power Group (locks, windows & mirrors).

The undersigned declares that he/she has carefully examined the Invitation to Bid, Bid Terms and Conditions, and Specifications, is thoroughly familiar with the contents, and proposes to deliver f.o.b. Monterey Park fully equipped and as described the items quoted below:

<u>QUANTITY</u>	<u>ITEM</u>	<u>UNIT COST</u>
1	2017 Model 350/3500 series Utility Vehicle 9.00% TAX	\$ <u>29282-</u> <u>2636-</u>
	BID TOTAL	\$ <u>31918-</u>

Model / Year of vehicle being
bid 2017 FORD F350 REG CAB CAB/CHASSIS

Exceptions to specs. if any
FRONT AXLE IS NOT MONO BEAM
FRONT AXLE CAPACITY IS (GAWR) - 5000 LBS
VEHICLE HAS ONLY RUBBER/VINYL FLOORING

Terms: Delivery Date 90 DAY ARO Payment NET 20

WARRANTY: Please state the terms of the guaranteed factory warranty and if you are offering any additional warranty please list the terms and cost below.

Extended warranty cost \$ 2142-
5 YR / 100,000 mi. 10000 DEDUCT.

EXHIBIT B
YEAR 2017 MODEL 350/3500 SERIES CAB CHASSIS
BID NO. 17-2
SPECIFICATIONS

SERVICE - LOCAL
COMPANY(S) AND
LOCATION(S)

ANY FORD DEALER

Attach a list of at least five References of companies who are using the same type of vehicle that you are quoting for our use (include company name, contact, and phone number) and a brochure showing the specifications of the proposed vehicle.

EAST BAY MUD - FRANK SANCHEZ 510-287-0889

RETURN BID TO:

City of Monterey Park
Attn: Cindy Trang
City Clerk's Office
320 West Newmark Avenue
Monterey Park, CA 91754

Be sure to write on the lower
left side of envelope:

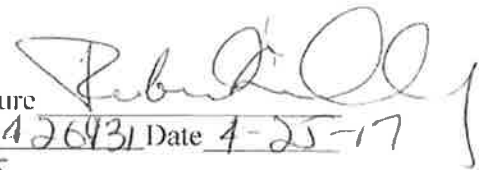
Bid No. 17-2
Closing Date April 27, 2017

Authorized

Official (Print)

ROBERT MUDRY

Signature



Title

FLEET SALES

Telephone

916 442 6931

Date

4-25-17

Firm Name

DOWN TOWN FORD SALES

Address

525 N. 16TH ST. SACRAMENTO

City/State

SACRAMENTO, CA

Zip

95811

Fax

916 491 3138

E-mail address

Bismillah@downtownfordsales.com

BID MUST BE RECEIVED BY 10:00A.M., April 27, 2017

NEW FORD F-350 REGULAR CAB / CHASSIS GAS

PRICING BASED UPON COST +/- 10% FOR OPTIONS / CHANGES, CLIN #25, RANK 1
STATE OF CALIFORNIA CONTRACT 1-16-23-20A

DOWNTOWN FORD SALES | (916) 442-6931 | WWW.DOWNTOWNFORDSALES.COM

MAJOR STANDARD EQUIPMENT		
4X2, SRW, 6.2L V8 FFV GAS ENGINE, 6-SPEED AUTOMATIC TRANSMISSION, 145" WB / 60" CA, 10,200# GVWR, 35 GAL. FUEL TANK, BLACK FRONT STEP BUMPERS, 18" ARGENT PAINTED STEEL WHEELS W/ CENTER COVER, RUBBER FLOORING, MANUAL WINDOWS, A/C, AM/FM, VINYL SEATS, TILT WHEEL, XL TRIM		23,462.00 ✓
DRIVETRAIN / CAB CONFIGURATION		
CHANGE TO 4X4	ITM #	PRICE
CHANGE TO CREW CAB (FULL-SIZE) - 179" WB / 60" CA	34X4	6,034.00
CHANGE TO DUAL REAR WHEEL (DRW)	3W2E	3,459.00
CHANGE TO SUPERCAB (EXTENDED CAB) -- 168" WB / 60" CA	3F3G	738.00
ELECTRONIC SHIFT-ON-THE-FLY (REQ. 4X4)	3X3E	2,623.00
LIMITED SLIP REAR AXLE	3213	184.00
	3AXL	389.00
WHEELBASE		
CHANGE TO REGULAR CAB LONG WHEELBASE -- 169" WB / 84" CA (REQ. & INCLUDES DUAL REAR WHEELS)	ITM #	PRICE
	3F3G	887.00
FACTORY-INSTALLED OPTIONS		
110V / 400W OUTLET	243C	76.00
ADVANCED SECURITY PACKAGE	276Z	62.00
ALL TERRAIN TIRES -- LT275/70RX18E BSW A/T	3TBM	184.00
ALTERNATOR, HEAVY DUTY (ONLY AVAIL. ON 6.2L V8 GAS ENG.)	367E	87.00
BACKUP ALARM	276C	141.00
BLUETOOTH -- FACTORY SYNC	091M	640.00
CLOTH SEATING -- 40/20/40 FRONT SEATS	3LS0	318.00
CLOTH SEATING -- HIGH BACK BUCKET SEATS	3L40	621.00
CRUISE CONTROL	3525	238.00
DIESEL ENGINE	399T	8,594.00
DAYTIME RUNNING LIGHTS	0942	45.00
DUAL BATTERIES	386M	212.00
HD SERVICE SUSPENSION	267H	127.00
LED AMBER WARNING STROBES	391S	663.00
LED SIDE-MIRROR SPOTLIGHTS (REQ. POWER GROUP)	363A	163.00
POWER GROUP -- INCL. PWR LOCKS, WINDOWS, HEATED PWR MIRRORS	390L	1,139.00
POWER-SLIDING GLASS W/ DEFROST (REQ. POWER GROUP, ONLY AVAIL. ON SUPERCAB OR CREWCAB)	2435	409.00
REAR VIEW CAMERA	076V	535.00
REMOTE START SYSTEM (REQ. POWER GROUP)	067S	198.00
RUNNING BOARDS	018B	375.00
SKID PLATES (REQ. 4X4)	341P	99.00
SPARE TIRE, WHEEL, JACK	061J	374.00
SPLASH GUARDS -- FRONT ONLY	361S	76.00
TRAILER TOW PACKAGE	3531	50.00
TRAILER BRAKE CONTROLLER	052B	274.00
XL VALUE PACKAGE -- INCL. AM/FM/CD/AUX, BRIGHT CHROME HUB COVERS, CHROME FRONT STEP BUMPER	396V	729.00
DEALER UPGIT		
LIFTGATE -- TOMMYGATE (STYLE, CAPACITY & PRICE VARIES BY APPLICATION)	LIFT	INQUIRE
PRIVACY GLASS	0TNT	375.00
PUSH BUMPER -- [] SETINA (0SP1) [] GO RHINO (0GP1) (SELECT ONE)	--	597.00
SPOT LAMPS -- PILLAR MOUNTED (EACH): [] DRIVER SIDE [] PASS. SIDE [] -OR- [] ROOF MOUNT	0SPT	495.00
SPRAY-IN BEDLINER	0LIN	595.00
UNDERSEAL CHASSIS	0UND	399.00
WINCH -- WARN 15,000# (BEHIND BUMPER, INSTALLED)	0WIN	3,200.00
SERVICE BODIES PRICES FOR SINGLE REAR WHEEL -		
MATERIAL RACK -- OVERHEAD, FORKLIFT LOADABLE	0FRK	1,395.00
RECEIVER HITCH FOR SERVICE BODY TRUCKS	0HTC	595.00
SERVICE BODY -- CTEC 10438-79	3C02	7,634.00
SERVICE BODY -- DIAMOND 16-38-96-CT B49 CLOSED TOP [] ADD \$150 FOR OPEN TOP (3D01)	3DC1	5,472.00
SERVICE BODY -- HARBOR HT108	3H01	5,999.00
SERVICE BODY -- KNAPEIDE 6108J CLOSED TOP [] ADD \$495 FOR OPEN TOP (3K01)	3KC1	6,259.00
SERVICE BODY -- PACIFIC 108401549VF	3P01	5,770.00
SERVICE BODY -- ROYAL 40-VO-108	3R01	6,285.00
SERVICE BODY -- SCELZI-SCBR-98-79-38V CLOSED TOP [] ADD \$160 FOR OPEN TOP (3S01)	3SC1	5,656.00
UNDERBODY TOOLBOX	0UTB	795.00
ACCESSORIES		
EXTRA KEY, NO POWER GROUP -- MAXIMUM OF 5 KEYS PER VEHICLE	00KY	189.00
EXTRA KEY, W/ KEY FOB (REQ. POWER GROUP) -- MAXIMUM OF 5 KEYS PER VEHICLE	0PKY	299.00
MANUAL -- SHOP (CD-ROM)	0MS0	294.00
MANUAL -- PARTS (CD-ROM)	0MP0	279.00
WARRANTY -- EXTRA CARE, 5YR/100,000MI/\$100.00 DEDUCTIBLE	3WTY	2,142.00

