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AGENDA FOR THE  
CONCURRENT REGULAR MEETINGS OF  
THE CITY COUNCIL OF THE CITY OF COMMERCE AND  
THE GOVERNING BODY OF THE SUCCESSOR AGENCY TO  
THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION  
(HEREINAFTER "SUCCESSOR AGENCY")

COUNCIL CHAMBERS  
5655 JILLSON STREET, COMMERCE, CALIFORNIA

TUESDAY, MARCH 4, 2014 – 6:30 P.M.

CALL TO ORDER

Mayor/Chairperson Aguilar

PLEDGE OF ALLEGIANCE

Vilko Domic,  
Director of Finance

INVOCATION

Councilmember/Board Member Robles

ROLL CALL

City Clerk Shumway

APPEARANCES AND PRESENTATIONS

1. Introduction of New City Clerk

City Administrator Jorge Rifá will introduce the newly hired Commerce City Clerk.

2. Introduction of New Assigned Sergeant

Captain Wolak, Los Angeles County Sheriff's Department, will introduce the newly appointed Commerce Assigned Sergeant.

## PUBLIC COMMENT

Citizens wishing to address the City Council and Successor Agency on any item on the agenda or on any matter not on the agenda may do so at this time. However, State law (Government Code Section 54950 et seq.) prohibits the City Council/Successor Agency from acting upon any item not contained on the agenda posted 72 hours before a regular meeting and 24 hours before a special meeting. Upon request, the City Council/Successor Agency may, in their discretion, allow citizen participation on a specific item on the agenda at the time the item is considered by the City Council/Successor Agency. Request to address City Council/Successor Agency cards are provided by the City Clerk/Secretary. If you wish to address the City Council/Successor Agency at this time, please complete a speaker's card and give it to the City Clerk/Secretary prior to commencement of the City Council/ Successor Agency meetings. Please use the microphone provided, clearly stating your name and address for the official record and courteously limiting your remarks to five (5) minutes so others may have the opportunity to speak as well.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

No person shall make any remarks which result in disrupting, disturbing or otherwise impeding the meeting.

## CITY COUNCIL/SUCCESSOR AGENCY REPORTS

### CONSENT CALENDAR

Items under the Consent Calendar are considered to be routine and may be enacted by one motion. Each item has backup information included with the agenda, and should any Councilmember or Board Member desire to consider any item separately he/she should so indicate to the Mayor/Chairperson. If the item is desired to be discussed separately, it should be the first item under Scheduled Matters.

#### 3. Approval of Minutes

The **City Council and Successor Agency** will consider for approval, respectively, the minutes of the Concurrent Adjourned Regular Meetings of Tuesday, February 18, 2014, held at 5:00 p.m.; the Concurrent Regular Meetings of Tuesday, February 18, 2014, held at 6:30 p.m.

#### 4. Approval of Warrant Register Nos. 15A and 15B

The **City Council and Successor Agency** will consider for approval, respectively, the bills and claims set forth in Warrant Registers No. 15A, dated March 4, 2014, and 15B for the period of February 19, 2014 to February 27, 2014.

#### 5. Proclamation - Arbor Day

The **City Council** will consider proclaiming Wednesday, March 26, 2014, as Arbor Day in the City of Commerce.

6. Proclamation - March as Women's History Month

At the request of Councilmember Baca Del Rio, the **City Council** will consider proclaiming March as Women's History Month in the City of Commerce.

7. Request for Proposals to Prepare a CEQA Document for Slauson Avenue Sidewalk Improvement and Tree Planting Project (Capital Improvement Project)

The **City Council** will consider approving the Request for Proposal (RFP) for a consultant to prepare a CEQA document for Slauson Avenue Sidewalk Improvement and Tree Planting Project; and authorizing the Public Works and Development Services Department to proceed with the issuance of a RFP, advertise for proposals, and designate April 4, 2014, as the proposals due date.

8. Request for Proposals for the Installation, Removal, Maintenance and Storage of Holiday Decorations

The **City Council** will consider approving the issuance of a Request for Proposals for the installation, removal, maintenance and storage of Holiday Decorations; and authorizing the Public Works and Development Services Department to advertise for proposals and designate April 30, 2014, at 5:00 p.m. as the proposals due date.

9. A Resolution of the City Council of the City of Commerce, California Approving an Agreement with the Los Angeles Regional Food Bank

The **City Council** will consider for approval and adoption a proposed Resolution approving an Agreement with the Los Angeles Regional Food Bank for participation in the Emergency Food Assistance Program.

10. A Resolution of the City Council of the City of Commerce, California, Approving the Allocation of \$50,000.00 of Measure AA Funding to Resurface the Outdoor Basketball Courts at All City Parks and Authorizing the Issuance of a Request for Proposal for the Project

The **City Council** will consider for approval and adoption a proposed Resolution approving the allocation of \$50,000.00 of Measure AA Funding to resurface the outdoor basketball courts at all City of Commerce parks as recommended by the Measure AA Committee and authorizing the issuance of a Request for Proposal.

11. A Resolution of the City Council of the City of Commerce, California, Approving the Third Amendment to the Services Agreement Between the City of Commerce and Kimley-Horn and Associates, Inc. for Monitoring, Operation and Support of the City's Traffic Signal Control Program.

The **City Council** will consider for approval and adoption a proposed Resolution approving the Third Amendment to the services agreement between the City of Commerce and Kimley-Horn and Associates, Inc.

**PUBLIC HEARINGS-NONE**

## **SCHEDULED MATTERS**

### **12. Discussion – Council Reorganization Effective Date**

The **City Council** will receive an oral report from the City Administrator regarding the Council reorganization effective date for coordination with the 2014 Miss Commerce Pageant, scheduled for Saturday, March 22, 2014.

### **13. City Council Protocols**

The **City Council** will consider and take appropriate action as deemed necessary with respect to, the proposed guidelines for the effective conduct of City business at the request of the City Council at the February 18, 2014, Regular City Council meeting.

### **14. Placement of Unattended Donation Collection Bins in the City of Commerce**

The **City Council** will consider for receipt and filing, and take appropriate action as deemed necessary with respect to, the placement of unattended donation collection bins in the City.

### **15. Report on City's Accomplishments**

The **City Council** will consider for receipt and filing, and take appropriate action as deemed necessary with respect to, the list of City accomplishments provided by City departments for the past three years at the request of Council Member Baca Del Rio.

### **16. Commission and Committee Appointments**

The **City Council** will make the appropriate appointments to the following Commissions and Committees: Traffic Commission, Youth Advisory Commission, Measure AA Committee, and Pageant Steering Committee.

## **ORDINANCES AND RESOLUTIONS-NONE**

## **CIP PROGRESS REPORT**

### **17. Library Renovation Project Update**

The **City Council** will consider for receipt and filing, and take appropriate action as deemed necessary with respect to, a status report on the Library Renovation Project.

## **LEGISLATIVE UPDATES**

**18.** The **City Council** will consider taking a formal position on legislative bills of interest to Commerce and other municipalities in California, and direct City staff to forward City position letters to Sacramento on behalf of the City of Commerce.

## **I-710 LOCAL ADVISORY COMMITTEE UPDATE – No Items**

## **RECESS TO CLOSED SESSION – No Items**

**ADJOURNMENT**

Adjourn in memory of Marie Dolores Garcia DeLao, longtime Commerce resident, to Tuesday, March 18, 2014, at 5:00 p.m. in the City Council Chambers.

**LARGE PRINTS OF THIS AGENDA ARE AVAILABLE UPON REQUEST  
FROM THE CITY CLERK'S OFFICE, MONDAY-FRIDAY,  
8:00 A.M. - 6:00 P.M.**



**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF COMMERCE  
TUESDAY, FEBRUARY 18, 2014  
COUNCIL CHAMBERS  
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

Mayor Aguilar called the Adjourned Regular meeting of the City Council to order at 5:03 p.m. **Present:** Councilmembers Altamirano, Baca Del Rio (5:05 p.m.), Robles, Mayor Pro Tem Leon (5:05 p.m.), and Mayor Aguilar; **Absent:** None

**PUBLIC COMMENT**

There were no individuals who wished to address the City Council on closed session matters.

**CLOSED SESSION**

1. Pursuant to Government Code §54956.9(b), the City Council conferred with its legal counsel with respect to significant exposure to litigation in one potential case.
2. Pursuant to Government Code §54957, the City Council considered personnel matters related to the appointment of:
  - Director of Safety and Community Services
  - Director of Public Works and Development Services
  - Assistant Directors with Public Works & Development Services

**ADJOURNMENT**

The City Council reconvened to open session at 5:55 p.m. The City Attorney's report on the actions taken at the Closed Session was presented at the Concurrent Regular Meetings of the City Council of the City of Commerce and the Governing Body of the Successor Agency to the Commerce Community Development Commission (Hereinafter "Successor Agency") which convened at 6:34 p.m.

There being no further business to come before the City Council, the meeting was adjourned at 5:56 p.m.

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Victoria M. Alexander  
Deputy City Clerk

**MINUTES OF THE  
CONCURRENT REGULAR MEETINGS OF  
THE CITY COUNCIL OF THE CITY OF COMMERCE AND  
THE GOVERNING BODY OF THE SUCCESSOR AGENCY TO  
THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION  
(HEREINAFTER "SUCCESSOR AGENCY")  
TUESDAY, FEBRUARY 18, 2014  
COUNCIL CHAMBERS  
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

The meeting was called to order at 6:34 p.m. in the Council Chambers. **Present:** Councilmembers/Board Members Altamirano, Baca Del Rio, Robles, Mayor Pro Tem/Vice Chair Leon, and Mayor/Chair Aguilar (5); **Absent:** None (0). The Salute to the Flag was led by Josh Brooks, Assistant Director of Finance, followed by an invocation offered by Councilmember/Board Member Robles.

**Staff Present:** Jorge Rifá, City Administrator; Eddie Olivo, City Attorney; Victoria Alexander, Deputy City Clerk/Secretary

**APPEARANCES AND PRESENTATIONS**

**1. Introduction of New Dedicated Sergeant from Los Angeles County Sheriff's Department**

This item was continued to a future meeting date

**2. Commendation -- Honoring Alex Hamilton**

The City Council presented a commendation to Alex Hamilton recognizing his service to the City of Commerce as Assistant Director of Public Works and Development Services.

**PUBLIC COMMENT**

The following individual addressed the City Council on general matters within the Council's jurisdiction: Richard Robles

**CITY COUNCIL/SUCCESSOR AGENCY REPORTS**

**Councilmember Altamirano**

- Noted that he was working with staff to bring a Farmers Market to Commerce
- Reported that he was working with the City Administrator to implement a gun buyback program in the City
- Asked City Administrator for an update on a youth mentorship program
- Asked the City Administrator if it would be possible to televise the annual boxing event at Veterans Park

**Councilmember Robles**

- Noted that she had taken a tour of the Central Library project today; she noted she was impressed with the progress that has been made
- Reported that she attended the boxing event last weekend at Veterans Park
- Noted that there were a couple incidents of crime at Veterans Park and there will be a neighborhood watch meeting next week; encouraged residents to be careful
- At the Sister Cities meeting, noted that it was mentioned that no student had applied for a scholarship through the Sister Cities Association; asked staff to increase outreach informing students of scholarship opportunities

**Councilmember Baca Del Rio**

- Noted that she also attended the very successful boxing event at Veterans Park
- Raised concern about the current water issues in the state; encouraged residents to conserve water
- Asked the City Administrator to provide the Council with a list of all the current and recent projects that are going on in the City



Mayor Pro Tem Leon

- Reported that she toured the Library Project today and noted that this is an exciting time in Commerce with all the opportunities that will be available soon

Mayor Aguilar

- Noted that the boxing program was fantastic and included participants from neighboring cities
- Reported that the Library Project is progressing rapidly
- Asked the Library Director to report on current outreach efforts to notify residents and students of scholarship opportunities in Commerce

### **CITY ATTORNEY REPORT ON CLOSED SESSION MATTERS**

The City Attorney reported that there were no reportable actions on Items 1A and 2A discussed in Closed Session

### **CONSENT CALENDAR**

Mayor Pro Tem/Vice Chair Leon moved, seconded by Councilmember/Board Member Baca Del Rio to approve the Consent Calendar as presented (Items 3-6). Motion carried by the following vote:

AYES: Councilmembers/Board Members Altamirano, Baca Del Rio, Robles, Mayor Pro Tem/Vice Chair Leon, and Mayor/Chair Aguilar (5)  
NOES: None (0)  
ABSTAIN: None (0)  
ABSENT: None (0)

### **3. MEETING MINUTES**

The City Council approved the minutes of the Adjourned Regular Meeting of Tuesday, February 4, 2014, held at 5:00 p.m. The City Council and Successor Agency, respectively, approved the minutes of the Concurrent Regular Meetings of Tuesday, February 4, 2014, held at 6:30 p.m.

### **4. WARRANT REGISTER**

The City Council and Successor Agency approved respectively, the bills and claims set forth in Warrant Registers No. 14A, dated February 18, 2014, and 14B for the period February 5 – 11, 2014.

### **5. CAMP COMMERCE IMPROVEMENT PROJECTS**

The City Council received and filed a report with respect to, a status update on capital improvement projects at Camp.

### **6. RESOLUTION NO. SA-14-02 – ISSUANCE OF REFUNDING BONDS – SUCCESSOR AGENCY**

The Successor Agency adopted Resolution No. SA-14-02 Preliminarily Considering the Issuance of Its Refunding Bonds; Making Certain Determinations Relating Thereto; and Authorizing Certain Other Action in Connection Therewith

### **PUBLIC HEARINGS**

### **7. ABATEMENT OF NOXIOUS OR DANGEROUS WEEDS – HEARING PROTESTS**

The City Council declared, by approving Resolution No. 14-10 on February 4, 2014, that weeds, brush, rubbish and refuse upon or in front of specified properties in the City are a seasonal and recurrent public nuisance and further declared its intention to provide for the abatement of said nuisance.

Mayor Aguilar opened the public hearing; seeing no individuals desiring to speak on this matter, the Mayor closed the public hearing, and opened the time for Councilmember comments. Councilmember Altamirano moved, seconded by Councilmember Robles to approve the Abatement Order directing the Los Angeles County Agricultural Commissioner/Director of Weights and Measures to abate the public nuisance as outlined above. The motion was approved by the following vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, Mayor Pro Tem Leon, and Mayor Aguilar (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

**8. RESOLUTION NO. 14-14 – AUTHORIZING ALLOCATION FOR THE 40<sup>TH</sup> YEAR OF COMMUNITY DEVELOPMENT BLOCK GRAND (CDBG) FUNDS FOR FISCAL YEAR 2014-2015**

Mayor Aguilar opened the public hearing; seeing no individuals desiring to speak on this matter, the Mayor closed the public hearing. Matt Marquez, City Planner gave a brief explanation of the matter to the Council. Following his presentation, Council discussion ensued. Councilmember Altamirano moved, seconded by Councilmember Baca Del Rio, to adopt Resolution No. 14-14 authorizing the allocation for the 40<sup>th</sup> year of the Community Development Block Grant (CDBG) funds for fiscal year 2014/2015. The motion was adopted by the following vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, Mayor Pro Tem Leon, and Mayor Aguilar (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

**SCHEDULED MATTERS**

**9. REVIEW OF CITY’S FINANCE STATUS AS OF DECEMBER 31, 2013**

Jorge Rifa, City Administrator and Josh Brooks, Assistant Finance Director, presented a report to the City Council and Successor Agency with respect to, the City’s financial status as of December 31, 2013, and its mid-year review of the approved 2013-14 fiscal year operating budget. Following the presentation, Council discussion ensued. Councilmember/Board Member Altamirano moved, seconded by Councilmember/Board Member Baca Del Rio to receive and file the City’s Finance Status Report. Motion carried by the following vote:

AYES: Councilmembers/Board Members Altamirano, Baca Del Rio, Robles, Mayor Pro Tem/Vice Chair Leon, and Mayor/Chair Aguilar (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

**11. POTENTIAL PRESENTATION REGARDING PROJECT LABOR AGREEMENTS (Matter taken out of order at the request of the Mayor)**

At the request of Councilmember Altamirano, the City Council considered a proposal to schedule a presentation regarding Project Labor Agreements and how they may benefit and/or impact the City. Following a brief presentation by the City Administrator, Council discussion ensued. Following the discussion Councilmembers Baca Del Rio and Altamirano were asked to come back to the Council on March 4, 2014, with a recommendation as to a date for a special meeting hosted by the Council and including representatives from the International Brotherhood of Electrical Workers (IBEW) and the Industrial Council. It was the consensus of the Council that turnout for

the presentation would be better if it was held during the day and it was agreed that the time should be set at 2:00 p.m.