25882



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-I.

TO: The Honorable Mayor and City Council
FROM: Tito Haes, Interim Director of Public Works
SUBJECT: 2017 Sidewalk Repairs – Award of Contract

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a contract, in a form approved by the City Attorney, with FS Contractors, in the amount of \$150,831.00 for the 2017 Sidewalk Repairs;
2. Authorizing the Interim Director of Public Works to approve change orders up to \$15,083.00 (up to 10% of contract amount) for this project;
3. Allocating an additional \$50,914 in Measure R funds to cover the contract amount and 10% contingency;
4. Authorizing the Interim City Manager to execute a three year maintenance services agreement, in a form approved by the City Attorney, with FS Contractors, not to exceed \$90,000, for on-call sidewalk maintenance work; and
5. Taking such additional, related action that may be desirable.

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).

EXECUTIVE SUMMARY:

On March 15, 2017, the City Council authorized Staff to advertise the 2017 Sidewalk Repair Project. The Engineering Division prepared the bid specifications and has completed the bidding process. Staff received four bid submittals and is recommending the award of contract to the lowest responsible bidder, FS Contractors.

BACKGROUND:

The project involves the removal and replacement of concrete sidewalk at approximately 190 locations to repair damaged sidewalk sections uplifted by street trees. The work will be primarily focused on Garvey Avenue from Atlantic Boulevard to Alhambra Avenue, and on Garfield Avenue from Newmark Avenue to Coral View Street.

The project also includes two additive bid alternate items: (1) perform an additional 39 sidewalk repairs at various locations citywide and (2) provide additional sidewalk maintenance work on an as needed, "on-call" basis (based on an estimated 500 square feet per call out). On May 2, 2017, the bid opening date, staff received a total of four bids. A summary of the base bid amounts is as follows:

RANK	BIDDER	BASE BID AMOUNT (190 Locations)
1	FS CONTRACTORS	\$114,076.00
2	EBS	\$160,370.00
3	NOBEST	\$177,680.00
4	EC CONSTRUCTION	\$417,919.00

The additive bid alternate amounts and total bid amounts are as follows:

RANK	BIDDER	ADDITIVE BID ALTERNATE 1 (39 Locations)	TOTAL BID AMOUNT (Base+Alt1)	ADDITIVE BID ALTERNATE 2 (On-Call)
1	FS CONTRACTORS	\$36,755.00	\$150,831.00	\$5,000
2	EBS	\$54,654.00	\$215,024.00	\$10,000
3	NOBEST	\$74,654.00	\$252,334.00	\$10,850
4	EC CONSTRUCTION	\$130,772.48	\$548,691.48	\$15,000

The bid submitted by FS Contractors is the lowest responsive bid. FS Contractors' license was verified with the California State Contractor's License Board to be current, active and in good standing. Staff also checked the contractor's references and received positive feedback. FS Contractors has performed sidewalk repair work for the Cities of La Canada, La Habra, Santa Clarita, and Monterey Park.

As a way of being proactive and working towards reducing the number of "trip and fall" claims brought against the City, the Public Works Department proposes entering into an on-call maintenance services agreement with FS Contractors to provide maintenance work on sidewalks. Public Works staff will regularly inspect the pedestrian areas of the City, identifying possible "trip and fall" locations. As the identified locations reach 500 square feet in total, FS Contractors would be called out to maintain those sections. Based on past history and FS Contractors' bid of \$5,000 per 500 sq ft call out, staff anticipates \$30,000 a year in on call services.

The City Council has four (4) options:

- 1) Award the contract to FS Contractors with the original 190 locations primarily focused on Garvey Avenue from Atlantic Boulevard to Alhambra Avenue, and on Garfield Avenue from Newmark Avenue to Coral View Street in the amount of \$125,483.00 (\$114,076.00 + 10% contingency).
- 2) Award the contract to FS Contractors for the original locations and additive alternate #1 (additional 39 locations Citywide) in the amount of \$165,914.00 (\$150,831.00 + 10% contingency).
- 3) Award the contract to FS Contractors for the original locations and additive alternate #1 (additional 39 locations Citywide) in the amount of \$165,914.00 (\$150,831.00 + 10% contingency) and enter into a three-year, on-call services agreement with FS Contractors for a total amount not to exceed \$90,000.
- 4) Reject all bids and re-bid the project.

Staff recommends the City Council approve Option #3.

FISCAL IMPACT:

The 2017 Sidewalk Repair Project is funded with Measure R funds in the amount of \$115,000 (Account No. 0110-5003-91945). However, the Project including Additive Bid Alternate 1 (additional locations) and 10% contingency brings the total project amount to \$165,914 requiring an additional allocation of \$50,914 in Measure R funds.

The \$30,000 per year on-call sidewalk maintenance services agreement would be funded with Gas Tax funds in the annual operating budget (Account No. 0022-4202-22400) of the Maintenance Services Division.

Respectfully submitted by:



Tito Haes
Interim Director of Public Works

Prepared by:



Rey Alfonso
Assistant City Engineer

Approved by:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

ATTACHMENT:

1. FS CONTRACTORS BID

ATTACHMENT1
FS CONTRACTORS BID

SECTION C. BIDDERS PROPOSAL
(Entire section C shall be submitted with the bid)

BIDDER'S NAME:

FS CONTRACTORS, INC.