**10. REPORT REGARDING RESULTS OF INVESTIGATION OF ALLEGATION CONTAINED IN ANONYMOUS LETTER DATED JUNE 15, 2013**

The City Council received a report from the City Administrator with respect to the results of an investigation of allegations contained in an anonymous letter dated June 15, 2013. The letter complained of harassment toward several City employees by Councilmember Robles and/or her husband Richard Robles. Subsequently the City Council approved an agreement with an attorney/investigator that specializes in personnel investigations for governmental agencies. Following the investigator's review of the matter, she concluded that the substance of the interviews that she conducted did not amount to violations of City, State and/or Federal law with respect to harassment. Notwithstanding these findings, several of the witnesses interviewed stated to the investigator that comments made by Councilmember Robles and Mr. Robles (separately and individually) had negative or insinuating tones which made the encounters uncomfortable.

Following staff's report, Councilmember Robles requested time to address the allegations made in the anonymous letter. Following her statements, Mr. Richard Robles also addressed the Council under public comment. Council discussion ensued. Mayor Pro Tem Leon noted that the Council needed some type of boundaries, that when a councilmember has a question they would need to go through Jorge or go through a Director, rather than to stop by and just visit with the employees. She noted that if nothing else came from this investigation, it was the need for protocols to be established so that the Council has clear guidelines of what it can and cannot do. Councilmember Baca Del Rio also emphasized the need for policy direction. The City Attorney reported that staff has prepared draft protocols that could be scheduled and reviewed by the City Council. It was the consensus of the Council that the City Administrator should bring back proposed protocols for Council consideration. Mayor Pro Tem Leon moved, seconded by Councilmember Altamirano that the City Council receive and file the investigator's report. Motion carried by the following vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, Mayor Pro Tem Leon, and Mayor Aguilar (5)  
NOES: None (0)  
ABSTAIN: None (0)  
ABSENT: None (0)

**12. PAGEANT STEERING COMMITTEE**

At the request of Councilmember Altamirano, the City Council considered changing the age requirements to serve on the Pageant Steering Committee. Following Council discussion on this matter, it was the consensus of the City Council that the age requirements on the Pageant Steering Committee remain unchanged

**13. COMMITTEE APPOINTMENTS**

Consideration of appointments to the Measure AA Committee and Pageant Steering Committee was continued to the regular meeting of March 4, 2014.

**ORDINANCES AND RESOLUTIONS**

**14. ORDINANCE NO. 659 AMENDING SECTION 2.10.040 (CAMPAIGN CONTRIBUTION LIMITATIONS) AND REPEALING SECTION 2.10.045 (CAMPAIGN CONTRIBUTION LIMITATIONS – NON-ELECTION YEARS) – second reading**

Mayor Pro Tem Leon moved, seconded by Councilmember Altamirano to waive further reading of the ordinance and to read by title only. The motion carried by the following vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, Mayor Pro Tem Leon, and Mayor Aguilar (5)  
NOES: None (0)  
ABSTAIN: None (0)  
ABSENT: None (0)

Mayor Pro Tem Leon moved, seconded by Councilmember Altamirano to adopt Ordinance No. 659 amending Section 2.10.040 (Campaign Contribution Limitations) and repealing Section 2.10.045 (Campaign Contribution Limitations – Nonelection Years) of Chapter 2.10 (Limitations on Campaign Contributions in City Elections) of the Commerce Municipal Code. The ordinance was adopted by the following vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, Mayor Pro Tem Leon, and Mayor Aguilar (5)  
NOES: None (0)  
ABSTAIN: None (0)  
ABSENT: None (0)

### **LEGISLATIVE UPDATES**

15. The City Administrator reported that there would be information to report on legislative updates at the next regular meeting of the City Council.

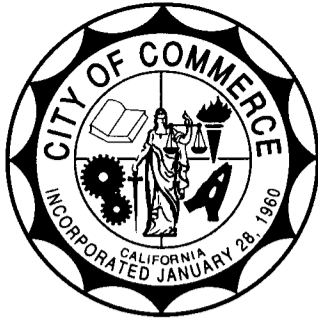
### **I-710 LOCAL ADVISORY COMMITTEE UPDATE – No Items**

### **ADJOURNMENT**

The City Council and Successor Agency adjourned in memory of Fernando Viramontes, active aquatic parent for over 20 years. The meeting was adjourned to Tuesday, March 4, 2014, at 5:00 p.m. in the City Council Chambers.

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Victoria M. Alexander  
Deputy City Clerk



# AGENDA REPORT

MEETING DATE: March 4, 2014

TO: Honorable City Council  
FROM: City Administrator  
SUBJECT: ARBOR DAY PROCLAMATION

**RECOMMENDATION:**

With the consent of the City Council, the Mayor will proclaim Wednesday, March 26, 2014, as Arbor Day in the City of Commerce.

**MOTION:**

Move to approve staff's recommendation to proclaim March 26, 2014 as Arbor Day in the City of Commerce.

**BACKGROUND:**

In a nationwide effort to encourage planting of shade and forest trees; harvesting of forest crops by approved conservation methods; and protection of forests from the scourge of devastating fires, insects and disease that destroy the beauty and usefulness of woodlands and wildlife, California State Legislature adopted an Act for the designation of Arbor Day. This Legislative Act encourages the participation of local governments to recognize and celebrate Arbor Day each year.

**ANALYSIS:**

This year, the City will proclaim Wednesday, March 26, 2014, as Arbor Day in the City of Commerce. Everyone capable of doing so is urged to observe this day by planting one or more trees and by participating in one or more programs offered by sponsors of Arbor Day.

**FISCAL IMPACT:**

This activity can be carried out at this time without additional impact on the current operating budget.

**RELATIONSHIP TO 2012 STRATEGIC GOALS:**

The issue before the Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

**Recommended by:**

  
Patrick Malloy  
Special Assistant to the City Administrator

**Respectfully submitted,**

  
Jorge Rifa  
City Administrator

**Reviewed by:**

  
Gina Nila  
Environmental Services Manager

**Prepared by:**

  
Hector Orozco  
Street & Tree Maintenance Supervisor

Attachment

PROCLAMATION

A PROCLAMATION OF THE CITY COUNCIL OF THE  
CITY OF COMMERCE, CALIFORNIA, PROCLAIMING  
WEDNESDAY, MARCH 26, 2014, AS ARBOR  
DAY IN THE CITY OF COMMERCE

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the City of Commerce Public Works & Development Services Department's Tree Division has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, the City Council of the City of Commerce, California, does hereby proclaim Wednesday, March 26, 2014, as

"ARBOR DAY"

in the City of Commerce and urge all citizens to support efforts to care for our trees and woodlands and to support our city's community forestry program; and

FURTHER, all citizens are urged to plant trees to gladden the hearts and promote the well-being of present and future generations.

PASSED, APPROVED AND ADOPTED this 4<sup>th</sup> day of March, 2014.

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Joe Aguilar  
Mayor

ATTEST:

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Lena Shumway  
City Clerk



# AGENDA REPORT

DATE: March 4, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: REQUEST FOR PROPOSALS TO PREPARE A CEQA DOCUMENT FOR SLAUSON AVENUE SIDEWALK IMPROVEMENT AND TREE PLANTING PROJECT (CAPITAL IMPROVEMENT PROJECT)

RECOMMENDATION:

That the City Council:

1. Approve the RFP to prepare a CEQA document for Slauson Avenue Sidewalk Improvement and Tree Planting Project; and
2. Authorize the Public Works and Development Services Department to proceed with the issuance of a Request for Proposals (RFP) as named above, advertise for proposals, and designate April 4, 2014, as the proposals due date.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The severe displacement of sidewalk and other hardscape (caused in part by City street tree root damage) along Slauson Avenue between the I-710 and I-5 Freeways (Study Area) has created a hazardous condition which the City must address in order to comply with various local, state, and federal guidelines and laws including Americans With Disability Act.

In 2006, the City attempted to address the condition along Slauson Avenue within the context of a larger city street tree replacement project that involved the potential removal of over 900 street trees citywide. There was action brought against the City from an environmental group maintaining that the tree removal was considered a "project" or activity subject to California Environmental Quality Act (CEQA) review and consideration. A Court found that the City failed to conduct the proper CEQA analysis and required that any City project involving the removal of street trees was subject to CEQA (other than for projects involving the incidental removal or removal necessary for emergency reasons).

The Slauson Avenue Street/Sidewalk Replacement and Tree Planting project is presented to the Council at this meeting as a concept project. Any future action involving a formal or approval of any element of the project will be subject to CEQA review prior to any such action being taken the lead agency (City Council).

Given the status of existing claims the City has received regarding the hazardous conditions, and the need to commence the proper engineering feasibility for the project, in August 2013, staff from Public Works prepared a Capital Improvement Form (CIP Form) estimating the total project costs at \$2.75 million. This CIP form was submitted for Measure AA consideration along with several other projects. The intent of submitting this for Measure AA consideration, was a desire to insure a stable and committed funding source for this project and the belief that such a project could be a showcase project for the first large scale commitment of Measure AA monies that could make a dramatic, positive and timely impact on the visual and functional character of the street.

Once the Measure AA structure and membership was solidified, on November 7, 2013 a bus tour was conducted of the City. Measure AA Committee members in attendance included Craig, Papaian, Grajeda and Rodriguez as well as staff members Mendoza, Hamilton, Larson and Stinnett. The purpose of the tour was to familiarize the Measure AA

Committee with the scope and breath of infrastructure improvements needed in the City. After the tour concluded, it was the consensus of the group that the Slauson Avenue improvements should be one of the immediate priorities.

On December 10, 2013, a study (including a survey and analysis) of the existing sidewalk and tree conditions within the study area was completed by the City's consulting engineers (Transtech). The Study Area is approximately 2.7 linear miles and Slauson has two travel lanes in each direction. Known as the Slauson Avenue Tree and Sidewalk Analysis, the document reviewed the conditions of the area and concluded the existing parkway cannot accommodate for the root growth of the existing City street trees. This in turn causes damage to the public right of way including sidewalks, driveways, curb and gutters. More specifically, there were a total of 111 locations where the Ficus trees have lifted the sidewalks and caused related damage. The study also concluded the existing pavement along Slauson Avenue is also in need of rehabilitation to varying degrees.

Per this study, the engineers estimate to repair the damaged areas including street tree removal and replacement as well as construction of replacement curb and gutter is \$1.85 million. This estimate includes all hard and soft costs associated with the project including engineering and CEQA document preparation. The engineers estimate did not initially take in account the street pavement rehabilitation. However upon further review Transtech believes that sufficient funding is built in to the \$1.85 million request to account for some level of street repair.

**ANALYSIS:**

Before funds are spent on the Slauson Avenue project, or any decisions made on the project, it is necessary that a CEQA document including an Initial Study and applicable environmental review document be prepared and ultimately presented to Council for consideration and adoption.

**FISCAL IMPACT:**

\$2.05 million of Measure AA Funding have been targeted for implementation of the Slauson Avenue project, which includes the following items:

- \$1,850,000 for proposed tree and sidewalk replacement to reconstruct damaged areas and will include some street repair/rehabilitation;
- \$200,000 for installation of a sidewalk on the south side of Slauson Avenue between Gage Avenue and the I-5 Freeway bridge; and

**RELATIONSHIP TO 2012 STRATEGIC GOALS:**

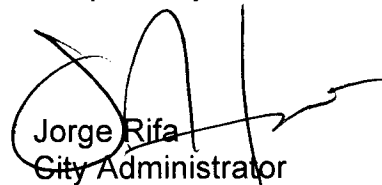
The issue before the Council is applicable to the following Council strategic goal to "Protect and Enhance Quality of Life in the City of Commerce". The recommendations contained in this report are intended to insure that Commerce residents are aware of citywide efforts to preserve, protect, and enhance the City's street infrastructure to benefit all residents.

Recommended and prepared by:



Patrick Malloy  
Special Assistant to the City Administrator

Respectfully submitted,



Jorge Rifa  
City Administrator

Fiscal impact reviewed by:



Vilko Domic  
Director of Finance

Approved as to form:



Eduardo Olivo  
City Attorney





# AGENDA REPORT

MEETING DATE: March 4, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: REQUEST FOR PROPOSALS – INSTALLATION, REMOVAL, MAINTENANCE AND STORAGE OF HOLIDAY DECORATIONS

RECOMMENDATION:

That the City Council:

1. Approve the issuance of a Request for Proposals for the Installation, Removal, Maintenance and Storage of Holiday Decorations; and
2. Authorize the Public Works and Development Services Department to advertise for proposals and designate April 30, 2014, at 5:00 p.m. as the proposals due date.

MOTION:

Move to approve the recommendation.

BACKGROUND:

On October 8, 2013 following a Request for Proposals (RFP) process for the installation, removal, maintenance, and storage of holiday decorations for the City of Commerce, the City Council awarded a one-year lease agreement to Dekra-Lite.

The City's Holiday Decorations Program consists of 235 holiday displays including street pole and overhead street decorations. The display areas include:

1. Heritage Park
2. City Hall
3. Street pole decorations:  
Washington Blvd. Atlantic Blvd. Commerce Way  
Telegraph Rd. Eastern Ave.
4. Street overhead decorations on:  
Washington & Ayers Atlantic & Washington Triggs & McDonnell  
Eastern & Yerington Atlantic & Harbor Washington & Commerce  
Gage & Zindell Washington & Telegraph

On November 5, 2014, the City Council authorized expanding display areas to include Veteran's Park, the Greenwood Library, and the Bristow Park entrance since Southern California Edison does not allow decorations on wooden poles for safety reasons as well as access to these poles for servicing power, cable and telephone lines. Staff received positive feedback from residents regarding the rooftop display at the Greenwood Library as well as the Veteran's Park decorations and banners along the Bristow Park fence.

ANALYSIS:

During the months of January and February 2014, staff met with the City Council Sub-Committee for Holiday Decorations to develop a new Holiday Decorations Program. The RFP includes Sub-Committee recommendations including proposals for both a lease and own option, possible expansion of décor on the Garfield Avenue railroad bridge should the City obtain approval from the railroad company and Bristow Park entrance, new decor theme, options for decorations, and installation and removal specifications. Installation would begin on Wednesday, November 13, 2014 following the Veteran's Day Holiday to provide sufficient time for staff to remove the Veteran's Day flags.

The RFP will seek out creative ideas and new décor for prominent display areas in the City. Companies specializing in holiday décor require at least a six-month lead time and an agreement secured by July 2014 for the 2014 holiday season. Staff will advertise the RFP on the City's website as well as directly notify a list of companies specializing in holiday décor. Upon completion of the RFP process, staff will return to the City Council with recommendations.

**FISCAL IMPACT:**

No fiscal impact.

**RELATIONSHIP TO 2012 STRATEGIC GOALS:**


The issue before the Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

Respectfully submitted,



Jorge Rifa  
City Administrator

**Recommended by:**



Patrick Malloy  
Special Assistant to the City Administrator

**Prepared by:**




Gina Nila  
Environmental Services Manager

**Fiscal impact reviewed by:**



Vilko Domic  
Director of Finance

**Approved as to form:**



Eduardo Olivo  
City Attorney



# AGENDA REPORT

**TO:** HONORABLE CITY COUNCIL

**DATE:** March 4, 2014

**FROM:** CITY ADMINISTRATOR

**SUBJECT:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AN AGREEMENT WITH THE LOS ANGELES REGIONAL FOOD BANK

**RECOMMENDATION:**

Approve the Resolution, which approves an Agreement with the Los Angeles Regional Foodbank, for participation in the Emergency Food Assistance Program.

**MOTION:**

Move to approve the recommendation.

**BACKGROUND/ANALYSIS:**

The City is in agreement with the Los Angeles Regional Food Bank to provide canned and frozen food for distribution to qualifying low income residents. The food is provided by the United States Department of Agriculture (USDA) to the Food Bank which then provides them to the City, at no cost. City staff distributes the food and items to qualifying City residents on a monthly basis. Qualifying low income residents include senior citizens, families, the needy, ill, homeless, or single parents with infants as defined by IRS Code §501(c) 3.

The proposed Agreement, entitled "Emergency Food Distribution Agencies (EFAP) Commodities Agreement," sets forth the terms and conditions the City must follow in order to participate in the program.

**FISCAL IMPACT:**

This activity can be carried out without additional impact to the City's current operating budget.