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

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

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

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

BID SCHEDULE

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

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

BASE BID SCHEDULE 2017 Sidewalk Repairs, Specification No. 857					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
1	Remove and reconstruct PCC SIDEWALK at approximately 190 locations	13,580	SF	\$ 7.50	\$ 101,850
2	Remove and reconstruct CURB AND GUTTER at 8 locations	163	LF	\$ 52	\$ 8,476
3	Remove and reconstruct ADA CURB RAMP at northeast corner of Garvey/Sierra Vista; furnish and install detectable warning panel; and adjust utility box as needed, complete and in place, the sum of:	1	EA	\$ 3,000	\$ 3,000
4	Re-establish centerline ties and monuments at the intersection of Garvey/Sierra Vista including utility markers, in accordance with engineering standards, complete, the sum of:	1	LS	\$ 750	\$ 750
TOTAL BASE BID AMOUNT IN NUMBERS					\$114,076
TOTAL BASE BID AMOUNT IN WRITING: One hundred fourteen thousand, seventy six					

ADDITIVE BID ALTERNATIVE 1 2017 Sidewalk Repairs, Specification No. 857					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
1	Remove and reconstruct PCC SIDEWALK at 39 locations per attached list (EXHIBIT A)	3,514	SF	\$ 7.50	\$ 26,355
2	Construct ADA CURB RAMPS at the intersection of Ackley Street and Alisar Avenue	4	EA	\$ 2,600	\$ 10,400
TOTAL BID AMOUNT FOR ALTERNATIVE 1 IN NUMBERS					\$36,755
TOTAL BID AMOUNT FOR ALTERNATIVE 1 IN WRITING: Thirty six thousand, seven hundred fifty five					

ADDITIVE BID ALTERNATIVE 2 2017 Sidewalk Repairs, Specification No. 857					
No.	Bid Item Description	Quantity	Unit	Unit Bid	Total Bid
1	Remove and reconstruct PCC SIDEWALK at various locations on a monthly "on-call" basis	500	SF	\$ 10	\$ 5,000
TOTAL BID AMOUNT FOR ALTERNATIVE 2 IN NUMBERS					\$ 5,000
TOTAL BID AMOUNT FOR ALTERNATIVE 2 IN WRITING: Five Thousand					

- The bid prices shall include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.
- All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.
- The City reserves the right to add, delete, increase or decrease the amount of any quantity shown and to delete any item from the contract and pay the contractor at the bid unit prices so long as the total amount of change does not exceed 25% (plus or minus) of the total bid amount for the entire project. If the change exceeds 25%, a change order may be negotiated to adjust unit bid prices.
- A bid is required for the entire work. The quantities set forth in the Bid Schedule will be used to calculate total bid amount. The final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.

DESIGNATION OF SUBCONTRACTORS

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

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

REFERENCES

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

Reference 1		
Agency Name <u>City of La Canada</u>	Project Name and Brief Description <u>2016 Miscellaneous Concrete Repairs.</u>	
Contact Name and Title <u>Nasser Shoushtarian - Project Manager</u>	<u>Concrete Repairs.</u>	
Tel: <u>(818) 790-8882</u> E-mail: <u>nasser.sh@lcf.ca.gov</u>	Contract Value: <u>\$127,170.00</u>	Year Completed: <u>2016</u>

Reference 2		
Agency Name <u>City of La Habra</u>	Project Name and Brief Description <u>Annual Sidewalk and Access Ramp</u>	
Contact Name and Title <u>Eddie Chan - Project Manager</u>	<u>Sidewalk Improvements.</u>	
Tel: <u>(562) 383-4158</u> E-mail: <u>echan@lahabra.gov</u>	Contract Value: <u>\$352,358.00</u>	Year Completed: <u>2017</u>

Reference 3		
Agency Name <u>City of Santa Clarita</u>	Project Name and Brief Description <u>Annual Concrete Rehab. Program CDBG</u>	
Contact Name and Title <u>Julia Regan - Project Manager</u>	<u>Concrete Improvements.</u>	
Tel: <u>(661) 255-4301</u> E-mail: <u>jregan@santa-clarita.com</u>	Contract Value: <u>\$1,321,231.50</u>	Year Completed: <u>2017</u>

Reference 4		
Agency Name <u>City of Monterey Park</u>	Project Name and Brief Description <u>2016 ADA Curb Ramps</u>	
Contact Name and Title <u>Roy Alfonso - Project Manager</u>	<u>Concrete Improvements.</u>	
Tel: <u>(626) 307-1320</u> E-mail: <u>ralfonso@montereypark.ca.gov</u>	Contract Value: <u>\$292,274</u>	Year Completed: <u>2017</u>

SITE INSPECTION

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

Name of Person who inspected the site:

J. Angel Fierro

Date of Inspection:

4-27-17

ADDENDA ACKNOWLEDGMENT

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

Addendum No. 1 Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

Addendum No. _____ Dated _____

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

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

AFFIRMATIVE ACTION CERTIFICATION

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

INSURANCE REQUIREMENTS

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

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

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

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

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

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

Bidder's Name:

FS Contractors, Inc.

Authorized Signature:

J. Angel Fierro

Name and Title:

Jose Angel Fierro - President

Date:

5/02/17

PUBLIC CONTRACT CODE SECTION 7106**Noncollusion Declaration by Bidder**

The undersigned declares:

I am the _____ of FS Contractors, Inc. the party making the foregoing bid.

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

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

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

Bidder's Name: FS Contractors, Inc.
Authorized Signature: J. Angel Fierro
Name and Title: Jose Angel Fierro - President
Date: 5-02-17

PUBLIC CONTRACT CODE SECTION 10162

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

has never been ✓ has been _____ (indicate **YES** or **NO** after applicable answer)

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

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

Bidder's Name:

FS Contractors, Inc.

Authorized Signature:

J. Angel Fierro

Name and Title:

Jose Angel Fierro

Date:

5-02-77

PUBLIC CONTRACT CODE SECTION 10232

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

has not been ☒ has been ☐ (indicate YES or NO after applicable answer)

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

Bidder's Name:

FS Contractors, Inc

Authorized Signature:

J. Angel Fierro

Name and Title:

Jose Angel Fierro - President

Date:

5-02-17

PUBLIC CONTRACT CODE SECTION 10285.1

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

has never been ☒ **has been** ☐ (indicate **YES or NO** after applicable answer)

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

Bidder's Name:

FS Contractors, Inc.

Authorized Signature:

J. Angel Fierro

Name and Title:

Jose Angel Fierro - President

Date:

5-02-17

BIDDER INFORMATION

Bidder's Name: FS Contractors, Inc.
 Address: 14838 Bledsoe St. Sylmar, CA 91342
 Form of Legal Entity: Corporation
 If a Corporation, State of Incorporation: California
 State Contractor's Class and License No.: 1005940 A C-8 C27

Contact Person Information:

Name: Jose Angel Fierros Title: President.
 E-mail: angel@fscontractorsinc.com Tel: (818) 838-6040

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

Jose Angel Fierros - President. 13368 Alder Grove St. (818) 974-081
Jose Ernesto Fierros - Secretary. 27408 Crossglade Ave. (818) 335-0773
Salomon Fierros - Vice President. 13691 Gavina Ave #425 (818) 335-048

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

N/A

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

N/A

Previous contract performance history:

Was any contract terminated previously: NO

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

Contract/project name and number: N/A

Date of termination: _____

Reason for termination: _____

Owner's name: _____

Owner contact person and tel. no.: _____

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this ____ day of _____, 20__.