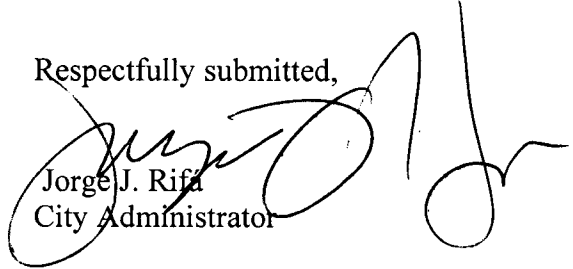
**RELATIONSHIP TO 2012 STRATEGIC GOALS:**

This report relates to the 2012 strategic planning goal: "Protect and Enhance the Quality of Life in the City of Commerce, as it relates to a social services issue of concern.

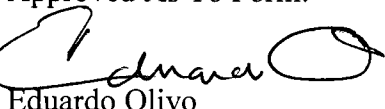
Recommended by:

  
Patrick Malloy  
Interim Director of Safety & Community Services

Respectfully submitted,

  
Jorge J. Rifa  
City Administrator

Approved As To Form:

  
Eduardo Olivo  
City Attorney

Agenda 2014-03 Agreement – Los Angeles Regional Food Bank

**AGENDA ITEM NO.** 9



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,  
CALIFORNIA, APPROVING AN AGREEMENT WITH THE LOS ANGELES REGIONAL  
FOOD BANK

WHEREAS, the City of Commerce has participated in the distribution of canned and frozen food to qualifying low income residents to the Los Angeles Regional Food Bank for two decades; and

WHEREAS, the food is provided by the United States Department of Agriculture to the Food Bank which then provides them to the City, at no cost; and

WHEREAS, in order to continue participation in the program, the City must enter into the agreement entitled Emergency Food Distribution Agencies Commodities Agreement.

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

Section 1. The Agreement between the City of Commerce and the Los Angeles Regional Food Bank is hereby approved.

Section 2. The Mayor is hereby authorized to execute the Agreement for and on behalf of the City of Commerce.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Joe Aguilar, Mayor

ATTEST:

\_\_\_\_\_  
Lena Shumway  
City Clerk





### **AGENCY AGREEMENT**

This agreement is between (Agency name) City of Commerce  
("Agency") located at (Agency address) 2535 Commerce Way, Commerce, CA 90040

and the Los Angeles Regional Food Bank ("Food Bank") located at 1734 E. 41<sup>st</sup> Street Los Angeles, California 90058.

#### **The Agency agrees:**

1. To have current ruling Letter of Determination from the Internal Revenue Service IRS 501 (c)(3) (not a private 501c3 foundation) and California Franchise Tax Board 2370(1)(d) verifying tax exempt status. Agency acknowledges that it intends to comply with the restrictions on the receipt, use, and transfer of donated property, as described in Section 170(e) and any amendments to the code.
2. To provide the Food Bank with copies of documents described above.
3. To serve the needy, ill, or infants as defined by IRS Code Section 501(c)(3) and tax court interpretations (In California, Infants include individuals up to the age of 18).
4. To be licensed by the state, county, and/or city according to the service(s) that the agency provides.
5. To abide by all applicable federal, state and local laws, rules and regulations regarding the safe and proper handling of donated goods.
6. To ensure that the donated food and other product conforms to any applicable provisions of the Federal Food, Drug and Cosmetic Act (as amended) and any regulations that follow. Agency must store and distribute food and other product in a manner consistent with the Federal Food, Drug and Cosmetic Act (as amended) and its regulations.
7. To adhere to additional donor stipulations as requested.
8. Not to discriminate in the provision of service, against any person because of race, color, citizenship, religion, national origin, ancestry, age, marital status, disability, sexual orientation including gender identity, unfavorable discharge from the military or status as a protected veteran.
9. To ensure that the agency and its representatives treat all clients, volunteers, staff, and Food Bank representatives in a professional manner in demeanor, language, and actions.

10. To give (at no charge) food and other items obtained from the Food Bank directly to agency's clients regardless if agency paid shared maintenance fees or purchased items from the Shop, Smart and Save program. Agency can not request or require donations from clients. Agency can not request or require clients to exchange service time for food or other items received from the Food Bank.
11. To ensure that agency staff and/or volunteers only receive food and other items obtained from the Food Bank if they are considered low-income. Staff and/or volunteers receive the same food items and number of food items as all other clients. Staff and/or volunteers will not receive preferential treatment and are not allowed to select their own items.
12. Not to directly or indirectly sell, exchange, barter, transfer or charge a fee of any kind for food or other items received from the Food Bank. Not to share food or other items received from the Food Bank with any other non-profit or religious organization without prior written approval from the Food Bank.
13. Not to proselytize in conjunction with the agency's food distribution.
14. To keep documented records (e.g. Food Bank invoices, reports, and sign-in sheets) as to the use of food and other items received from the Food Bank and participants served. These records must be kept at the agency site for four years and are subject to periodic review by representatives of the Food Bank, food donors, and appropriate government entities.
15. To pay shared maintenance fees and/or other fees as specified by the Food Bank for food and/or other items within 30 days of invoice. All shared maintenance fees and/or other fees can be paid only using an agency check or agency credit card. The Food Bank does not accept cash, personal checks, or any other form of payment towards the agency account.
16. To inform the Food Bank in writing of any changes of name, address, telephone number, type of service, stated purpose, or contact person before change takes effect.
17. To permit periodic on-site inspections by the Food Bank's representatives at Food Bank discretion with or without notice. To permit periodic on-site inspections by food donors or government agencies with or without notice. If an agency is not distributing food according to their established distribution schedule on two or more visits from the Food Bank, the agency account will be subject to suspension and/or termination.
18. Not to violate food safety or distribution policies. If notified by the Food Bank, of any violation(s) the agency will need to submit a corrective action plan in writing and will need to correct the violation(s) before it is allowed to receive food and/or other items from the Food Bank.
19. To adhere to the Food Bank's established pick up schedule and procedures using only authorized agency representatives to pick up food and other items at the Food Bank's warehouse.



20. To provide and utilize cold and dry storage space to ensure the integrity of the food until it is used and/or distributed. Agency will store food and other items received from the Food Bank at the agency's distribution location unless otherwise approved in writing by the Food Bank.
20. To obtain food from only one Food Bank affiliated with Feeding America.
21. Not to distribute food and other product received from the Food Bank outside of Los Angeles County.
22. To obtain and keep in force a liability insurance policy naming the Food Bank as an additional insured. To execute and deliver to the Food Bank any liability releases that the Food Bank may require.
23. To send an agency representative to Food Bank sponsored meetings.
24. To support the Food Bank efforts in the outreach and promotion of CalFresh, nutrition education, and other programs.
25. If agency does not use the Food Bank for a period of ninety (90) consecutive days, it is subject to termination, unless permission to continue Food Bank participation is granted by the Food Bank in writing.
26. To give thirty (30) days written notice of intention to terminate Food Bank participation.
28. When applying to the Food Bank, to send a \$50.00 application processing fee. An agency check must be made out to the Los Angeles Regional Food Bank.
29. To abide by any additional policies, procedures and record keeping requirements of the Los Angeles Regional Food Bank.

*For Agency designated as a "Food Pantry":*

30. Food pantry agrees to serve the general public and hold food distribution(s) as stated on their submitted distribution agreement. Food pantry's distribution schedule is considered public information and will be shared appropriately with the public and other agencies.
31. Food pantry agrees to serve clients who live outside its service area once and to then refer clients to the 211 hotline, Food Bank or appropriate pantry servicing the client(s)' area. Food pantry agrees to post service area, client requirements and distribution information during every distribution.
32. All food pantries are required to submit a monthly service report by the 10<sup>th</sup> business of the month for the previous month.
33. Food pantries must have at least one agency representative complete the Food Bank's food safety course every year. Food pantries with a Certified Food Handler or California Food Handler are not required to take this course while their food safety certificate is still active.

34. Pantries that distribute once per month are required to distribute food for a minimum of two hours. Pantries that distribute more than once per month are required to distribute food for a minimum of one and a half hours during each distribution.

*For Agency designated as an "On-Site Agency":*

35. On-Site agency must have at least one agency representative who is a Certified Food Handler. Agency must provide a copy of the Certified Food Handler certificate to the Food Bank.

ANY VIOLATION OF THIS AGREEMENT MAY SUBJECT AGENCY TO IMMEDIATE SUSPENSION OR TERMINATION.

\*\*\*\*\* I Accept and Agree to All of the Terms \*\*\*\*\*

For Agency:

\*\* SEE ATTACHED SIGNATURE PAGE

\_\_\_\_\_  
Chief Executive (e.g. Executive Director, Board President, Pastor, etc.)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Chief Executive

\_\_\_\_\_  
Print Title

For Los Angeles Regional Food Bank:

\_\_\_\_\_  
Michael Flood, President/CEO (or designee)

\_\_\_\_\_  
Date

**Agency Agreement (Signature Page)**

**CITY OF COMMERCE:**

Date: \_\_\_\_\_

\_\_\_\_\_  
Joe Aguilar, Mayor

**ATTEST:**

\_\_\_\_\_  
Lena Shumway, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Eduardo Olivo, City Attorney



Fighting Hunger. Giving Hope.

## Liability Release

The undersigned authorized agent of \_\_\_\_\_  
(Agency Name)

(Herein referred to as "Agency") hereby warrants that the following release and indemnity will apply during any and all periods in which said agency receives assorted foods or other items from the Los Angeles Regional Food Bank ("Food Bank"). Said agency warrants that its authorized representative upon delivery will duly inspect the donated food and other items to ensure all items are found fit for human consumption. It is further agreed that:

1. Agency accepts the donated food and other items "as is."
2. Food Bank, Feeding America and the original donor expressly disclaim any implied or express warranties that said donated food and other items are fit for human use or consumption.
3. Agency releases Food Bank, Feeding America and original donor from any liability resulting from the condition of the donated food, except for liability resulting from gross negligence or intentional misconduct of Food Bank. Agency further agrees to indemnify, defend and hold Food Bank free and harmless from and against all and any liabilities, damages, losses, claims, causes of action, suits at law or in equity or any obligation whatsoever and all costs and expenses including attorneys fees arising out of or attributed to any action of agency in connection with agencies storage or use, including distribution of donated food.

ANY VIOLATION OF THIS AGREEMENT MAY SUBJECT AGENCY TO IMMEDIATE SUSPENSION OR TERMINATION.

\*\*\*\*\* I Accept and Agree to All of the Terms \*\*\*\*\*

For Agency:

\*\* SEE ATTACHED SIGNATURE PAGE

\_\_\_\_\_  
Signature of Chief Executive (e.g. Executive Director, Pastor, etc.)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Chief Executive

\_\_\_\_\_  
Title

For Los Angeles Regional Food Bank:

\_\_\_\_\_  
Michael Flood, President/CEO (or designee)  
Los Angeles Regional Food Bank

\_\_\_\_\_  
Date

**Liability Release (Signature Page)**

**CITY OF COMMERCE:**

Date: \_\_\_\_\_

\_\_\_\_\_  
Joe Aguilar, Mayor

ATTEST:

\_\_\_\_\_  
Lena Shumway, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Eduardo Olivo, City Attorney





# AGENDA REPORT

MEETING DATE: March 4, 2014

**TO:** Honorable City Council

**FROM:** City Administrator

**SUBJECT:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE ALLOCATION OF \$50,000.00 OF MEASURE AA FUNDING TO RESURFACE THE OUTDOOR BASKETBALL COURTS AT ALL CITY PARKS AND AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR THE PROJECT

**RECOMMENDATION:**

The City Council will consider adopting a Resolution approving \$50,000.00 of Measure AA Funding to resurface the outdoor basketball courts at all City of Commerce parks as recommended by the Measure AA Committee and approve a Request for Proposal.

**MOTION:**

Move to approve the recommendation.

**BACKGROUND:**

On February 3, 2014, the Parks and Recreation Department met with the Measure AA Committee and presented the Department's maintenance priorities. Subsequently, the Committee recommended funding for the resurfacing of the basketball courts. Once funding is approved by the City Council, the Department will issue a request for proposals and return to the City Council with a list of qualified bidders and the Department's recommendation.

**ANALYSIS:**

The outdoor basketball courts at Bandini, Bristow, Rosewood and Veterans Park are very popular with the community and always in high demand. Due to regular wear and tear, all courts are in serious need of resurfacing. All basketball courts were last resurfaced in 2008.

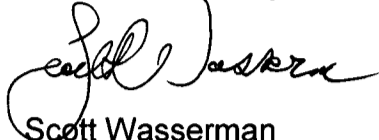
**FISCAL IMPACT:**

The attached Resolution will authorize \$50,000.00 of Measure AA funding for the implementation of the Outdoor Basketball Courts Resurfacing Project.

**RELATIONSHIP TO STRATEGIC GOALS:**

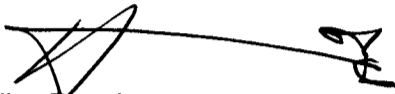
The issue before the Council is applicable to Council's strategic goal "*Protect and Enhance Quality of Life in the City of Commerce*".

Recommended by:



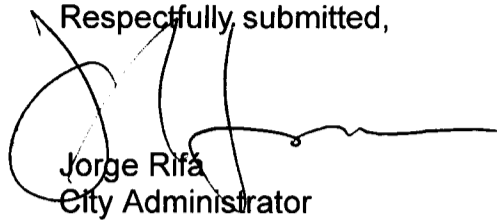
Scott Wasserman  
Director of Parks and Recreation

Fiscal Impact reviewed by:



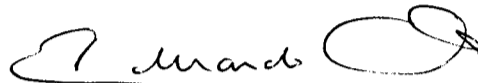
Vilko Domic  
Director of Finance

Respectfully submitted,



Jorge Rifa  
City Administrator

Approved as to Form:



Eduardo Olivo  
City Attorney



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE ALLOCATION OF \$50,000.00 OF MEASURE AA FUNDING TO RESURFACE THE OUTDOOR BASKETBALL COURTS AT ALL CITY PARKS AND AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR THE PROJECT

WHEREAS, on February 3, 2014, the Parks and Recreation Department met with the Measure AA Committee and presented the Department's recommended projects; and

WHEREAS, the outdoor basketball courts at Bandini, Bristow, Rosewood and Veterans Park are very popular with the community and are in need of resurfacing; and

WHEREAS, the Measure AA Committee recommended the City Council approve the allocation of \$50,000.00 in Measure AA funds to resurface all 8 basketball courts at various parks.

NOW, THEREFORE, THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. \$50,000.00 of Measure AA Funding is hereby allocated for the resurfacing of the outdoor basketball courts at all City parks.

Section 2. Staff is hereby authorized to proceed with a Request for Proposal for the resurfacing project.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Joe Aguilar, Mayor

ATTEST:

\_\_\_\_\_  
Lena Shumway  
City Clerk





# AGENDA REPORT

DATE: March 4, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE SERVICES AGREEMENT BETWEEN THE CITY OF COMMERCE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR MONITORING, OPERATION AND SUPPORT OF THE CITY'S TRAFFIC SIGNAL CONTROL PROGRAM

## RECOMMENDATION:

The City Council will consider approval of a resolution approving the Third Amendment to the Services Agreement between the City of Commerce and Kimley-Horn and Associates for monitoring, operation and support of the City's Traffic Signal Control Program (KITS – Kimley-Horn Integrated Transportation System), and assign the number next in order.

## MOTION:

Move to approve recommendation.

## BACKGROUND/ ANALYSIS:

On September 4, 2007, the City Council approved an Agreement between the City and Los Angeles County (County) to jointly share the cost for the City to procure a traffic signal control system software which conformed to the Gateway Cities Regional Traffic Signal Forum's Intelligent Transportation System project goals.

In December 2008 in accordance with the joint Agreement, the County provided \$249,000 to the City from County Metropolitan Transportation Authority Funds and other County funds. As agreed, the City paid the difference of any costs above and beyond \$249,000.

On March 19, 2009 as part of the FY 2008-09 Capital Improvement Project Budget, the Commerce City Council appropriated \$329,000 for this project.

On May 5, 2009, the City entered into a services agreement with Kimley-Horn and Associates, Inc. of Arizona for the procurement, installation and support services necessary to implement the requested software. The Agreement was for \$279,000 with a project contingency of \$41,850.

As part of their proposal, Kimley-Horn also offered the City a two-year system operation support also referred to as Advanced Transportation Management System (ATMS) Operation. The cost was \$54,000 for the initial year and inclusive of their proposal, and \$41,000 per year for subsequent years through 2017.