BIDDER

FS Contractors, Inc.J. Angel Fierro

Subscribed and sworn to this 25 day of April, 2017

NOTARY PUBLIC

Maria G. Banuelos

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California

County of Los Angeles

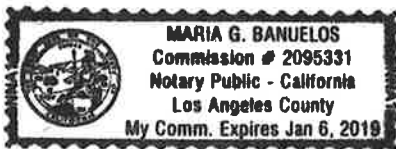
On April 25, 2017 before me, Maria G. Banuelos, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared José Angel Fierros
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature Maria G. Banuelos
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

PROPOSAL GUARANTEE**BID BOND**Bond No.: N/A

KNOW ALL MEN BY THESE PRESENTS that F S Contractors, Inc., as BIDDER, AND RLI Insurance Company, as SURETY, are held and firmly bound unto the City of Monterey Park, in the penal sum of Ten Percent of the Total Amount of the Bid 10% dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **2017 SIDEWALK REPAIRS, SPECIFICATIONS NO.857** ("Public Project"), for the payment of which sum, BIDDER and SURETY agree to be bound, jointly and severally, firm by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas BIDDER is about to submit a bid to the City of Monterey Park for the above stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by BIDDER in the manner and time specified, then this obligation shall be null and void, otherwise it shall remain in full force and effect in favor of the City of Monterey Park.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this 25th day of April, 2017.

SIGNED AND SEALED this 25th day of April, 2017.



PRINCIPAL F S Contractors, Inc.

Elisabete Salazar, Attorney-in-Fact
SURETY RLI Insurance Company**PRINCIPAL's MAILING ADDRESS:**

14838 Bledsoe Street
Sylmar, CA 91342

SURETY's MAILING ADDRESS:

9025 N. Lindbergh Drive
Peoria, IL 61615

NOTE: All signatures shall be acknowledged by a notary public.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California

County of Los Angeles

On April 25, 2017 before me, Maria G. Banuelos, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared José Angel Fierros
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature Maria G. Banuelos
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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State of California)

County of Los Angeles)

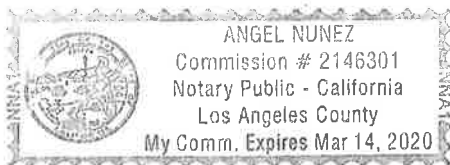
On **APR 25 2017** before me, Angel Nunez, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Elisabete Salazar
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

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☐ Individual ☒ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____



9025 N. Lindbergh Dr. | Peoria, IL 61615
Phone: (800)645-2402 | Fax: (309)689-2036

POWER OF ATTORNEY

RLI Insurance Company

Contractors Bonding and Insurance Company

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That this Power of Attorney may be effective and given to either or both of **RLI Insurance Company** and **Contractors Bonding and Insurance Company**, required for the applicable bond.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each Illinois corporations (as applicable), each authorized and licensed to do business in all states and the District of Columbia do hereby make, constitute and appoint:

Patricia Zenizo, Margaret Rodriguez, Pietro Micciche, Elisabete Salazar, Maria Rico, Angel Nunez, jointly or severally

in the City of Los Angeles, State of California, as Attorney in Fact, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million Dollars (\$10,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon this Company as if such bond had been executed and acknowledged by the regularly elected officers of this Company.

RLI Insurance Company and **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of the Resolution adopted by the Board of Directors of each such corporation, and now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation shall be executed in the corporate name of the Corporation by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies, undertakings in the name of the Corporation. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the Corporation. The signature of any such officer and the corporate seal may be printed by facsimile or other electronic image."

IN WITNESS WHEREOF, **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 16th day of March, 2017.

State of Illinois }
County of Peoria } SS



RLI Insurance Company
Contractors Bonding and Insurance Company

Barton W. Davis
Barton W. Davis Vice President

CERTIFICATE

On this 16th day of March, 2017, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company**, and/or **Contractors Bonding and Insurance Company**, each Illinois corporations, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 25th day of April, 2017.

Jacqueline M. Bockler
Jacqueline M. Bockler Notary Public



RLI Insurance Company
Contractors Bonding and Insurance Company

Barton W. Davis
Barton W. Davis Vice President

PROPOSAL GUARANTEE

CERTIFIED CHECK or CASHIER'S CHECK

As an Alternative to Bid Bond, Bidder can provide Certified Check or Cashier's Check as follows

Accompanying this proposal is a certified check or a cashier's check payable to the order of the City of Monterey Park, in the amount of 10% (\$) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **2017 SIDEWALK REPAIRS, SPECIFICATIONS NO.857** ("Public Project").

The proceeds of the same shall become the property of said City if, in case this proposal shall be accepted by said City through the City Council, the undersigned shall fail to execute a contract, with and furnish the insurance and bonds required by the City of Monterey Park within the specified time; otherwise, the same is to be returned to the undersigned as set forth in the Instructions to Bidders.

Bidder's Name:

FS Contractors, Inc.

Authorized Signature:

J. Angel Fierros

Name and Title:

Jose Angel Fierros - President

Date:

5-02-17

--END OF SECTION--



**CITY OF MONTEREY PARK
CALIFORNIA**

ADDENDUM NO. 1

2017 SIDEWALK REPAIRS

SPECIFICATION NO. 857

NOTICE INVITING SEALED BIDS

1. The time and date that sealed bids are due has been changed to: **11:00 AM, Tuesday, May 2, 2017.**
2. The Bid Schedule on Page C.2 of SECTION C. BIDDER'S PROPOSAL is replaced with the attached revised **Base Bid Schedule, Pages C.2a and C.2b**, that includes Additive Bid Alternative 1 for additional sidewalk repair and ADA ramp locations per the attached list; and Additive Bid Alternative 2 for on-call monthly sidewalk repairs at various locations up to a minimum of 500 square feet per month.

ALL OTHER PORTIONS OF BID SPECIFICATION NO. 857 SHALL REMAIN IN FULL EFFECT.

For additional information please contact Mr. Rey Alfonso at (626) 307-1330.

Please include a signed copy of this Addendum with your bid. Failure to do so will result in an invalid bid.

Company: FS Contractors, Inc.

J. Angel Fierro 5-02-17
Signature Date



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-J.

TO: The Honorable Mayor and City Council
FROM: Michael Huntley, Director of Community & Economic Development
SUBJECT: Food Truck Overview – Request by the Planning Commission

RECOMMENDATION:

It is recommended that the City Council consider:

- 1) Receiving and filing this report;
- 2) If appropriate, provide direction to the City Manager regarding providing draft regulations affecting food trucks; and
- 3) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On May 9, 2017, the Planning Commission considered the attached staff report regarding food trucks within the City's jurisdiction. It asked that the City Council consider this issue and, if appropriate, give direction as to "next steps," if any.

BACKGROUND:

In a previous meeting, the Planning Commission requested information regarding food truck regulations. Concerns were expressed regarding the increased concentration of food trucks along Atlantic.

While regulation of food trucks is not a land use function, and thus lies outside of the Planning Commission's subject-matter jurisdiction, the Commission still felt the subject was important. As a result, the Planning Commission asked that the matter be placed on the City Council agenda.

FISCAL IMPACT:

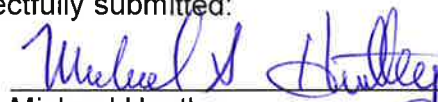
No identifiable fiscal impact.

ATTACHMENTS:

Planning Commission staff report from May 9, 2017.