Kimley-Horn completed the installation of Kimley-Horn Integrated Transportation System (KITS) per the Agreement. They integrated and networked signalized intersections in the City allowing for remote monitoring, operation, and collection of traffic data, patterns, and failure notification. Kimley-Horn coordinates with the City, Siemens-Republic ITS, the City's signal maintenance contractor, and the County to resolve issues and monitor hardware installed at City Hall. The City receives monthly reports which include any issues that occur and resolution activities. Their traffic

**AGENDA ITEM No.     //**

engineers work with the City's software to provide integrated expertise and timely support through a secure, remote connection from their offices in Woodland Hills and Orange.

On April 3, 2012 and March 26, 2013, the City Council approved the First and Second Amendments respectively to extend the Services Agreement by one year following each amendment in order to continue system monitoring and operation of the City's traffic control system through the new field communication network and KITS.

Staff recommends that the City Council approve a Third Amendment to the Traffic Signal Control System Agreement to continue with support services for one year.

**FISCAL IMPACT:**

The traffic signal support services are currently budgeted and funds are available in account number 10-5140-52010 – Supportive Engineering. The estimated annual cost for these services is \$41,000.

**RELATIONSHIP TO 2012 STRATEGIC GOALS:**

The issue before the City Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

Recommended by:



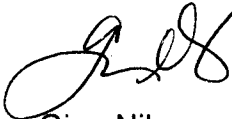
Patrick Malloy  
Special Assistant to City Administrator

Respectfully submitted,



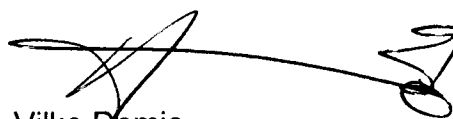
Jorge Rifa  
City Administrator

Prepared by:



Gina Nila  
Environmental Services Manager

Fiscal impact reviewed by:



Vilko Domic  
Director of Finance

Approved as to form:



Eduardo Olivo  
City Attorney

Attachments: Resolution  
Third Amendment  
Exhibit A - Scope of Services

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE  
CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE SERVICES  
AGREEMENT BETWEEN THE CITY OF COMMERCE AND KIMLEY-HORN AND  
ASSOCIATES, INC. FOR MONITORING, OPERATION AND SUPPORT OF THE  
CITY'S TRAFFIC SIGNAL CONTROL PROGRAM

WHEREAS, on May 5, 2009, the City of Commerce and Kimley-Horn and Associates, Inc., entered into a Services Agreement for the procurement, installation and support services associated with the upgrade of the City's Traffic Signal Control System (the Agreement); and

WHEREAS, on April 3, 2012, the City Council approved the First Amendment to the Services Agreement between the City of Commerce and Kimley-Horn and Associates, Inc.; and

WHEREAS, on March 26, 2013, the City Council approved the Second Amendment to the Services Agreement; and

WHEREAS, nearly all signalized intersections have been upgraded, are operational and can be remotely monitored. Nevertheless, the City requires another amendment to the Agreement in order to continue Kimley-Horn and Associates' support services for another year.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

Section 1. The City Council hereby approves the Third Amendment to the Services Agreement between the City of Commerce and Kimley-Horn and Associates, Inc. The Mayor is hereby authorized and directed to execute the Third Amendment for and on behalf of the City of Commerce.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Joe Aguilar  
Mayor

ATTEST:

\_\_\_\_\_  
Lena Shumway  
City Clerk



THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN  
THE CITY OF COMMERCE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR  
MONITORING, OPERATION AND SUPPORT OF THE CITY'S TRAFFIC SIGNAL  
CONTROL PROGRAM

This Third Amendment is made and entered into as of the 4<sup>th</sup> day of March 2014, ("Effective Date") by and between the CITY OF COMMERCE, a Municipal Corporation (the "CITY") and KIMLEY-HORN AND ASSOCIATES, INC., ("CONTRACTOR").

WITNESSETH

This Third Amendment is made with reference to the following facts:

- A. On May 5, 2009, the CITY and CONTRACTOR entered into a Services Agreement for Procurement, Installation and Support Services associated with the upgrade of the City's Traffic Signal Control System (the "Agreement").
- B. Kimley-Horn has completed the installation of KITS (Kimley-Horn Integrated Transportation System).
- C. On April 1, 2012, Kimley-Horn completed the first year of system operation support included in their proposal.
- D. On April 3, 2012, the City Council approved the First Amendment to the Services Agreement with Kimley-Horn.
- E. On March 26, 2013, the City Council approved the Second Amendment to the Services Agreement with Kimley-Horn.
- F. CITY and CONTRACTOR need to modify the Scope of Services and Compensation set forth in the Agreement to address changed conditions.

NOW, THEREFORE, in consideration of mutual promises, conditions and covenants herein contained, the parties hereto agree that the Agreement will be amended as follows:

- 1. EXHIBIT "A" – The existing Exhibit A shall be replaced with the revised Exhibit "A", which sets forth the new Scope of Services and Fees. The new Exhibit "A" is attached hereto and incorporated herein by reference.
- 2. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have each executed or caused to be executed, this Third Amendment on the dates set forth below.

CITY OF COMMERCE

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Joe Aguilar, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lena Shumway  
City Clerk

\_\_\_\_\_  
Eduardo Olivo  
City Attorney

KIMLEY-HORN AND ASSOCIATES, INC.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Petrus S. Pretorius  
Sr. Vice President



**Exhibit A**

**City of Commerce ATMS Operations: Scope of Services**

<b>Key Services</b>	<b>One-Time Configuration</b>	<b>Approximate Monthly Labor</b>	<b>Cost</b>
<input type="checkbox"/> Intersection configuration <input type="checkbox"/> Import of existing controller timing <input type="checkbox"/> GIS map configuration <input type="checkbox"/> On-call support <input type="checkbox"/> Remote access configuration <input type="checkbox"/> Bi-Monthly written status reports <input type="checkbox"/> Archiving historical volume and occupancy levels <input type="checkbox"/> Configuration of MOE for 10 most congested intersections <input type="checkbox"/> Monthly monitoring of detection operation <input type="checkbox"/> Monthly communication reports <input type="checkbox"/> Monthly analysis of MOE data	18 hours	20 hours	\$41,000

Our services include data entry into KITS of any updates for existing intersection configuration and controller timing. This will include on-call support to coordinate with Republic ITS as issues are identified that require field support. We will work with your IT group to maintain remote access into the system. Our staff will remotely log-in and access the system to confirm proper system operation. When communication issues are identified, our staff will coordinate with Los Angeles County and Systems Integrated to coordinate a solution.

In addition to all of the services listed above, we will analyze the detector functionality once a month. We will configure MOE (measure of effectiveness) for your ten most congested intersections and will archive data once a month. The field communication statistics will be analyzed monthly for problems. The results of the all the analysis will be presented into six monthly reports for the twelve month period.

We estimate approximately 18 hours of one-time configuration and 20 labor hours per month. Cost is anticipated to remain at \$41,000 for the next three years.

Other services may be provided in support of the system, its operations or the communication infrastructure for the City as additional services. Services that are not included in this contract, but that may be provided as additional services may include but are not limited to:

- Effort and coordination related to Washington Blvd. reconstruction
- Additional intersection graphic configuration
- Corridor retiming
- Traveler information web site integration
- Before and after studies that quantify improvement from timing changes





Kimley-Horn  
and Associates, Inc.

7740 N 16<sup>th</sup> Street  
Suite 300  
Phoenix, Arizona  
85020

January 24, 2014

Ms. Gina Nila  
Environmental Services Manager  
City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

Re: Advanced Transportation Management System - Operational Services Renewal

Dear Gina:

Kimley-Horn and Associates, Inc. (KHA) is pleased to submit this letter to extend our advanced transportation management system (ATMS) operational services for the City of Commerce ("City"). Our ATMS deployment proposal was originally submitted on April 21, 2008. Following the competitive selection, additional discussions were held and a request was made by the City for KHA to provide a proposal for operational services to maximize the benefits of the new transportation management system. KHA and the City defined operational services of the system with pricing identified for 4 years.

The City ATMS deployment project kick-off meeting was held on April 1, 2010. Our team collaboratively led the effort with City of Commerce IT to procure central hardware equipment consistent with existing City and County standards that currently resides at City Hall. Our team assisted Los Angeles County DPW with the conversion and data import of new LACO 4E traffic signal controller timing, and monitored Systems Integrated efforts to install and configure IP communication to the field controllers. We worked with Republic ITS to upgrade all field controllers and firmware, and met with City traffic engineering to manage and coordinate the overall effort. The first six intersections were brought on-line in February 2011. Since the system has been operational, our staff has analyzed intersection and arterial performance and coordinated issues with City Traffic Engineering, Republic ITS, City IT, and Los Angeles County Department of Public Works.

Our current year of effort for the operation of your system is due to complete on March 31, 2014. Project status meetings were held in which the City indicated its desire to for KHA to continue to provide on-going ATMS operational services. A scope of services is provided as an attachment to this letter. The annual cost of services will be \$41,000 per year for this year and each subsequent annual renewal through 2017.

Thank you again, Gina, for leading this contract amendment process following Danilo Batson's departure. We value our relationship with the City and look forward to a year of continued collaboration and successful operational improvements.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Jason Castillo  
Project Manager, Vice President





# AGENDA REPORT

Meeting Date: March 4, 2014

**TO:** Honorable City Council

**FROM:** City Administrator

**SUBJECT:** DISCUSSION – COUNCIL REORGANIZATION EFFECTIVE DATE

**RECOMMENDATION:**

The City Administrator will provide a report regarding the Council reorganization effective date for coordination with the 2014 Miss Commerce Pageant, scheduled for Saturday, March 22, 2014.

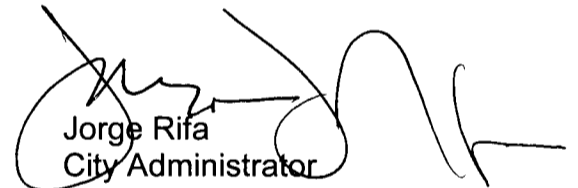
**MOTION:**

Council discretion.

**FISCAL IMPACT:**

None.

Respectfully submitted,

  
Jorge Rifa  
City Administrator





# AGENDA REPORT

DATE: March 4, 2014

**TO:** Honorable City Council  
**FROM:** City Administrator  
**SUBJECT:** Commerce City Council Protocols

**RECOMMENDATION:**

Approve proposed guidelines for the effective conduct of City business.

**MOTION:**

Approve the recommendations from the City Administrator relative to City Council policies for the effective conduct of City Business

**BACKGROUND:**

At the request of the City Council at the February 18, 2014 Council Meeting, staff has prepared the attached guidelines for the review and consideration of the Council.

The Commerce City Council acts as the governing body of the City. No member has extraordinary powers beyond those of the other members. While the Mayor and Mayor Pro Tem may have additional ceremonial and/or administrative responsibilities, in the establishment of City Council policies, voting, and in other significant areas, all members are equal. Policy is established and direction is given by a majority vote of the full City Council.

While individual Councilmembers may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. Additionally, Commerce Municipal Code § 2.04.110 provides that the City Council and its members shall deal with the administrative services of the city only through the City Administrator, except for the purpose of inquiry. This section further specifies that neither the City Council nor any of its members shall give orders to any subordinates of the City Administrator.

The proposed City Council Protocols attached to this report will assist the City Council by documenting accepted procedures for the effective conduct of City business. The proposed guidelines recognize that the majority of the City Council's actions are public, except for those items that relate to attorney/client privilege and are confidential. As such, any matter within the Council's jurisdiction is of interest to the City's residents and to all members of the City Council.

**FISCAL IMPACT:**

None

**RELATIONSHIP TO STRATEGIC GOALS:**

Implement strategic communication plan for the City Council and key stakeholders.

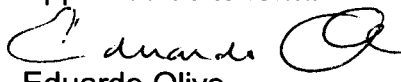
Reviewed by:

  
Vilko Domic  
Finance Director

Respectfully submitted,

  
Jorge Rifa  
City Administrator

Approved as to form:

  
Eduardo Olivo  
City Attorney

## Commerce City Council Protocols

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**The City Council acts as a body.** No member has extraordinary powers beyond those of the other members. City Council Policy is established by at least a majority vote of the City Council. The following guidelines document accepted procedures for the effective conduct of City business. Through agreement of the City Council and the City Administrator to implement the following practices and procedures, the effective administration of the affairs of the Council is greatly enhanced. These guidelines recognize that the majority of the City Council's actions are public matters, and as such, any item within the Council's jurisdiction is of interest to the residents of the City of Commerce and to all members of the City Council. It is at the discretion of the City Council to further define its policies and procedures, and the following guidelines are not intended to be exhaustive.

No.	Protocol
1	<b>Role of the City Council</b> – By taking formal action as an elected body, the City Council retains the power to accept, reject, amend, influence, or otherwise guide and direct departmental priorities and the operation of the City, consistent with the provisions of Commerce Municipal Code § 2.04.110
2	<b>Decision of the Majority Binds the Council to a Course of Action</b> – No individual Councilmember may take a position contrary to the actions taken by a majority vote of the City Council.
<b>REQUESTS FOR INFORMATION AND STAFF ASSISTANCE BY COUNCIL MEMBERS (See items 3 through 7)</b>	
3.	<b>Service Requests</b> - All service requests from individual councilmembers will be acted upon by the City Administrator, provided the requests involve activities that are part of the approved City work plan and which do not require additional appropriations of funds, and are consistent with the provisions of the Commerce Municipal Code
4	<b>Service Requests Not in Approved Work Plan</b> – Individual Councilmember requests that fall outside of the City's approved work plan, and/or which require an appropriation of funds shall, at the discretion of the requesting member, be agendaized for full Council consideration
5	<b>Project Requests</b> - All requests for information or research will be evaluated to determine if they fall within the City's approved work plan and also to determine complexity. As a rule of thumb, any request which requires one or more staff members to devote time in excess of two hours, will be referred to the full Council for further consideration
6	<b>Documents Prepared as a Result of a Service Request</b> – All written documents produced as a result of information or research requests, shall be shared with all members of the City Council by the City Administrator.
7	<b>Council Requests Log</b> – The City Administrator shall maintain a log of all requests for service or information formally made by individual Councilmembers. This log will be available to all members of the City Council as requested.
8	<b>Written Correspondence from City Councilmembers</b> – Any correspondence sent out using City resources such as official City letterhead, typing, staff support, and/or postage become part of the official public record by definition, and as such may be accessed by any member of the public or member of the City Council, unless it is protected by statute or attorney/client privilege. As a matter of policy, such correspondence shall be routinely distributed to all Councilmembers. Personal views on matters that are contained within the body of the letter must be distinguished from views that are held by the City Council as the governing body.
9	<b>Council Requests for Future Agenda Items</b> –The City Administrator shall endeavor to place any item requested by an individual councilmember during a regular Council meeting on the next available Council agenda within 30 days of the request.
10	<b>Citizen or Councilmember Concerns</b> - Citizen or Councilmember complaints shall be referred to the City Administrator for further processing. Staff shall be given adequate time to investigate and respond to such complaints. Councilmembers may request copies of written disposition of such complaints. Unless otherwise exempted by law, the information contained in the responses are covered by the provisions of the Public Records Act
11	<b>Information Received by the City Administrator</b> – The City Administrator will share, with all members of the Council, substantive information that is relevant to a matter under consideration by the Council, and defined as a public record under state and federal statutes
12	<b>Public Records Requests</b> – Whether Councilmembers request public records as members of the Council or as citizens, these requests are public records and available to all members of the City Council. The City Administrator serves the City Council as a whole – individual requests are part of the activity of the City and therefor the responding records are available to both elected City Councilmembers and members of the public



# AGENDA REPORT

DATE: March 4, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: DISCUSSION – PLACEMENT OF UNATTENDED DONATION COLLECTION BINS IN THE CITY OF COMMERCE

RECOMMENDATION:

The City Council will receive a report on the placement of unattended donation collection bins in the City.

MOTION:

City Council discretion.

BACKGROUND AND ANALYSIS:

Existing Bins

Recently, there has been a number of unattended donation collection bins placed on properties throughout the City of Commerce. These bins are typically large metal containers placed in outdoor public areas for people to drop off used clothing. A recent windshield survey conducted by the Code Enforcement Division, revealed 21 such bins in the City. The locations of these bins are as follows:

- 1 - Commerce Way alley North of Washington Boulevard
- 1 - Leo Avenue alley North of Washington Boulevard
- 1 - Corner of Washington Boulevard and Fitzgerald Avenue
- 2 - Atlantic Boulevard next to 2250 S. Atlantic Boulevard (Lucky Guy's Burgers)
- 2 – Atlantic Boulevard next to 2250 S. Atlantic Boulevard (Mercado Cali-Mex)
- 1 – Atlantic Boulevard and Farrar Street ("Old Dairy" Parking Lot)
- 1 - Leonis Street and Atlantic Boulevard
- 1 - Gayhart Street and Washington Boulevard
- 2 - 2100 Garfield Avenue (Planet Aid Parking Lot)
- 2 - 2216 Garfield Avenue
- 2 – Telegraph Road and Garfield Avenue (Home Depot Parking Lot)
- 1 - 6446 Telegraph Road (Office Depot Parking Lot)
- 1 - Edison Property next to 6170 Telegraph Road (Sit N Sleep)
- 1 – Eastern Avenue and Rickebacker Road (Food Plaza Parking Lot)

- 1 – 7400 E. Slauson Avenue (Near Gehr Industries)
- 1 – Telegraph Road and Slauson Avenue (Ozzie's Diner Parking Lot)

### Commerce Municipal Code

The City's Zoning Ordinance was developed in order to protect the public health, safety, comfort, and welfare to ensure that growth and development in the City is orderly and provides the maximum benefit to its residents by establishing land use districts and regulations which prevent the issue or abuse of the land. The Ordinance is further intended to protect individuals from the adverse impacts of neighboring incompatible land uses. Whenever the City determines that there may be a use that could harm the public's health, safety, or welfare, there are mechanisms in place that allow for standards and regulations to be amended accordingly. Donation collection bins are not specifically addressed in the Commerce Municipal Code (CMC). However, the City has determined that the placement of these bins requires further attention that could lead to the creation of standards to regulate them.

### Other Cities and Options for Commerce

According to a report by the City of Torrance, Cities like Montclair prohibit such bins, while others like Glendora treat them as recycling facilities. South Gate requires a Conditional Use Permit and San Dimas permits them via administrative review. More recently, other California municipalities like Alhambra have also modified their Municipal Codes to prohibit them.

Besides an outright prohibition, other Cities like Simi Valley allow for donation bins within a building or on a site occupied by an eligible non-profit organization that sponsors and receives proceeds from the box. An eligible organization is defined as one that is identified in the Welfare and Institutions Code Section 148.3 and the Revenue and Taxation Code Sections 23701 (d) and (f), as amended, who engage in the collection, solicitation, and/or sale of salvageable personal property. The bins must also be screened from view of adjacent properties and public rights-of-way by fencing, landscaping, and/or building walls. Boxes shall be monitored and maintained free of materials outside of the box and they shall not obstruct any pedestrian or vehicular way or any required parking spaces.

As shown above, the City of Commerce therefore has a few different options with respect to regulating donation bins. The City could choose to create an ordinance that either:

1. Prohibits donation collection bins.
2. Requires approval of a Conditional Use permit for donation collection bins.
3. Permits donation collection bins via an administrative process.
4. Permits donation collection bins only at locations occupied by eligible non-profit organizations subject to specific standards.

If the City chooses to create an ordinance regulating these bins, it should at minimum include or address the following items:

1. Clear definitions.
2. Eligible locations.
3. Placement and quantity.
4. Container design and labeling.
5. Permit requirements and renewal process.
6. Requirements for maintenance.
7. Revocation of permits.
8. Exemption/s.



If the City Council believes an ordinance addressing donations bins is necessary, staff believes one could be drafted and before the Planning Commission within 2 to 3 months. The Commission would then review the draft and make a recommendation on said ordinance to the City Council.

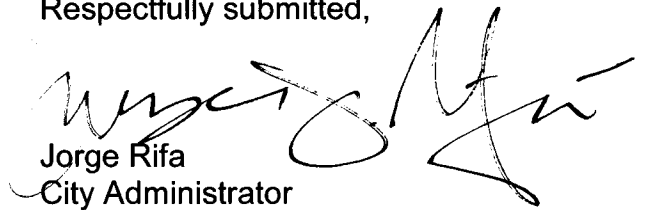
**FISCAL IMPACT:**

This activity can be carried out without additional impact on the current operating budget.

**RELATIONSHIP TO 2011 STRATEGIC GOALS:**


This agenda report relates to the 2012 strategic planning goal: *"Protect and Enhance the Quality of Life in the City of Commerce"*.

Respectfully submitted,



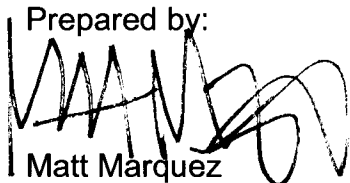
Jorge Rifa  
City Administrator

Recommended by:



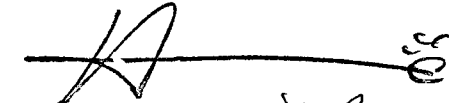
Patrick Malloy  
Special Assistant to the City Administrator

Prepared by:



Matt Marquez  
City Planner

Reviewed by:



Vilko Domic  
Director of Finance

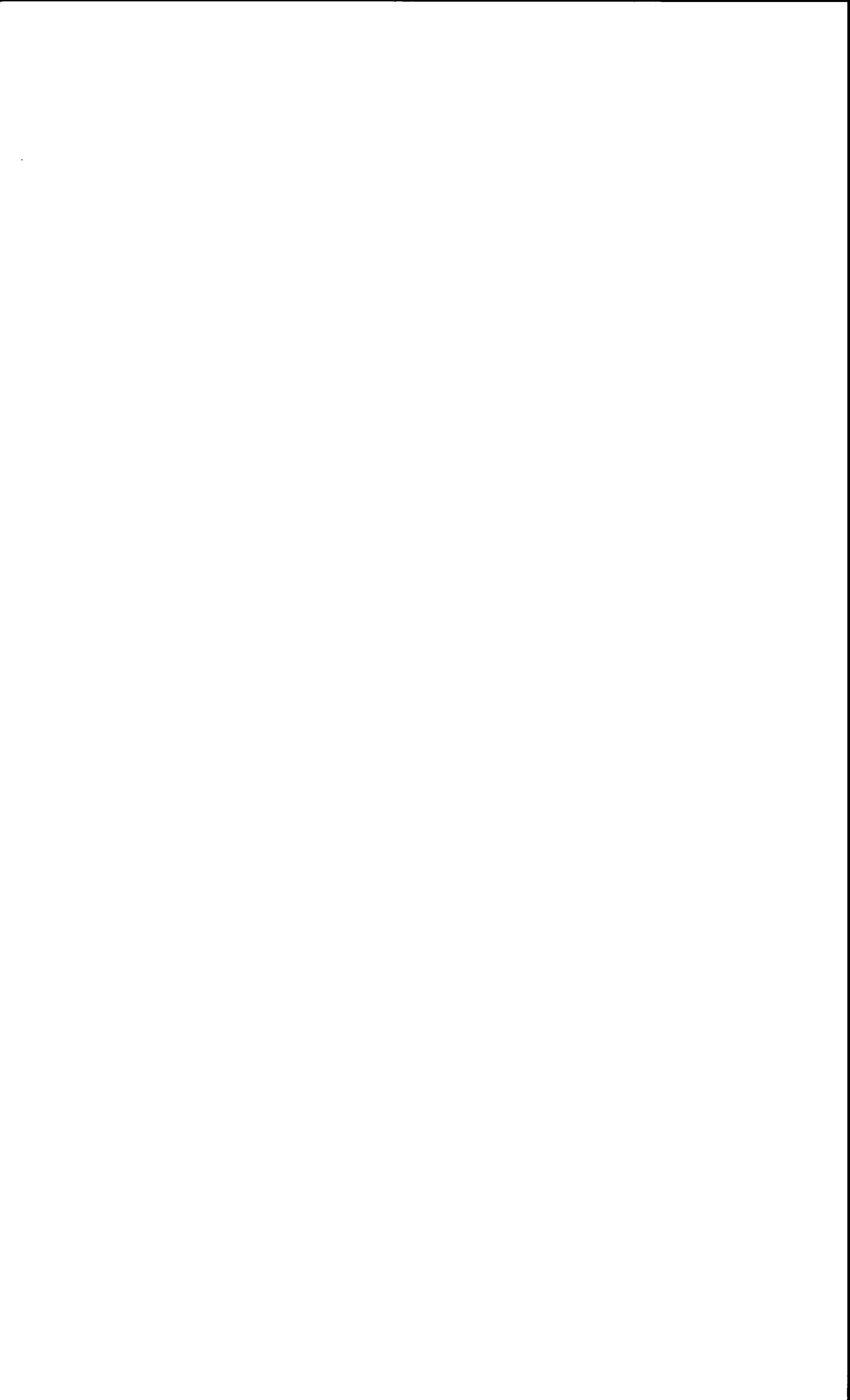
Approved as to form:



Eduardo Olivo  
City Attorney

**ATTACHMENTS:**

- 1) Sample Ordinances
- 2) Photographs of Existing Donation Bins



NOTICE OF ADOPTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the City Council of the City of Lake Elsinore approved and adopted Ordinance No. 2012-1302 at its regular meeting of May 8, 2012. The Ordinance is printed as follows:

**ORDINANCE NO. 2012-1302**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADDING CHAPTER 5.34 TO THE LAKE ELSINORE MUNICIPAL CODE CONCERNING REGULATION OF UNATTENDED DONATION BOXES**

**THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ORDAINS AS FOLLOWS:**

**SECTION 1.** *That Chapter 5.34 of the Lake Elsinore Municipal Code is hereby added as follows:*

**Chapter 5.34 Regulation of Unattended Donation Boxes**

**5.34.010 Definitions.**

"City manager" means the city manager of the City of Lake Elsinore or designee.

"Operator" means a person who utilizes or maintains unattended donation box(es) to solicit donations of salvageable personal property.

"Permittee" means the property owner and/or operator who is issued a permit authorizing placement of unattended donation box(es).

"Property owner" means the person who owns the real property where the unattended donation box(es) are or are proposed to be located.

"Residential district" means R-M-R, R-R, R-E, R-H, R-1, R-2, R-3, and MC zoning districts as established pursuant to Title 17 of this code.

"Unattended donation box" means any unattended container, bin, box, or similar receptacle that is located on any lot within the city and that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material governed or regulated by the zoning code or any unattended donation box located within a building.

**5.34.020 Permits.**

A. It is unlawful and a public nuisance for any property owner or other person to place, operate, maintain or allow unattended donation boxes on real property unless the property owner first obtains a permit pursuant to this chapter and the donation box is placed, operated and maintained in accordance with all provisions in this chapter.

B. The permit application shall be made on a form provided by the city clerk and shall include the following information:

1. The name, address, email, website (if available) and telephone number of the applicant;

2. Written proof sufficient to establish that the operator who will utilize the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to California Welfare and Institutions Code Section 148.3, as amended;

3. The text of the disclosures that will be made on the unattended donation box as required by Section 5.34.040(A)(3); and

4. The physical address of the property owner's real property, and a drawing sufficient to indicate the proposed location of the unattended donation box on the property owner's real property and the size of the proposed unattended donation box;

5. If the applicant is not the property owner of the real property, the application shall also include the signed written consent of the property owner.

C. So long as the operator who will utilize the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to California Welfare and Institutions Code Section 148.3, no fee shall be required.

D. Applications shall be filed with the city clerk.

F. The city shall not issue a permit unless:

1. The applicant has submitted a complete and accurate application;

2. The operator who will utilize the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to California Welfare and Institutions Code Section 148.3, as amended;

3. The proposed location of the unattended donation box on the property owner's real property is in compliance with all applicable laws.

G. If the city denies an application, the specific reasons for the denial shall be provided in writing.

H. The term of the permit shall expire one year from the date of issuance.

I. No person to whom a permit has been issued shall transfer, assign, or convey such permit to another person.

J. Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the city clerk in writing of the intent to cancel the permit.

#### **5.34.030 Renewal of permits.**

The city shall approve the renewal of a permit upon the submission of a renewal application, and so long as the city manager finds that no circumstances existed during the term of the permit, existed at the time of submission of an application for renewal, or existed at any time during the review of the application for renewal that are inconsistent with any finding required for approval of a new permit as specified in Section 5.34.020 or that would justify the revocation of the permit as specified in Section 5.34.050.

#### **5.34.040 Requirements and maintenance.**

A. A permittee shall operate and maintain or cause to be operated and maintained all unattended donation boxes located in the city as follows:

1. Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

2. Unattended donation boxes shall be locked or otherwise secured;

3. Unattended donation boxes shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, email, and phone number of both the permittee and operator;

4. Unattended donation boxes shall be serviced and emptied as needed, but at least every fourteen (14) days;

5. Unattended donation boxes shall be no more than eighty-two (82) inches high, fifty-six (56) inches wide and forty-nine (49) inches deep.

B. The permittee shall maintain or cause to be maintained the area surrounding the unattended donation box(es) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.

C. Notwithstanding any other provision of this chapter, it is unlawful for any person to place an unattended donation box in any residential district or on any vacant parcel.

D. Notwithstanding any other provision of this chapter, it is unlawful to locate any unattended donation box less than four hundred (400) feet from any other unattended donation box.

E. Notwithstanding any other provision of this chapter, it is unlawful to locate more than one unattended donation box on each parcel of real property.

F. Notwithstanding any other provision of this chapter, it is unlawful to locate any unattended donation box on required parking spaces.

**9.34.050 Summary removal of junk and debris by City.**

The city manager is hereby authorized to summarily remove any junk, debris or other material in the area surrounding an unattended donation box if such junk, debris or other material constitutes a serious risk to the public's health and safety. The permittee shall be responsible to the extent provided by law for the cost to remove such junk, debris or other material.

**9.34.060 Summary removal of unattended donation box(es) on public property.**

The city manager is hereby authorized to summarily remove any unattended donation box(es) on public property, including the public right of way. The owner of such unattended donation box(es) shall be responsible for the cost of removal, temporary storage and disposal of such unattended donation box(es) to the extent provided by law.

**9.34.070 Nuisance abatement of unpermitted unattended donation boxes.**

The city council does hereby find that any unpermitted unattended donation box is a public nuisance. In the event the owner of private property upon which a unpermitted unattended donation box has been placed declines to remove such box within three days after service of a notice to remove such box, the affected property shall be subject to the nuisance abatement process set forth in Chapter 8.18 LEMC.

**5.34.080 Revocation of permit, removal of unattended donation boxes and liability.**

The city manager shall have the right for cause to revoke any permit issued hereunder. Any of the grounds upon which he or she may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this chapter or other provisions of this chapter or other law shall also constitute

grounds for revocation of the permit. The city manager shall provide a written notification to the permittee stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the permittee's real property within thirty (30) days and if not removed within this time period, the city may remove, store and dispose of the unattended donation box at the expense of the permittee. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year.

**SECTION 2.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance and are hereby declared to be severable.

**SECTION 3.** This Ordinance shall take effect thirty (30) days after the date of its final passage. The City Clerk shall certify as to adoption of this Ordinance and cause this Ordinance to be published and posted in the manner required by law.

**PASSED, APPROVED, AND INTRODUCED** at a regular meeting of the City Council of the City of Lake Elsinore, California, on the 24<sup>th</sup> day of April, 2012, and adopted at a regular meeting of the City Council of the City of Lake Elsinore, California, on the 8<sup>th</sup> day of May, 2012.

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Brian Tisdale, Mayor  
City of Lake Elsinore City Council

**ATTEST:**

---

Virginia J. Bloom, City Clerk

**APPROVED AS TO FORM:**

---

Barbara Leibold, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        )     ss.  
CITY OF LAKE ELSINORE        )

I, Virginia Bloom, City Clerk of the City of Lake Elsinore, California, hereby certify that Ordinance No. 2012-1302 was introduced at the regular City Council meeting of April 24, 2012 and adopted at the regular meeting of the 8<sup>th</sup> day of May 2012, by the following roll call vote:

**AYES:** Mayor Pro Tem Hickman, Council Member Weber, Council Member Magee, and Mayor Tisdale  
**NOES:** Council Member Melendez  
**ABSENT:** None  
**ABSTAIN:** None

---

Virginia J. Bloom, CMC  
City Clerk

ORDINANCE NO. 1213

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY REGARDING STANDARDS FOR COLLECTION BOXES [DONATION BINS] (Z-S-701) AND THE NEGATIVE DECLARATION THEREFOR

WHEREAS, the City of Simi Valley has initiated amendments to the Municipal Code to modify standards for collection boxes (donation bins) and eliminate the use of unattended collection boxes for salvageable personal property except where associated with the site of an Eligible Non-profit Organization; and

WHEREAS, based upon evidence and testimony at the Public Hearing on December 5, 2012, the findings contained in the Planning Commission staff report dated December 5, 2012, the Planning Commission found that the use of unattended donation bins (collection boxes) did not reflect the desired aesthetic of the City of Simi Valley, and did not recommend to the City Council the approval of the proposed Municipal Code Text Amendment Z-S-701 to modify standards for collection boxes, and recommended that the City Council consider the elimination of the use of such boxes altogether; and

WHEREAS, based upon evidence and testimony at the Public Hearings on February 11, 2013, March 4, 2013, and April 22, 2013, the City Council also found that the use of collection boxes for salvageable personal property in the City does not promote the aesthetics and goals of the community and directed staff to develop an ordinance to limit the use of collection boxes and remove any exemptions therefor, except when used for salvageable personal property and located at or within a local community service non-profit organization's facility.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. The findings for the Negative Declaration, contained in the Planning Commission staff report dated December 5, 2012, and incorporated herein by reference, are hereby adopted.