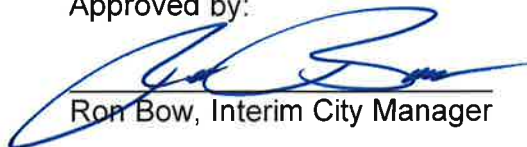
Respectfully submitted:

By:



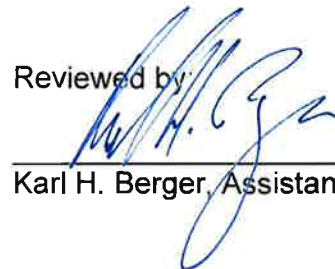
Michael Huntley,
Director of Community and Economic Development

Approved by:



Ron Bow, Interim City Manager

Reviewed by:



Karl H. Berger, Assistant City Attorney

ATTACHMENT 1
May 9, 2017 Staff Report



Planning Commission Staff Report

DATE: May 1, 2017

AGENDA ITEM NO:

TO: The Planning Commission
FROM: Karl H. Berger, Assistant City Attorney
SUBJECT: Food Truck Overview

RECOMMENDATION:

It is recommended that the Planning Commission:

- (1) Receive and file this report providing an overview of food truck regulations; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

At its meeting on February 28, 2017, the Planning Commission requested an overview regarding the regulations governing food trucks within the City's jurisdiction. An observation was made that the number of food trucks seemed to be increasing and the question was whether the City could regulate such vehicles. At the outset, please note that this is an informational item only. None of the existing regulations or potential new regulations regarding food trucks affect land use. Accordingly, while the Planning Commission can certainly provide its observations to the City Council, these regulations are not within the Planning Commission's legal authority.

BACKGROUND:

California law regulates food trucks through various statutes including:

- Vehicle Code § 22456 – provides general restrictions on food trucks including, without limitation, sign requirements; parking restrictions (cannot park on a street where the speed limit is greater than 25 mph; or within 100 feet of an intersection with a speed limit greater than 25 mph; or where an operator's view is obstructed); and special restrictions on ice cream trucks.
- Health and Safety Code § 114315 – food trucks must be operated within 200 feet of available restrooms.
- Health and Safety Code § 113705 – uniform health and sanitation standards for retail food facilities.

Health and Safety Code §§ 113709 and 113713 along with Vehicle Code § 22455 authorize the City to enact certain local regulations. Such regulations include:

- Adopt evaluation or grading system for food facilities.
- Prohibit any type of food facility.
- Adopt employee health certification program.
- Require consumer toilets and handwashing facilities.
- Adopt public safety regulations related to the type of vending or the time, place, and manner of vending, of food trucks, as allowed by the Vehicle Code.
- Prohibit the presence of pet dogs.

Pursuant to that authority, the City of Monterey Park adopted certain regulations affecting food trucks in Monterey Park Municipal Code (“MPMC”) Chapter 6.05. Specifically, the MPMC regulates “food establishments” within the City’s jurisdiction which includes “mobile food preparation units” (MPMC § 6.05.010). Further, a health officer has discretion to

“immediately close any food establishment which, upon completion of the routine or owner-initiated inspection, does not achieve a “C” grade or higher as defined in this chapter... [or] immediately clos[e] any food establishment if, in his discretion, immediate closure is necessary to protect the public health.” (MPMC § 6.05.070).

The City Council could, if it chose, adopt additional – or clarifying – regulations to accomplish the following:

- Require food truck operators to disclose route information to the City to facilitate inspections (see, e.g., Los Angeles County Code § 8.04.403 and Health & Safety Code § 113709).
- Prohibit food trucks with a grade of “C” or below from operating within the City.
- Limit the times of operation for food trucks.
- Prevent trucks from operating in certain locations if they might compromise public safety (e.g., by contributing to traffic or encouraging customers to walk into traffic).

The City Council could try prohibiting food trucks. Note, however, there is case law suggesting that the City is precluded from imposing a complete ban of food trucks on public right-of-ways.¹ The Vehicle Code was amended since that time to make it apparent that the City has some leeway in regulating food trucks. It is likely more defensible to limit the regulations to specific concerns such as the location or hours of operations (for example, prohibit vendors from conducting business within a certain distance of schools, only operate between 10:00 a.m. and dusk), rather than completely ban such vendors.

¹ *Barajas v. City of Anaheim* (1993) 15 Cal.App.4th 1808.

Chapter 6.05 REGULATION OF FOOD ESTABLISHMENTS

6.05.010 Definitions.

As used in this chapter:

“Certified food handler” means an owner, operator or employee, at least eighteen years of age, who has successfully passed an approved and accredited food safety certification examination and who supervises all or part of the food service operations within a food establishment and is responsible for training the operation’s employees in the areas set forth in Section 11.11.190 of the Los Angeles County Code as it currently exists or hereafter may be amended.

“Clearly visible to the general public and to patrons” means (1) posted in the front window of the establishment within five feet of the front door; or (2) posted in a display case mounted on the outside front wall of the establishment within five feet of the front door; or (3) posted in a location as directed and determined in the discretion of the health officer to ensure proper notice to the general public and to patrons. In the event that a food establishment is operated in the same building or space as a separately licensed or permitted business, or in the event that a food establishment shares a common patron entrance with a separately licensed or permitted business, or in the event of both, “clearly visible to the general public and to patrons” means the initial patron contact area or a location as determined in the discretion of the health officer.

“Department” means the county of Los Angeles department of health services.

“Director” means the director of the county of Los Angeles department of health services or duly authorized designee.

“Food establishment” or “food service operation” means any food service business which prepares food or any potentially hazardous food, on the premises for sale or gift to the public and includes, but is not limited to, all restaurants, markets, bakeries, caterers, mobile food preparation units, commissaries and food processing establishments or businesses operating in conjunction with food processing establishments.

“Food handler” means and includes all persons employed by, or working in a voluntary or nonpaid capacity, for a food establishment wherein the person handles, touches, cleans, stores, packages, prepares, or otherwise processes food or potentially hazardous food.

“Food handler’s training certificate” means a certificate issued by the department, certifying that a food handler has satisfactorily demonstrated competency in food protection and practices by passing a written examination administered by the department or by completing a food handler’s training course approved by the director.

“Food official inspection report” means the written notice prepared and issued by the health officer after conducting an inspection of a food facility to determine quarantines, rules, regulations or directives relating to the public health.

“Grade” or “grading” means the letter grade issued by the health officer at the conclusion of a routine inspection or owner-initiated inspection of a food establishment. The grade shall be based upon the scoring method set forth in this chapter resulting from the food official inspection report and shall reflect the food establishment’s degree of compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

“Health officer” or “health inspector” means an employee of the county of Los Angeles department of health services appointed to a position responsible for conducting health inspections of food establishments in the city.

“Inspection score card” means a card that must be posted at a food establishment, upon completion of a routine or owner-initiated inspection, that indicates the total numerical percentage score for the food establishment as determined by the health officer and as set forth in the food official inspection report.

“Letter grade card” means a card that must be posted at a food establishment upon completion of a routine or owner-initiated inspection that indicates the letter grade of the food establishment as determined by the health officer using the scoring method set forth in this chapter.

“Notice of closure” means a public notice that may be posted by the health officer at a food establishment upon suspension or revocation of the establishment’s public health permit and that results in the immediate closure of the establishment and the discontinuance of all operations of the food establishment, by order of the health officer, because of violations of applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directives relating to the public health.

“Owner-initiated inspection” means an inspection conducted by the health officer pursuant to a request from the food establishment, following a routine inspection, to determine compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directions relating to public health.

“Potentially hazardous food” means those foods set forth in California Health and Safety Code Section 113845 as it currently exists or hereafter may be amended.