SECTION 2. The Negative Declaration prepared for Municipal Code Text Amendment Z-S-700 and Z-S-701 is hereby adopted.

SECTION 3. Based upon the evidence and testimony presented at the public hearing of April 22, 2013, the findings contained in the Planning Commission staff report dated December 5, 2012, and the City Council staff report dated April 22, 2013, incorporated herein by reference, the City Council finds, for approval, for Municipal Code Text Amendment Z-S-701, modifying standards for collection boxes.

SECTION 4. Municipal Code Text Amendment Z-S-701, as specified in Exhibit A, attached hereto, is hereby approved.

SECTION 5. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 6<sup>th</sup> day of May 2013.

**Attest:**

/s/  
Ky Spangler, Assistant City Clerk

/s/  
Robert O. Huber, Mayor of the City of  
Simi Valley, California

**Approved as to Form:**

**Approved as to Content:**

/s/  
Marjorie Baxter, City Attorney

/s/  
Brian Paul Gabler, Acting City Manager

/s/  
Peter Lyons, Director  
Department of Environmental Services



**SIMI VALLEY MUNICIPAL CODE TEXT AMENDMENT Z-S-701**

Simi Valley Municipal Code is amended to add text indicated with underline and to eliminate code indicated with ~~strikeout~~.

Simi Valley Municipal Code Section 9-80.020 Definitions is amended to add five new terms

SVMC Section 9-80.020 Definitions, Sections "C", "E", "N" and, "S":

**Collection Box.** A canister, box, receptacle, or similar device, used for soliciting and collecting donations of salvageable personal property that may have a fire-resistant lid, the top of which shall not exceed 72 inches in height from the ground surface, and have a capacity of at least one and one-half cubic yards but not more than four cubic yards.

**Commercial Fundraiser.** Any individual, corporation, unincorporated association, or other legal entity, as defined Section 12599 of the Government Code as amended, who engage in the collection and/or solicitation of Salvageable Personal Property.

**Eligible Organizations.** Those organizations identified in the Welfare and Institutions Code Section 148.3 and the Revenue and Taxation Code Sections 23701(d) and (f), as amended, who engage in the collection, solicitation, and/or sale of Salvageable Personal Property.

**Non-profit Organization.** An organization that is exempt from taxation pursuant to Section 501(c)(3) or 501(c)(4) of the United States Internal Revenue Code, as amended.

**Salvageable Personal Property.** Any type of corporeal personalty, new or used, but not including money or evidence of debt. This term does not include recyclable materials governed or regulated by the development code or state law such as those for bottles and cans.

Simi Valley Municipal Code Section 9-35.070 related to donation bins would be amended to change the title, modify the exemptions for non-profits, and clarify the applicability and labeling

9-35.070 – Standards for ~~Bins and Containers~~ Collection Boxes Sponsored by a Non-Profit

Only A non-profit entity Organizations that are Eligible Organizations may solicit or sell donations of Salvageable Personal Property and shall be exempt from the provisions of this Chapter provided the following conditions are met.

- A. Location and Site Requirements. The Collection Box for the collection of the Salvageable Personal Property shall be located only within the building or site of the Eligible Non-profit Organization that sponsors and receives proceeds from the box. The box shall be located within the building or adjacent to the non-profit's building in a manner that is screened from view from adjacent properties and public rights-of-way by

fencing, landscaping, and/or building walls. Boxes shall be monitored and maintained free of materials outside of the box. A box shall not obstruct any pedestrian or vehicular way or any required parking spaces.

~~Site requirements. The recycling bin or collection container for a non profit entity shall be located only in existing commercial shopping centers within a CO or CPD zoning district, in parking lots of any non profit organization, or, in mobile home parks.~~

- B.** It shall be unlawful for any Eligible Organization to solicit, contract with or otherwise engage any independent contractor or Commercial Fundraiser to perform the work of soliciting donations or the selling of Salvageable Personal Property. All soliciting shall be done by the officers of the Eligible Organization or agents appointed by or under the authority of those officers. For the purposes of this section, a Commercial Fundraiser shall be classified as a for-profit organization.

~~Number of bins or containers allowed. The number of recycling bins or collection containers allowed per site shall be based upon the gross floor area of the buildings on the site, as follows:~~

Gross Floor Area	Maximum Number of Bins or Containers
25,000 sq. ft. or less	1
25,001 to 400,000 sq. ft.	2
400,001 to 600,000 sq. ft.	3
600,001 sq. ft. or more	4

- C.** ~~Location requirements. A recycling bin or collection container shall:~~

- ~~1. Be located not less than 20 feet from a public right of way;~~
- ~~2. Not utilize any parking spaces required to meet the minimum parking or loading requirements for site in compliance with Chapter 9 34 (Parking and Loading Standards); and~~
- ~~3. Not obstruct traffic on any private drive or pedestrian way.~~

- D.** Container design, and materials, and labeling. Each recycling bin or eCollection box container shall be constructed of a uniform material, be a uniform color, and shall be painted as often as is necessary to remain aesthetically attractive. The front of Each recycling bin or eCollection Box container shall bear conspicuously display:

- (1) The name, address, and telephone number, and, if available, the Internet Web address of the organization/company which owns, leases, has placed or otherwise controls the container owner and operator of the Collection Box, and shall also bear the name of the non profit entity which will benefit from the proceeds.

(2) A statement, in at least two-inch type face, that reads: "This Collection Box is owned and operated by a non-profit organization."

(3) A statement describing the charitable cause that will benefit from the donations.

~~E. **Secured container required.** If a recycling bin or collection container is on wheels, the wheels shall be locked or other measures shall be employed to render the container secure.~~

~~F. **Frequency of service.** Each recycling bin or collection container shall be emptied at least once each week.~~

Simi Valley Municipal Code Section 9-35.080 related to Small Collection Facility Standards would be amended to eliminate their use for Salvageable Personal Property

**9-35.080 - Small Collection Facility Standards**

A. **Purpose.** This Section establishes reasonable and uniform procedures for approving small collection facilities for the collection of recyclable materials (i.e., bottles and cans) and shall not apply to the collection of Salvageable Personal Property.

**B. Permit requirement.**

1. A small collection facility may be approved by the Director for an initial time period deemed reasonable by the Director in compliance with the provisions for approving staff administrative actions in Section 9-52.030.
2. A collection facility that does not fit within the definition of "small collection facilities" in Article 8 (Glossary) shall be processed in compliance with the criteria below and the procedures in Chapter 9-52 (Permit Review, Approval, Disapproval, or Modification).

**C. Criteria.**

1. The shopping center shall designate a "Recycle Collection Area" (RCA) for all recyclable material bins or containers. All trailers, bins and igloos shall be located within the RCA.
2. The RCA in a shopping center existing on October 27, 1994 shall utilize existing landscaping to the maximum extent possible to enhance screening of the collection facility.
3. Any bins or containers for recyclable materials shall be located clear of any driveways and/or entries.
4. A clean bin shall be available for deposits of recyclable material to ensure that the area is maintained in a clean and neat manner when the main container is left unattended.

5. The Recycle Collection Area in shopping centers built or remodeled (by an approved Commission-granted development permit) after October 27, 1994, shall consist of a concrete pad surrounded on three sides by concrete curbing with planters a minimum of six feet wide.
6. Recycling-for-profit shall not occur on lots containing less than 100 parking spaces.
7. In a shopping center built or remodeled in compliance with Section 9-40.040, six-foot high walls as measured from the point of highest grade shall be constructed behind any planter on sides visible to the street to further enhance screening of the facility. The walls shall be constructed of solid masonry with a decorative exterior surface finish compatible with any required perimeter walls or the main structures of the commercial/industrial complex.
8. Signing shall be permitted in accordance with the criteria for "non-street frontage" for collection facilities (one-half square foot of signing per linear foot of facility).

**9-35.090 - Enforcement**

- A. Any violation or failure to comply with any of the provisions of this Chapter shall constitute sufficient grounds for refusal of a Certificate of Occupancy.
- B. Any violation or failure to comply with any of the provisions of this Chapter after the issuance of a Certificate of Occupancy shall be deemed a nuisance/violation and shall be punishable as set forth in Chapter 9-78 (Enforcement).
- C. The City may seek legal, injunctive or other equitable relief to enforce this Chapter.
- D. The remedies and penalties provided in this Chapter are cumulative and not exclusive.

**ORDINANCE NO. 1130**

**AN ORDINANCE OF THE CITY OF FOLSOM ADDING  
CHAPTER 8.80 TO TITLE 8 OF THE  
FOLSOM MUNICIPAL CODE PERTAINING TO  
UNATTENDED DONATION BOXES**

The City Council of the City of Folsom does ordain as follows:

**SECTION 1: REGULATION OF UNATTENDED DONATION BOXES**

Chapter 8.80 is hereby added to Title 8 the Folsom Municipal Code to read as follows:

**CHAPTER 8.80**

**REGULATION OF UNATTENDED DONATION BOXES**

Sections:

- 8.80.010 Purpose and intent
- 8.80.020 Definitions
- 8.80.030 Permits
- 8.80.040 Renewal of permits
- 8.80.050 Requirements and maintenance
- 8.80.060 Revocation of permits, removal of unattended donation boxes and liability
- 8.80.070 Violation – penalty
- 8.80.080 Appeal to city manager
- 8.80.090 Administrative fees
- 8.80.100 Exemption

**8.80.010 Purpose and intent.**

The purpose of this Chapter is to regulate the placement of unattended donation boxes within the City. The procedures and requirements of this Chapter are enacted to:

- A. Promote the community's health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property within the City;
- B. Ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic;
- C. Ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: *Christa Freeman*  
City Clerk of the City of Folsom, California

D. Establish criteria that avoids attracting vermin, unsightliness, and public health hazard.

**8.80.020 Definitions.**

A. "Director" means Director of the Community Development Department of the City of Folsom or designee.

B. "Operator" means a person, entity, association or organization who places, maintains or operates unattended donation box(es) to solicit donations of salvageable personal property.

C. "Permittee" means the property owner who is issued a permit authorizing placement of unattended donations box(es).

D. "Property owner" means the person, entity, association or organization who owns the real property where the unattended donation box(es) are or are proposed to be located.

E. "Residential district" includes residential zoning districts as established pursuant to Title 17 of this code, including but not limited to R-1-L, R-1-ML, R-1-M, R-2, R-3, RM, R-4, PD, and adopted Specific Plans with applicable residential zoning districts.

F. "Unattended donation box" means any unattended container, receptacle, or similar device that is located on any property within the City used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated by the zoning code.

**8.80.030 Permits.**

A. Unless otherwise exempt, it shall be unlawful and a public nuisance for any property owner or operator to place, operate, maintain or allow unattended donation boxes on real property unless the property owner first obtains a permit pursuant to this Chapter and the donation box is placed, operated and maintained in accordance with all provisions in this Chapter.

B. The permit application shall be made on a form provided by the Director and shall include the following information:

1. The name, address, email, website (if available) and telephone number of the applicant;

2. Written proof sufficient to establish that the operator who will utilize the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to California Welfare and Institutions Code section 148.3, as amended;

3. The text of the disclosures that will be made on the unattended donation box as required by Section 8.80.050A(3); and

4. The physical address of the property owner's real property and a drawing sufficient to

indicate the proposed location of the unattended donation box on the property owner's real property, as well as the size of the proposed unattended donation box.

C. Each application shall be accompanied by a nonrefundable fee in the amount established by City Council resolution. This fee shall be in addition to any fee or tax imposed by the City pursuant to any other provision of this Code.

D. Applications shall be filed with the Director.

E. Within thirty (30) days of receiving a completed application, the Director shall issue a permit or deny the issuance of a permit.

F. The Director shall not issue a permit unless:

1. The applicant has submitted a complete and accurate application accompanied by the applicable fee;

2. The operator who will maintain or operate the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to California Welfare and Institutions Code Section 148.3, as amended;

3. The proposed location and placement of the unattended donation box on the property owner's real property is in compliance with all applicable laws and will not impede pedestrian, bicycle, site distances on to adjacent streets or vehicular traffic.

G. If the Director denies an application the Director shall state, in writing, the specific reasons for denial.

H. Permit issued hereunder shall be valid for one unattended donation box. Multiple unattended donation boxes shall have their own individual permit.

I. The term of the permit shall expire one year from the date of issuance.

J. No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.

K. Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Director in writing of the intent to cancel the permit. The permit shall become void upon the Director's receipt of a written notice of intent to cancel the permit.

#### **8.80.040 Renewal of permits.**

A. A permittee may apply for permit renewal by submitting to the Director, before the expiration of the permit, a renewal application and a non-refundable renewal fee in an amount set by resolution of the city council.

B. The Director shall either approve or deny the renewal of a permit within thirty (30) days of receipt of the complete renewal application and payment of the renewal fee.

C. The Director shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit existed at the time of submission of an application for renewal, or existed at any time during the review of the application for renewal, that are inconsistent with any finding required for approval of a new permit as specified in Section 8.80.030 or that would justify the revocation of the permit as specified in Section 8.80.060.

**8.80.050 Requirements and maintenance.**

A. A permittee shall operate and maintain or cause to be operated and maintained all unattended donation boxes located in the City as follows:

1. Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

2. Unattended donation boxes shall be locked or otherwise secured;

3. Unattended donation boxes shall contain the following contact information in two inch type visible from the front of each unattended donation box: the name, address, email, and phone number of both the permittee and operator;

4. Unattended donation boxes shall be serviced and emptied as needed, but at least once per month, or within five (5) business days of a request by the Director.

B. The permittee shall maintain or cause to be maintained the area surrounding the unattended donation boxes free of any junk, garbage, trash, debris or other refuse material.

C. The permittee and operator shall be individually and severally responsible for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the unattended donation boxes within 24 hours of written or verbal notice from the City.

D. The permittee and operator shall be individually and severally responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material from the area surrounding the unattended donation boxes.

E. It shall be unlawful for any property owner or operator to place an unattended donation box in any residential district.

F. No unattended donation box shall be placed within 400 feet from another unattended donation box.

G. No unattended donation box shall be placed on required parking spaces or within the site triangle as defined in FMC 17.57070H (2).

H. No more than one unattended donation box shall be placed on each parcel of real property.



**8.80.060 Revocation of permit, removal of unattended donation boxes and liability.**

The Director shall have the right to revoke any permit issued hereunder if any of the grounds upon which he or she may refuse to issue an initial permit exists. In addition, the failure of the permittee to comply with the provisions of this Chapter or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The Director shall provide a written notification to the permittee stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the permittee's real property within thirty (30) calendar days and, if not removed within this time period, the City may remove, store and dispose of the unattended donation box at the permittee's sole cost and expense. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year. Any violation of the provisions of this Chapter is a public nuisance subject to abatement pursuant to this code or as otherwise permitted by law.

**8.80.070 Violation – penalty.**

Any person violating any provision of this Chapter is guilty of an infraction.

**8.80.080 Appeal to city manager.**

Any person aggrieved by the decision rendered by the Director in granting or denying an application for a permit under this Chapter or in revoking or refusing to renew a permit issued hereunder may appeal the decision to the City Manager in accordance with section 2.08.060 of this Code. The appeal shall be made by filing a written notice thereof with the City Clerk not later than ten (10) calendar days after receiving notice of the decision of the Director. The City Manager shall hold a hearing on the appeal within 30 calendar days and, notwithstanding other provisions in section 2.08.060 the decision of the City Manager shall be final.

**8.80.090 Administrative fees.**

The City Council may, by resolution, establish reasonable fees and deposits to defray the cost of processing applications, proposals and for the administration of this ordinance.

**8.80.100 Exemption.**

Unattended donation boxes located entirely within the interior of a building are exempt from the requirements of this Chapter.

**SECTION 2. SCOPE**

Except as set forth in this ordinance, all other provisions of Title 8 shall remain in full force and effect.