“Routine inspection” means a periodic, unannounced inspection of any food establishment to determine compliance with all applicable federal, state and local statutes, orders, ordinances, quarantines, rules, regulations or directions relating to public health. A routine inspection shall not mean an inspection conducted by the health officer to determine compliance with a previously issued food official inspection report or any interim or owner-initiated inspection conducted to determine compliance with specific relations or legal requirements. (Ord. 1953 § 1, 1999)

6.05.020 Inspection and grading.

Upon completion of a routine inspection, or owner-initiated inspection, of a food establishment, the health officer shall complete a food official inspection report and shall assign a grade to the food establishment based upon the final numerical percentage score set forth in the food official inspection report, as follows:

- (a) A grade of “A” shall indicate a final score of ninety percent or higher as determined by the health officer.
- (b) A grade of “B” shall indicate a final score of less than ninety percent but not less than eighty percent as determined by the health officer.
- (c) A grade of “C” shall indicate a final score less than eighty percent but not less than seventy percent as determined by the health officer. (Ord. 1953 § 1, 1999)

6.05.030 Posting requirement.

- (a) Upon issuance by the health officer, the health officer shall post at every food establishment, the letter grade card, the inspection score card, or both, as determined by the health officer, so as to be clearly visible to the general public and to patrons entering the establishment. For food establishments earning a final score of less than seventy percent, the inspection score card only shall be posted.
- (b) Every food establishment shall post a legibly lettered sign which displays the following information so as to be clearly visible to the general public and to patrons entering the establishment:

Any public health concerns regarding this establishment should be directed to the County of Los Angeles, Environmental Health Office, located at: (local office address and telephone number to be provided by the Health Officer)

(Ord. 1953 § 1, 1999)

6.05.040 Hiding, removal or defacement of grade card or score card prohibited.

The posted letter grade card, inspection score card, or both, shall not be defaced, marred, camouflaged, hidden or removed. It is unlawful to operate a food establishment unless the letter grade card, the inspection score card, or both, as determined by the health officer, is or are in place in a location clearly visible to the general public and to patrons both, is a violation of this chapter and may result in the suspension or revocation of the public health permit and shall be punishable as specified in Section 6.05.220. (Ord. 1953 § 1, 1999)

6.05.050 Inspection report available for public review.

The food official inspection report, upon which the letter grade card, the inspection score card, or both, are based, and all subsequent reports issued by the health officer, shall be maintained at the food establishment and shall be available to the general public and to patrons for review upon request during regular business hours. The food establishment shall keep the food official inspection report and all subsequent reports until such time as the health officer completes the next routine or owner-initiated inspection of the establishment and issues a new food official inspection report. (Ord. 1953 § 1, 1999)

6.05.060 Period of validity.

A letter grade card, an inspection score card, or both, shall remain valid until the health officer completes the next routine inspection of the food establishment or until an owner-initiated inspection is conducted so long as the owner-initiated inspection is conducted pursuant to procedural and administrative guidelines established by the department for issuance of new grades prior to the next routine inspection. (Ord. 1953 § 1, 1999)

6.05.070 Grade sufficient to close.

The health officer, in his/her discretion, may immediately close any food establishment which, upon completion of the routine or owner-initiated inspection, does not achieve a "C" grade or higher as defined in this chapter. Nothing in this provision shall prohibit the health officer from immediately closing any food establishment if, in his discretion, immediate closure is necessary to protect the public health. (Ord. 1953 § 1, 1999)

6.05.080 Public health permit suspension or revocation—Notice of closure.

(a) Upon issuance of a written notice of suspension or revocation of a public health permit by the health officer, the health officer shall post a notice of closure at the food establishment so as to be clearly visible to the general public and to patrons.

(b) Upon issuance of the written notice of suspension or revocation of the public health permit by the health officer, the food establishment shall immediately close to the general public and to patrons and shall discontinue all operations until the public health permit has been reissued or reinstated by order of the health officer or until the establishment no longer operates as a food establishment.

(c) The notice of closure shall remain posted until removed by the health officer. Removal of the notice of closure by any person other than the health officer or the refusal of a food establishment to close upon issuance of the written notice of suspension of the public health permit is a violation of this chapter and may result in the suspension or revocation of the food establishment's public health permit and shall be punishable as specified in Section 6.05.220. (Ord. 1953 § 1, 1999)

6.05.090 Certified food handler requirement.

Effective January 1, 2000, each food establishment shall have at least one certified food handler. For purposes of this section, multiple contiguous food establishments permitted within the same site and under the same management, ownership or control shall be deemed to be one food establishment, notwithstanding the fact that the food establishments may operate under separate permits. Failure to have a certified food handler shall be grounds for the suspension or revocation of the food operation's public health permit and shall be punishable as set forth in Section 6.05.220. (Ord. 1953 § 1, 1999)

6.05.100 Procedure for obtaining a food handler's training certificate.

(a) Every person desiring certification as a certified food handler shall file with the department an application for certification, accompanied by an application fee as set forth by the department. Upon application, each person desiring certification shall provide:

- (1) Proof of successful completion of a food handler's training course approved by the department;
 - (2) A food handler's training certificate which indicates passage of an examination developed and administered by the Center for Occupational and Professional Assessment of the Educational Testing Service; or
 - (3) Any other food handler's training certificate which, in the discretion of the director, is equivalent to that in subsection (a)(1) or (2) above.
- (b) Alternatively to subsection (a) of this section, any person desiring certification as a certified food handler, upon payment of an examination fee, may take an examination administered by the department. The department shall certify only those persons who receive a score of seventy-five percent or higher on its examinations. The payment of any examination fee shall be in addition to the application fee set forth by department. (Ord. 1953 § 1, 1999)

6.05.110 Food handler's training course.

Any food handler's training course taken by a person desiring certification as a certified food handler shall be a minimum of four hours in duration. The course of instruction shall include, but not be limited to, the following subject matter: microorganisms, sources of foodborne illness microorganisms, foodborne illness, the means by which food is contaminated by microorganisms and toxic substance, the methods for protection of food to prevent foodborne illnesses, personal hygiene for food handlers, proper utensils and equipment washing and sanitizing, and proper receiving and storage of food. (Ord. 1953 § 1, 1999)

6.05.120 Multiple food establishments.

Persons who operate more than one food establishment shall be required to have a certified food handler at each operation, unless otherwise exempted under Section 6.05.090. (Ord. 1953 § 1, 1999)

6.05.130 Exemptions.

Food establishments that deal exclusively in nonpotentially hazardous prepackaged food and beverages or food establishments required by the department to have only temporary operating permits shall be exempt from the certified food handler requirements of this chapter. (Ord. 1953 § 1, 1999)

6.05.140 Display of food handler's training certificate.

The food handler's training certificate shall be posted in a conspicuous place within the food establishment, or in a location designated and approved by the director. (Ord. 1953 § 1, 1999)

6.05.150 Change of certified food handler.

A certified food handler who changes his or her place of employment after obtaining a food handler's training certificate may display the certificate in any other food establishment in which he or she is subsequently employed. A food establishment that loses its certified food handler must obtain another certified food handler within thirty days. (Ord. 1953 § 1, 1999)

6.05.160 List of certified food handlers.

The department shall maintain a current list of all certified food handlers within the county of Los Angeles. (Ord. 1953 § 1, 1999)

6.05.170 Expiration.

The food handler's training certificate shall be valid for the time period set forth by the department. Upon the expiration of the food handler's training certificate, all persons must re-apply for a new certificate in accordance with the procedures for obtaining a new certificate as set forth in this chapter. (Ord. 1953 § 1, 1999)

6.05.180 Duplicate food handler's training certificate.

The director, upon a showing of good cause, may issue a duplicate food handler's training certificate upon payment of a duplicate certificate fee. (Ord. 1953 § 1, 1999)

6.05.190 Revocation of food handler's training certificate.

(a) The director may immediately revoke any food handler's training certificate when any of the following is found to exist within a food establishment which is operated by or under the supervision of a certified food handler:

- (1) Evidence indicating repeated or continuing violations of required procedures and practices in the preparation, service, storage, distribution or sale of food or beverage offered for public consumption;
- (2) Any condition detrimental to the public health, which shall include but not be limited to any condition that can cause food infection, food intoxication, disease transmission or any hazardous condition including, but not limited to, unsafe food temperature; or
- (3) Evidence indicating falsification of information required by the department for issuance of the food handler's training certificate.

(b) The director shall issue a notice to the certified food handler setting forth the acts or omissions with which he or she is charged and informing him or her of the right to a hearing, if requested, to show cause why the certificate should be reinstated. (Ord. 1953 § 1, 1999)

6.05.200 Right to appeal following revocation.

(a) Any certified food handler whose certificate has been revoked may make a written request with the department for hearing within fifteen calendar days after receipt of the notice specified in Section 6.05.190 to show cause why the certificate should be reinstated. A failure to request a hearing within fifteen calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the director may order a hearing at any reasonable time within this fifteen day period to expedite the certification revocation process.

(b) The hearing shall be held within fifteen calendar days of the receipt of the request for hearing. Upon written request of the certified food handler, the director may postpone any date, if circumstances warrant such action.

(c) An environmental health services manager for the department shall preside over any hearing requested under this section. (Ord. 1953 § 1, 1999)

6.05.210 Notice of decision.

The director shall issue a written notice of decision to the certified food handler within five working days of the hearing. The notice of decision shall specify the acts or omissions with which the certified food handler is charged and shall specify either that the certificate remains revoked or that it has been reinstated. (Ord. 1953 § 1, 1999)

6.05.220 Violation.

Notwithstanding any other provision of this chapter, violation of this chapter is a misdemeanor and is punishable as set forth by this code. (Ord. 1953 § 1, 1999)

View the [mobile version](#).



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-K.

TO: The Honorable Mayor and City Council
FROM: Robert Aguirre, Interim Recreation & Community Services Director
SUBJECT: Adopt a Resolution establishing the fee for a permit for alcohol consumption on public premises after finding that such activity will not be detrimental to public health & safety

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a Resolution, in a form approved by the City Attorney, establishing the fee of \$100 for a permit for alcohol consumption on public premises after finding that such activity will not be detrimental to public health & safety and
2. Take such additional related, action that may be desirable

EXECUTIVE SUMMARY:

In June 2014 the City Council approved an amended Monterey Park Municipal Code 12.04.100 which allows for the sale & consumption of alcoholic beverages upon public premises. Individuals or groups applying for this permit must also pay a fee established by the City Council – the recommended fee of one hundred dollars (\$100) is based on the 'fully burdened rate' of the Recreation Superintendent's half hour to review the proposal and an additional half hour for a review by a Police Captain.

BACKGROUND:

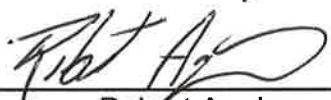
In the past two years, groups putting on community events at Barnes Park asked for the opportunities to sell alcoholic beverages to participants 21 years and older as allowed in ordinance 12.04.100 (5)(c) While each of the organizations followed the set procedures for the sale of alcohol, none of them paid an application fee as required in the ordinance, since a fee has not been recommended by staff and approved by the City Council. Action by the Council on this issue will close that loophole.

FISCAL IMPACT:

The City will receive a relatively small amount of money based on the number of applications submitted.

The City will receive a relatively small amount of money based on the number of applications submitted.

Respectfully prepared and submitted,



Robert Aguirre
Interim Recreation and
Community Services Director

Approved By:



Ron Bow
Interim City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

Attachments:

1. Current City Ordinance: Drinking in Public and private areas 12.04.100
2. Proposed Resolution

Attachment 1:
Current City Ordinance:
Drinking in Public
and private areas 12.04.100

ORDINANCE NO. 2107

AN ORDINANCE AMENDING THE MONTEREY PARK MUNICIPAL CODE REGARDING DRINKING ALCOHOLIC BEVERAGES IN PUBLIC AND PRIVATE AREAS.

The city council of the city of Monterey Park does ordain as follows:

SECTION 1: The city council finds as follows:

- A. Public parks, parking lots, streets, and other public areas within the City should be safe, accessible, and available to City visitors and residents.
- B. Many incidents, ranging from discourteous behavior to criminal acts, are linked to the consumption of alcohol.
- C. The City Council does not wish to prevent persons from using public parks for festive occasions or family gatherings and recognizes that alcoholic beverages are often consumed in conjunction with such events.
- D. In order to balance the rights of all persons to use the public parks safely and enjoyably, the City Council believes that it is in the public interest to only allow consumption of alcoholic beverages in public parks when such activity is permitted pursuant to the Monterey Park Municipal Code ("MPMC").

SECTION 2: MPMC § 12.04.100 is amended to read as follows:

"12.04.100: Drinking in public and private areas.

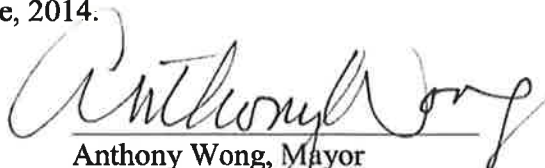
- A. Except as otherwise provided, it is unlawful for any person to drink any alcoholic beverage:
 - 1. Upon any street, sidewalk, highway or alley;
 - 2. In any public place, place of public assembly or in any place open to the public;
 - 3. In or upon any building or premises or portion thereof owned or occupied by the city;
 - 4. Upon any private street, building or other private property within the city without the consent of the person or entity in possession or control thereof;
 - 5. In any area within any public park posted to prohibit consumption of alcoholic beverages.

- B. This section will not be deemed to make punishable any act which is expressly prohibited or expressly permitted by any law of the State of California; provided further that the provisions of this section will not prohibit consumption of alcoholic beverages upon any premises properly licensed for the consumption of alcoholic beverages on the premises; or at an organized private event upon public premises when a permit was obtained from the City Council in accordance with this section.
- C. Any person may apply to the City Council for a permit to serve and consume alcoholic beverages upon public premises. Such application must be accompanied with a fee in an amount established by City Council resolution. The City Council may, but is not required to, issue a permit for alcohol consumption on a public premises after finding that such activity will not be detrimental to public health and safety. Any permit granted by the City Council will not become valid until the permittee provides sufficient insurance and enters into a hold harmless agreement in a form approved by the City Attorney."

SECTION 3: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 4: This Ordinance will take effect on the 31st day following its final passage and adoption.

PASSED AND ADOPTED this 4th day of June, 2014.