**SECTION 3. SEVERABILITY**

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such

decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

#### SECTION 4. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption. In lieu of publication of the full text of the Ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code section 36933(c)(1).

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on June 22, 2010, and the second reading occurred at the regular meeting of the City Council on July 13, 2010.

On a motion by Council Member Miklos, seconded by Council Member Howell, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 13<sup>th</sup> day of July, 2010, by the following vote, to wit:

**AYES:** Council Member(s): Morin, Sheldon, Howell, Miklos, Starsky

**NOES:** Council Member(s): None

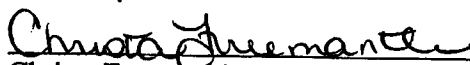
**ABSTAIN:** Council Member(s): None

**ABSENT:** Council Member(s): None



\_\_\_\_\_  
Jeffrey M. Starsky, MAYOR

**ATTEST:**



\_\_\_\_\_  
Christa Freemantle, CITY CLERK

Effective: August 12, 2010

**CITY OF SOUTH GATE**  
**Chapter 11.54**  
**RECYCLING FACILITIES**

Sections:

- 11.54.010 Definitions.
- 11.54.020 Permits required.
- 11.54.030 Criteria and standards.
- 11.54.040 Repealed by Ordinance 1767 § 3, 5-9-88.

**11.54.010 Definitions.**

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For the purposes of this chapter, the following terms and phrases shall have the meanings set out in this section:

- (1) "Bulk reverse vending machine" means a machine that is larger than fifty square feet; is designed to accept more than one container at a time, and will pay by weight instead of by container.
- (2) "Certified recycling facility" or "certified processor" means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
- (3) "Collection facility" means a center for acceptance by donation, redemption, or purchase of recyclable materials from the public. Such facility does not use power driven processing equipment except as indicated in Section 11.54.030, criteria and standards, of this chapter.
- (4) "Convenience zone" means an area within a one-half mile radius of a supermarket. A "supermarket" for the purpose of this chapter means a "full-line, self-service retail store with gross annual sales of two million dollars or more, and which sells a line of dry, grocery, canned goods, or non-food items and some perishable items."
- (5) "Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

(6) "Processing" means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

(7) "Processing facility" means a building or enclosed space used for the collection and processing of recyclable materials.

(8) "Recyclable material" means reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, manufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2 (b) (4) of the Health and Safety Code of the State of California.

(9) "Recycling facility" means a center for the collection and/or processing of recyclable materials. Recycling facility may include the following:

(A) Collection Facility. Collection facilities may include the following:

(i) Reverse vending machine(s);

(ii) Small collection facilities which occupy an area of not more than five hundred square feet, may include:

a. A mobile unit,

b. Bulk reverse vending machines or a grouping of reverse vending machines which is larger than fifty square feet but smaller than five hundred square feet,

c. Kiosk type units which may include permanent structures,

d. Unattended containers placed for the donation of recyclable materials;

(iii) Large collection facilities which may occupy an area of more than five hundred square feet or is on separate property not appurtenant to a host use.

(10) "Reverse vending facility" means a grouping of more than one reverse vending machine at a site in order to accept and temporarily store all three container types.

(11) "Reverse vending machine(s)" means an automatic mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit clip with a value not less than the container's redemption value as determined by the state. Reverse vending machines shall not occupy an area larger than fifty square feet and shall not be higher than eight feet in height.

(e) "Industrial collections and processing facility" means a facility that accepts, stores or processes recyclable materials whether or not maintained in connection with another business. Processing includes but is not limited to baling, briquetting, crushing, compacting, grinding, shredding, sawing, shearing and sorting of recyclable materials, and the heat reduction or melting of such materials.

(Ord. 2027 § 1, 1997; Ord. 1760 § 5 (part), 1-11-88)

**11.54.020 Permits required.**

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(a) No person shall permit the placement, construction or operations of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this section. Recycling facilities may be permitted as set forth in the following table:

Type of Facility	Zones Permitted	Permit Required
Reverse vending machine(s)	C-2, C-C, C-3, C-M, M-2, M-3	Administrative permit
Bulk reverse vending machine	C-2, C-C, C-3, C-M	Conditional use permit
	M-2, M-3	Administrative permit
Mobile recycling unit	C-2, C-C, C-3, C-M	Conditional use permit
	M-2, M-3	Administrative permit
Small collection facility	C-2, C-C, C-3, C-M	Conditional use permit
	M-2, M-3	Administrative permit
Large collection facility	M-2, M-3	Conditional use permit
Processing facilities	M-2, M-3	Conditional use permit
Industrial collection and processing	M-3	Conditional use permit

Type of Facility	Zones Permitted	Permit Required
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facility

(b) An administrative permit shall be valid for a period of three years, after which time the operator shall be required to obtain a new permit every three years in order to continue to operate the recycling redemption centers.

(Ord. 2027 § 2, 1997; Ord. 1767 § 2, 5-9-88; Ord. 1760 § 5 (part), 1-11-88)

#### **11.54.030 Criteria and standards.**

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Those recycling facilities permitted with an administrative permit shall meet all of the applicable criteria and standards listed. Those recycling facilities permitted with conditional use permit, or site plan shall also meet the applicable criteria and standards. The criteria and standards for recycling materials are as follows:

- (1) Reverse Vending Machine(s). Reverse vending machine(s) located within a commercial structure do not require discretionary permits. Reverse vending machines do not require additional parking spaces for recycling customers and may be permitted in C-2, C-C, C-3, C-M, M-2 and M-3 zones, with an administrative use permit; provided, that they comply with the following standards:
  - (A) Shall be established in conjunction with a commercial or industrial use or community service facility which is in compliance with the zoning and building codes of the city of South Gate and the fire code of the county of Los Angeles.
  - (B) Shall be limited to one reverse vending machine facility per commercial or industrial site.
  - (C) Shall be located within thirty feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.
  - (D) Shall not occupy parking spaces required by the primary use.
  - (E) Shall occupy no more than fifty square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height.
  - (F) Shall be constructed and maintained with durable waterproof and rustproof material.
  - (G) The operator/owner of the host business shall be responsible for the maintenance and cleanliness of the machine.

(H) Shall be clearly marked to identify the type of material to be deposited, shall give operating instructions, and shall identify the telephone number of the operator or responsible person to call for maintenance or repair.

(I) Shall not exceed a sign area of four square feet per machine, exclusive of operating instructions.

(J) Shall be maintained in a clean, litter-free condition on a daily basis.

(K) Operating hours shall be at least the operating hours of the host use.

(L) Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

(M) All utility lines servicing the machines shall be placed in adjacent walls or underground and screened from public view.

(N) Violation of any of the above conditions shall constitute grounds for revocation of the permit by the issuing authority.

(O) The administrative fee shall be paid to and collected by the department of community development.

(2) Small Collection Facilities, Mobile Recycling Units and Reverse Vending Machines. Small collection facilities, mobile recycling units and bulk reverse vending machines may be sited in convenience zones located in C-2, C-C, C-3 and C-M zones with a conditional use permit, and in the M-2 and M-3 zones with an administrative permit provided they comply with the following minimum conditions:

(A) Shall be established in conjunction with an existing commercial use, industrial use or community service facility which is in compliance with the zoning and building codes of the city of South Gate and the fire code of the county of Los Angeles.

(B) Shall be no larger than five hundred square feet.

(C) Shall be set back a minimum of ten feet from any public right-of-way and shall not obstruct pedestrian or vehicular circulation.

(D) Shall accept only glass, metals, plastic containers, papers and reusable items.

(E) Shall use no power-driven processing equipment except for the reverse vending machines.

(F) Shall use containers that are constructed and maintained with durable waterproof and rustproof material, shall be covered when the site is not attended, and shall be secured from unauthorized entry or removal of materials and shall be of a capacity sufficient to accommodate materials collected and collection schedule.

(G) The operator/owner of the host use shall be responsible for the maintenance and cleanliness of the facility.

(H) Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present.

(I) Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which track or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

(J) Shall not exceed noise levels of fifty dBA between the hours of seven a.m. and ten p.m., forty dBA between the hours of ten p.m. and seven a.m. as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed fifty-five dBA.

(K) Unattended facilities located within three hundred feet of a property zoned for residential use shall operate only between the hours of nine a.m. and seven p.m.

(L) Containers for the twenty-four-hour donation of materials shall be at least six hundred feet from any property zoned for residential use; access, such as driveways, to the containers shall be located at least three hundred feet from residentially zoned areas.

(M) Containers shall be clearly marked to identify the type of material which may be deposited.

(N) The facility shall be clearly marked to identify the name and telephone number of the facility operator and the person to call for maintenance and cleanliness of the facility, the hours of operation and shall display a notice stating that no material shall be left outside the recycling enclosure or containers.

(O) Signs may be provided as follows:

(i) Recycling facilities may have identification signs with a maximum of sixteen square feet.

(ii) Signs must be consistent with the character of the location.



(iii) Directional signs, bearing no advertising message, may be installed with the approval of the director of community development if necessary, to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

(iv) The design review committee may authorize increases in the number and size of signs upon findings that they are compatible with adjacent businesses.

(P) No additional parking spaces shall be required for customers of a small collection facility located at the established parking lot of a host use. One space must be provided for the attendant, if needed.

(Q) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

(R) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

(i) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation.

(ii) A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.

(iii) The permit will be reconsidered at the end of twelve months.

(iv) A reduction in available parking spaces in an established parking facility may be allowed as follows:

For a commercial host use:

Number of Parking Spaces Required	Maximum Reduction Allowed
0—25	0
26—35	2
36—49	3
50—99	4

Number of Parking	Maximum Reduction
Spaces Required	Allowed
100 +	5

(S) At the expiration of the permit, the collection facility shall be removed from the site on the day following permit expiration.

(T) All utility lines servicing the facility shall be placed underground.

(U) The facility shall be located and constructed so as not to create an unsightly appearance. Landscaping or screening from public view may be required by the permitting authority to insure compatibility with surrounding land uses.

(V) Violation of any of the above conditions shall constitute grounds for revocation of the permit by the appropriate city authority. In the case of a conditional use permit, the revoking authority shall be the city planning commission.

(3) Large Collection Facilities. A large collection facility is permitted in the M-2 and M-3 zones with a conditional use permit. The facility must provide the following standards:

(A) Meet the standards and requirements of the zone that the facility is located in.

(B) The facility shall not abut a property zoned for residential use.

(C) The facility shall be screened from the public right-of-way by operating in an enclosed building or be compatible with surrounding structures, and:

(i) Within an area enclosed by an opaque fence at least eight feet in height with landscaping, as approved by the city planning commission or its designee.

(ii) At least one hundred fifty feet from property zoned for residential use.

(D) All exterior storage of materials shall be kept in sturdy containers which are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be kept in containers approved by the director of building and the county of Los Angeles fire prevention bureau. No storage shall be visible above the height of the fencing.

(E) The site shall be maintained free of litter and any other undesirable materials, and shall be cleared of loose debris on a daily basis.

(F) In addition to the parking required by manufacturing uses as stated in Section 11.34.030 of this title, parking spaces shall be provided on the site for six vehicles or the anticipated peak customer load, whichever is higher, plus one parking space for each commercial vehicle operated by the recycling facility.

(G) Noise levels shall not exceed fifty dBA between the hours of seven a.m. and ten p.m., forty dBA between the hours of ten p.m. and seven a.m. as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed fifty-five dBA.

(H) If the property lines of the facility are located within six hundred feet of property zoned for residential use, the facility shall not operate between the hours of seven p.m. and seven a.m. on weekdays and six p.m. and nine a.m. on Sundays and legal holidays.

(I) Any containers provided for after-hours donation of recyclable materials shall be located at least six hundred feet from any property zoned for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected and shall be secure from unauthorized entry or removal of materials.

(J) Collection areas shall be kept free of litter and other undesirable material, and the containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

(K) The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. Identification and informational signs shall meet the standards of the zone; directional signs, bearing no advertising message, may be installed with the approval of the director of community development.

(L) Power-driven processing, including aluminum foil and can compacting, baling, plastics shredding or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through the conditional use permit process.

(M) Violation of any of the above conditions shall constitute grounds for the revocation of the permit by the city planning commission.

(4) Processing Facilities. A processor is permitted in the M-2 and M-3 zones with a conditional use permit; provided, that:

- (A) The facility meets all standards and requirements of the zone in which the facility is located.
- (B) The facility does not abut a property zoned for residential use.
- (C) Power-driven processing shall be permitted, provided all noise level requirements are complied with. Processing activity is limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
- (D) A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the Health and Safety Code of the State of California.
- (E) All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. All storage areas shall be screened from public view and landscaped. Any enclosures shall be compatible with adjacent buildings. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in container approved by the director of building. No storage shall be visible from the public right-of-way.
- (F) The site shall be maintained free of litter and any other undesirable materials, and shall be cleared of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.
- (G) In addition to the parking spaces required for manufacturing use as stated in Section 11.34.030, sufficient parking space shall be provided on site for the anticipated peak load of customers. If the facility is open to the public, additional parking space shall be provided for a minimum of ten customers or the peak load, whichever is higher, plus one parking space for each commercial vehicle operated by the recycling facility.
- (H) Noise levels shall not exceed fifty dBA between the hours of seven a.m. and ten p.m., forty dBA between the hours of ten p.m. and seven a.m. as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed sixty-five dBA.
- (I) If the property lines of an open facility are located within six hundred feet of property zoned for use residentially or three hundred feet, if the processor operates within a wholly enclosed building, it shall not be in operation between the hours of seven p.m. and seven a.m. and shall be closed on Sundays and legal holidays. The facility shall be administered by on-site personnel during the hours the facility is open.
- (J) Any containers for after-hours donation of recyclable materials shall be at least six hundred feet from any property zoned or occupied for residential use; shall be sturdy, rustproof construction; shall have sufficient

capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

(K) Access, such as driveways and parking, to the after-hours containers shall be located at least three hundred feet from residentially zoned areas.

(L) Donational areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers.

(M) The facility will be clearly marked with the name and telephone number of the facility operator and the hours of operation.

(N) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable on neighboring properties.

(O) Violation of the conditions in this section shall constitute grounds for revocation of the conditional use permit by the city planning commission.

(5) Industrial Collections and Processing Facility.

An industrial collection and processing facility is permitted in the M-3 zone with a conditional use permit, provided that:

(A) The facility meets all standards and requirements of the zone in which the facility is located.

(B) The subject site is eighty-seven thousand one hundred twenty square feet (two acres) or greater in area.

(C) The facility does not abut and/or is not located directly across a public street from a property zoned for residential use.

(D) The facility is not located on a primary arterial highway such as Firestone Boulevard, Long Beach Boulevard, Atlantic Avenue, Imperial Highway, Garfield Avenue, Paramount Boulevard and Century Boulevard as defined in the general plan.

(E) The facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the Health and Safety Code of the state of California.

(F) No oil, grease, petroleum products or other harmful hazardous or noxious liquids shall be allowed to run off the yard or absorb into the ground.

(G) The facility shall comply with all applicable requirements as stipulated by Chapter 6.67 of this code relating to storm drains.

(H) Power-driven processing shall be permitted, provided all noise level requirements are complied with. The facility activity may include but is not limited to baling, briquetting, crushing, compacting, grinding, shredding, sawing, shearing and sorting of recyclable materials and the heat reduction or melting of such materials.

(I) All exterior storage of material shall be in sturdy containers which are covered, secured and maintained in good condition. Outdoor storage area(s) shall be screened from adjacent commercial properties or streets or other public rights of way by a minimum fifteen-foot (minimum ten-foot when adjacent to industrial properties), solid decorative masonry wall, subject to the approval of the director of community development or planning commission. No storage, excluding truck trailers shall be visible above the height of the wall from street elevation.

(J) The facility shall provide a minimum twenty-foot landscape/irrigated buffer along all street frontages. Such landscaping shall be subject to the approval of the director of community development or planning commission. Landscaping shall be provided in compliance with the landscape ordinance and shall provide additional screening as deemed necessary by the director of community development or planning commission.

(K) The site shall be maintained free of litter and any other undesirable materials, and shall be cleared of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.

(L) In addition to the parking spaces required for manufacturing use as stated in Section 11.34.030, sufficient parking space shall be provided on site for the anticipated peak load of customers. If the facility is open to the public, additional parking space shall be provided for a minimum of ten customers or the peak load, whichever is higher, plus one parking space for each commercial vehicle operated by the facility.

(M) Noise levels shall not exceed fifty dBA between the hours of seven a.m. and ten p.m., forty dBA between the hours of ten p.m. and seven a.m. as measured at the property line of residentially zoned or residentially occupied property, and otherwise shall not exceed sixty-five dBA.