Anthony Wong, Mayor

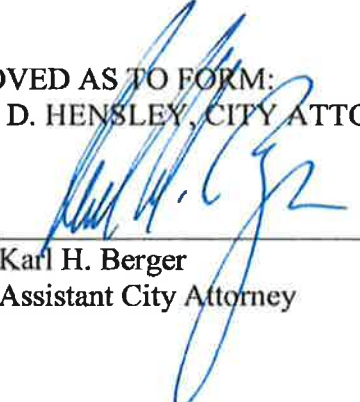
ATTEST:



Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, CITY ATTORNEY

By:



Karl H. Berger
Assistant 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 Ordinance No. 2107 was introduced, and placed upon its first reading at an adjourned regular meeting of the City Council of the City of Monterey Park, held on the 8th day of May, 2014. That thereafter on the 4th day of June, 2014, said Ordinance was duly passed, approved and adopted by the following vote:

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

Dated this 4th day of June 2014.



Vincent D. Chang, City Clerk
City of Monterey Park, California

Attachment 2:
Proposed Resolution

RESOLUTION NO.

A RESOLUTION ADOPTING A PERMIT FEE TO RECOVER COSTS INCURRED FROM PROCESSING A PERMIT FOR ALCOHOL CONSUMPTION ON PUBLIC PREMISES.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

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

- A. The City Council may establish fees for services under various provisions of California law including, without limitation, Business & Professions Code § 16000; Government Code §§ 54344, 65104, 65909.5, 65943, 66013, 66014, 66451.2; and Health & Safety Code §§ 17951, 17980.1, and 19852;
- B. The report entitled "Comprehensive User Fee Study Report" dated May 10, 2013 prepared by Willdan Financial Services (the "Fee Study") sets forth a reasonable methodology and analysis for the determination of user fees that may be charged by the City for certain municipal services;
- C. Pursuant to Government Code § 66016, the City made data available regarding the cost, or estimated cost, of providing certain municipal services for the proposed user fees ten (10) days before the public hearing held on May 17, 2017;
- D. On May 17, 2017, the City Council heard public testimony and considered evidence in a public hearing held and noticed in accordance with Government Code §§ 66016 and 66018; and
- E. After careful consideration, including a review of the documentary and testimonial evidence submitted during the public hearing, the City Council finds that the user fees adopted by this Resolution are in the public interest to recover the costs of certain municipal services.

SECTION 2: The rate of \$100 is based upon the fee study's fully burden rate of a Recreation Superintendent's (\$105/hour), half hour of review and an additional half hour of review by a Police Captain (\$140/hour).

SECTION 3: Unless otherwise revised, the fees established by this Resolution will be automatically adjusted by the City Manager on an annual basis on July 1 of each year by applying the percent change of the Los Angeles Area of Consumer Price Index for All Urban Consumers for the prior 12 month period ending on April 30 to the City's fees. The first fee adjustment cannot be made before a minimum of ten months after the effective date of this Resolution.

SECTION 4: This Resolution is exempt from review under the California Environmental

City of Monterey Park
Resolution No.
Page 2 of 2

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

SECTION 5: All fees, addressed in this Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

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

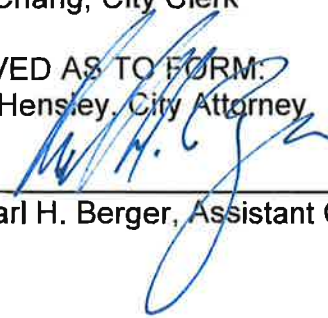
**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE
CITY OF MONTEREY PARK ON THIS _____ DAY OF _____.**

Teresa Real Sebastian, Mayor

ATTEST:

Vincent Chang, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 

Karl H. Berger, Assistant City Attorney



City Council Staff Report

DATE: May 17, 2017

AGENDA ITEM NO: Council Communications
Agenda Item 7-A

TO: The Honorable Mayor and Members of the City Council

FROM: Peter Chan, Councilmember

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DECLARING JUNE 14, 2017 AS THE DAY OF RECOGNITION FOR THE 242nd BIRTHDAY OF THE UNITED STATES ARMY

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a Resolution declaring June 14th, 2017 as the day of recognition for the 242nd birthday of the U.S. Army; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On June 14th, 1775, Congress adopted the "American Continental Army" after reaching a consensus position in The Committee of the Whole. The U.S. Army was founded on this day when the Continental Congress authorized enlistment of riflemen to serve the United Colonies for one year. The Continentals formed the backbone of the American war effort and were the beginning of a regular United States army.

BACKGROUND:

The Second Continental Congress founded the Army in 1775; it is the oldest service of the United States military. Originally formed to protect the freedom of the first 13 colonies, the Army has evolved and grown from this small militia force into the world's premiere fighting force.

The Army exists to serve the American people, to defend the Nation, to protect vital national interests, and to fulfill national military responsibilities. Their mission is enduring: to provide necessary forces and capabilities to the Combatant Commanders in support of the *National Security and Defense Strategies*. The Army recruits, organizes, trains, and equips soldiers who, as vital members of their units and the joint team, conduct prompt, sustained combat and stability operations on land. The Army is also charged with providing logistics and support to enable the other services to accomplish their missions, and supporting civil authorities in time of emergency, when directed.

The Army continues to provide Combatant Commanders with a wide range of forces and capabilities to prevail in the war on terror, to sustain our global commitments, and to build effective multinational coalitions. First and foremost are the forces required for Operation Iraqi Freedom and Operation Enduring Freedom, which include forward-stationed units and those based in the United States. The Army's requirements, however, are far greater than those needed to support the war on terror. They include support for:

- Multinational exercises which reflect our longstanding leadership of, and commitment to, an expanding North Atlantic Treaty Organization and many other alliances
- The defense of South Korea, Japan, and many other friends, allies, and partners
- Ongoing peacekeeping operation
- The security of our borders
- Operations and equipment to counter the flow of illegal drugs

The Army is the largest of all the branches of the military.

On June 14th, 2017, let us be reminded to be grateful for the opportunity to maintain the trust and confidence of the American people while adding to the legacy of our army professionals of 242 years strong.

Respectfully submitted by:

Peter Chan
Councilmember

ATTACHMENT 1: Resolution

ATTACHMENT 1

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEREY
PARK DECLARING JUNE 14, 2017 AS THE DAY OF RECOGNITION
FOR THE 242nd BIRTHDAY OF THE UNITED STATES ARMY**

WHEREAS, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

WHEREAS, the collective expression of the pursuit of personal freedom that caused the authorization and organization of the United States Army led to the adoption of the Declaration of Independence and the codification of the new Nation's basic principles and values in the Constitution;

WHEREAS, for the past 242 years, the Army's central mission has been to fight and win the Nation's wars;

WHEREAS, the motto of "Duty, Honor, Country" is the creed by which the American soldier lives and serves;

WHEREAS, no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Army to produce well-trained, well-led, and highly motivated soldiers to carry out the missions entrusted to them;

WHEREAS, members of the City of Monterey Park have proudly served and made the ultimate sacrifice for our Nation's freedom while serving in the United States Army and other branches of our Nation's military;

NOW, THEREFORE, BE IT RESOLVED, the Monterey Park City Council recognizes the historic significance of the 242nd anniversary of the United States Army and calls upon the City of Monterey Park to express their appreciation to the United States Army and to the soldiers who have served in it for 242 years of dedicated service.

PASSED, APPROVED, AND ADOPTED this 17th day of May 2017.

Teresa Real Sebastian
Mayor
Monterey Park, California

ATTEST:

Vincent D. Chang, City Clerk
Monterey Park, California

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 17th day of May 2017, by the following vote:

Ayes:
Noyes:
Absent:
Abstain:

Dated this 17th day of May 2017

Vincent D. Chang, City Clerk
Monterey Park, California