(N) If the property lines of an open facility are located within six hundred feet of property zoned for use residentially or three hundred feet, if the facility operates within a wholly enclosed building, it shall not be in operation between the hours of seven p.m. and seven a.m. and shall be closed on Sundays and legal holidays. The facility shall be administered by on-site personnel during the hours the facility is open.

(O) Any containers for after-hours donation of recyclable materials shall be at least six hundred feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; shall be secure from unauthorized entry or removal of materials; and shall be screened from public and street elevation view.

(P) Access, such as driveways and parking, to the after-hours containers shall be located at least three hundred feet from residentially zoned areas.

(Q) Donating areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

(R) Signs for the facility shall be installed pursuant to approved sign criteria by the director of community development or planning commission. Painted walls are prohibited. The facility shall provide signage indicating the name and phone number of the facility operator and the hours of operation.

(S) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable on neighboring properties.

(T) Violation of the above conditions shall constitute grounds for revocation of the conditional use permit by the city planning commission.

Exemptions. The director of community development or designee may authorize minor modifications and/or minor exemptions to any of the design and improvement standards in this subsection.

(Ord. 2027 § 3, 1997; Ord. 1760 § 5 (part), 1-11-88)

## URGENCY ORDINANCE NO. \_\_\_\_\_

**AN INTERIM ZONING ORDINANCE ADOPTED AS AN  
URGENCY MEASURE ESTABLISHING A TEMPORARY  
MORATORIUM ON UNATTENDED DONATION  
COLLECTION BINS**

The City Council of the City of Torrance does ordain as follows:

**Section 1. Purpose and Intent**

The purpose of this Ordinance is to provide for the health, safety and welfare of City of Torrance residents by exercising the police power provided for in the California Constitution that underlies the City's zoning powers, so that Unattended Donation Collection Bins in the City are compatible with existing and future uses. To accomplish this, the City Council intends to impose a temporary moratorium on the installation of any and all Unattended Donation Collection Bins and/or the issuance of permits for installation of Unattended Donation Collection Bins, in order to provide City staff, the City Council, and the residents of the City sufficient time to consider a comprehensive ordinance regulating Unattended Donation Collection Bins.

**Section 2. Applicability**

The provisions of this Ordinance will apply to all Unattended Donation Collection Bins, which means any unattended container, bin, box, bag, or similar receptacle that is located on any lot, public or private, within the City that is used for soliciting and collecting Donation Collections of clothing, shoes, or other salvageable personal property ("Unattended Donation Collection Bins"). Unattended Donation Collection Bins will be subject to all the provisions as set forth below, unless otherwise specified in this Ordinance, notwithstanding other existing zoning provisions and regulations of the City of Torrance.

**Section 3. Temporary Moratorium**

a. Moratorium Applies to All Zoning Districts and Public Rights of Way Within the City. Within all areas situated in the City of Torrance, State of California, including, but not limited to, all public rights of way and each and every zone and zoning district, there shall be a temporary moratorium in effect, commencing on the effective date of this Ordinance, prohibiting the installation of any and all Unattended Donation Collection Bins described above in Section 2, and/or the issuance of permits for installation of such Unattended Donation Collection Bins, notwithstanding other existing zoning provisions and regulations of the City of Torrance.

b. Applicant may elect to have City staff continue to accept and process applications during moratorium. This temporary moratorium is not intended to affect the acceptance and/or processing of permit applications for any and all Unattended Donation Collection Bins described above in Section 2 by City staff: it is intended to



prohibit only the issuance of permits for such Unattended Donation Collection Bins. City staff shall continue to accept such permit applications received after the effective date of this Ordinance. At the applicant's written request, the City shall continue to process such an application during the term of the moratorium; however, any new standards for such Unattended Donation Collection Bins and the permitting thereof which are adopted during the moratorium and are effective at the expiration of the moratorium shall nevertheless apply to such an application. Any time limits or mandatory approval of time frames relative to the processing and action upon permit applications for any and all Unattended Donation Collection Bins described above in Section 2 are tolled during the term of this moratorium.

**Section 4. Authority and Findings**

This ordinance is an interim zoning ordinance adopted as an urgency measure pursuant to Torrance City Charter Section 726 and Government Code Sections 65858 and 36937 (b) and (e) to protect the public safety, health and welfare by prohibiting land uses which may be in conflict with a contemplated general plan and zoning proposal which the Community Development Director, Planning Commission and City Council intend to consider and study within a reasonable time.

The City Council hereby finds that there is a current and immediate threat to the public health, safety and welfare resulting from the approval of business licenses, use permits, variances, building permits, or any other applicable land use or zoning entitlement or approval, for Unattended Donation Collection Bins, and that such approvals and any further introduction of Unattended Donation Collection Bins into the designated areas would result in a threat to public health, safety and welfare, for the following reasons:

- a. Unattended Donation Collection Bins are proliferating in the City. Further, the City Council can reasonably anticipate this trend to continue if swift action is not taken.
- b. The intrusion of new Unattended Donation Collection Bins will likely conflict with, and be incompatible with, the established uses due to visual blight that will likely jeopardize residents' quiet enjoyment of their homes and property, and also potentially devalue their homes and property. Such intrusion could also have a dramatic effect on the peaceful atmosphere that characterizes much of the City.
- c. Unattended Donation Collection Bins can become a public nuisance since they can become a target for scavenging, graffiti, and illegal dumping.
- d. Unattended Donation Collection Bins can be placed in inappropriate or illegal locations such as code-required parking spaces, code-required setbacks, or City rights of ways.
- e. Unattended Donation Collection Bins placed in parking lots can restrict sight-lines and affect vehicle circulation and safety, including pedestrian safety.

f. Some Unattended Donation Collection Bins have been placed on private property without the consent of the property owners.

g. In light of the above, the City must proceed cautiously in this area so that Unattended Donation Collection Bins in the City are compatible with existing and future uses in designated areas.

**Section 5. Council Direction**

The City Council hereby directs the Community Development Department, Finance Department and the Office of the City Attorney to consider and study possible means of regulating Unattended Donation Collection Bins, including zoning-based regulations and any other regulations.

**Section 6. Written Report Required**

The report required by Government Code Section 65858 shall be prepared by the Community Development Department and issued not later than November 5, 2013.

**Section 7. CEQA Exemption**

The City Council finds that, regarding the California Environmental Quality Act (CEQA), there is no possibility that the adoption of this ordinance may have a significant adverse effect on the environment (CEQA Guideline 15061(b)(3)) because this ordinance will reduce the possibility of such effects by: limiting the range and intensity of new uses possible in the areas it covers and restricting new uses to those of a type which are more compatible with the established character of those areas.

**Section 8. Severability**

If any provision of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid by a court of competent jurisdiction, such provision shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions or other applications of the Ordinance which can be given effect without the invalid provision or application thereof.

**Section 9. Effective Date and Publication**

a. This Ordinance shall take effect immediately upon its passage. It shall be of no further force and effect 45 days from its date of adoption unless extended following a public hearing, as provided in Government Code Section 65858. A public hearing is hereby set for 7:00 p.m. on November 5, 2013, to be held in the City Council Chambers, 3031 Torrance Boulevard, Torrance, California, for the purpose of considering extending this Ordinance for a reasonable time up to an additional 10 months and 15 days.

b. The City Clerk is authorized and directed to publish this Ordinance, or a summary of this Ordinance, if authorized by the City Council, before the expiration of 15

days after its passage. This Ordinance shall be published once, with the names of the City Council members voting for and against it, in at least one newspaper of general circulation published in the City of Torrance, State of California.

**PASSED AND ADOPTED** by the City Council of the City of Torrance, State of California on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor of the City of Torrance

**ATTEST:**

\_\_\_\_\_  
Sue Herbers, City Clerk

**APPROVED AS TO FORM:**

John L. Fellows III  
City Attorney

By: \_\_\_\_\_  
Patrick Q. Sullivan  
Assistant City Attorney





# AGENDA REPORT

MEETING DATE: March 4, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: CITY ACCOMPLISHMENTS

## RECOMMENDATION:

At the request of Councilmember Tina Baca Del Rio, the **City Council** will consider for receipt and filing, and take appropriate action as deemed necessary with respect to the list of City accomplishments provided by City departments for the past three years.

## MOTION:

Move to approve recommendation.

## BACKGROUND/ANALYSIS:

The following is a list of City organization accomplishments for FY 2013/14:

### PUBLIC WORKS & DEVELOPMENT SERVICES:

- Farmer Boys – currently in plan check
- 6100 Garfield - ± 600,000 sf distribution center is currently under construction.
- 6040 Bandini - ± 114,000 sf warehouse currently in plan check
- 5701 Union Pacific – ± 15,000 sf warehouse
- 6021 Malt Ave. – ± 140,000 sf warehouse currently in plan check
- 100 Citadel Dr. - Logistics Bldg., currently in plan check
- 6605 Flotilla St. - ± 39,000 sf addition to existing building
  
- Bus Stops - Citywide
- CNG Shuttle Van (transit Operator's Shift Change)
- Transit Bus Rehabilitation (327 & 328)
- Replacement Shop Truck
- Commerce MetroLink Station Improvement
- Telegraph Road Street Improvement (MTA Measure R)
- Project Consultant (Mobility Advancement)
- Washington Blvd. Major Improvement
- Central Library Renovation Project
- Sheila Street – Street & Drainage Reconstruction
- Garfield Ave/Slauson Ave Intersection Improvement Phase II
- Safe Route to School (Cycle 7)
- Railroad Crossing Improvements (HSIP Cycle 4 Grant)
- Camp Commerce Improvements (waterline, driveway & snow drop)
- Emergency System Upgrade
- Emergency Dispenser/Fuel Line
- City Hall Security/Electronic Card System
- Teen Center Improvements
- Municipal Code Update
- HVAC Duct Cleaning City Hall
- Old Fire Station #27 Tenant Improvements
- Pump Station Assessment & Evaluation
- Construction Management Services (Swinerton - \$79,853 Library)
- Engineering Services (Transtech)
- Project Consultant (Tierra West)

Below is a list of projects with significant accomplishments:

**SAFE ROUTE TO SCHOOL:**

Purpose of this project was to install various improvements to enhance pedestrian and vehicular safety near Rosewood and Bandini Elementary Schools to enhance the safety of students attending these schools. E.C. Construction began work on March 26, 2013 and the project was completed on May 17, 2013. The project was accepted by City Council on January 21, 2014 after Cal Trans approved the project modifications.

**WASHINGTON BLVD MAJOR IMPROVEMENT (WIDENING & RECONSTRUCTION):**

Purpose is to reconstruct with concrete all pavement surfaces, repair sidewalks, add a 3<sup>rd</sup> lane in each direction (to improve traffic flow), relocate all utilities and catch basins, add landscape medians, way-finding signs, ADA ramps, enhance turning radius at all intersections, install new traffic signals (with audible sound for ADA compliance), LED street lights, and improve the overall appearance of this major roadway in Commerce. Currently, the engineer is preparing the plans and specifications and designing all aspects of the project. At the present time, 100% Plans and Specifications have been submitted to Cal Trans for final approval, and staff is making preparations to proceed to CTC for funding approval at CTC's May meeting. Construction is anticipated to begin in December 2014.

**RENOVATION OF THE CENTRAL LIBRARY:**

Purpose is to modernize and upgrade the Central Library, especially the public area. Construction is underway and the project is anticipated to be complete by July 2014.

**CAMP COMMERCE:**

Purpose is complete upgrades to the city facility including the following public works improvements: repair of snow drops, repair of the asphalt in the parking lot, replacing the main waterline at Camp Commerce and reconstructing a retaining wall in Camp Commerce. City staff has gathered bid estimates to repave the parking lot asphalt. City staff is completing the design process for the main water line replacement. The retaining wall was completed in September 2013.

**TELEGRAPH ROAD STREET IMPROVEMENT**

On September 3, 2013, the City Council awarded a services agreement to JMDiaz Inc. for the preparation of plans and specifications for the Telegraph Road Street improvement Project. The City was a recipient of a \$1.8 million grant through the I-% Consortium Cities and MTA for the I-5 Pre-Construction mitigation project. The project involves various improvements relating to Telegraph Road including the resurfacing and restriping of the street in the City between Atlantic Boulevard to the southerly City limit. Preparation of plans and specifications are 90% complete and expected to be 100% complete by the end of this month. Staff anticipates that the project should begin construction in early fall of this year.

**EASTERN STREET IMPROVEMENT PROJECT**

Purpose is to complete pavement resurfacing and repairs of Eastern Avenue between Bandini Boulevard to Atlantic Boulevard including sidewalk repairs and ADA ramps due to current deteriorated condition and pothole complaints about pavement resurface. The project will be funded with general funds through the recently budgeted local Measure AA program in the total of \$1,000,000. This budget includes design, construction and construction management.

**COMMERCE METROLINK STATION IMPROVEMENT (26<sup>th</sup> Street Station)**

Plans and Specifications have been prepared for upgrades to the facility to include ADA improvements, enhanced parking lot lighting and overall parking lot improvements. The 26<sup>th</sup> Street Metrolink is coordinating with So Cal Edison regarding meters and account information to confirm electrical service requirements for LED lighting. In addition, the City is compiling the RFP including FTA requirements. The project will go out to bid upon completion of these items.

## **PUMP STATION ASSESSMENT & EVALUATION**

Project is to perform a complete assessment of all four storm drain pump stations in the City of Commerce including structural conditions and remaining life of existing pumps and recommend appropriate action. The City pump stations are located at Atlantic Avenue (railroad underpass south of Sheila); Eastern Avenue (railroad underpass south of Commerce Way); Garfield Avenue (railroad underpass south of Ferguson); and Washington/Telegraph (freeway underpass). The City will need to complete maintenance of storm drain pump stations before further assessment can take place. The RFP for maintenance was release on February 11, 2014. The Pre-proposal Meeting and Facility Tour for prospective bidders took place on February 20, 2014. The RFPs are due on March 11, 2014. Further assessment including potential electrical upgrades will take place after initial maintenance of pump stations.

## **LIBRARY SERVICES DEPARTMENT:**

- Central Library Renovation Project: The Project began in early December and should be accomplished by July 2014.
- eBooks: After long awaited by many library patrons, eBooks are now available thru the Commerce Library's website. Patrons can now download eBooks to their digital device including tablets and smartphones. A wide variety of books for children, teen and adults in both English and Spanish are available for a 21 day loan period. There are no overdue fees on eBooks because they are automatically returned. A total of 5 eBooks can be checked out at once. The comfort of being at home and checking out a book is very convenient for many library users.
- Zinio (eMagazines): Another online service the library provides is eMagazines via Zinio app. Over 70 plus magazine titles, in Spanish and English, are available thru the Commerce Library's website. Patrons are allowed to check out as any magazines as they want and keep them for as long as they want.
- Family Learn & Play Storytimes: The Commerce Library's Family Learn and Play Time has been a successful program for the last five years, attracting an average of 50 attendees a month including parents and their babies, toddlers, and preschool-age children. The program's purpose is to encourage early learning through play and social interaction and to give parents of young children an opportunity to meet and socialize with other parents in the community. The Family Play and Learn Times are held one morning a month at the Bristow Park and Greenwood libraries. Age-appropriate toys and craft materials are set up in the library for parents and children to play together for 30 minutes and then gather together for a "circle time" storytime with the librarian. Community specialists in childhood nutrition, child psychology and development, and programs for parents such as WIC (Women, Infants & Children) have visited the programs to share information with parents.

Since the inception of the program in 2008, several toys and supplies have broken or are missing pieces. The library department has requested replacement of toys and supplies as part of the FY 13-14 Mid-Year Budget requests and library staff are selecting new toys for babies, toddlers and preschoolers that encourage large and fine motor skills, cognitive development, social/emotional development, and pre-literacy skills to use during the programs.

- Landscaping at Atlantic Library: The Atlantic Library's landscaping was taken notice by two of our Councilmembers and the Parks & Recreation Park maintenance division. Robert Lipton, Nick Padilla, Hector Orozco and Library Branch Supervisor, Cris Muñiz met and together decided on adding different type of flowers and plants to the landscaping in the front of the Library.

The decision was also made to do something near the flagpole. Staff was encountering issues with sinking in the mud. Park Maintenance staff laid a very nice path to the flagpole using decorative stones and the issue was resolved. The same

plants and flower used in the front of the Library were used in the patio landscaping as wee, the landscaping looks beautiful.

### **CITY CLERK'S OFFICE:**

#### **City Clerk Hire**

Lena Shumway was hired as the new Commerce City Clerk with the start date of February 24, 2014.

#### **Technology update for City Clerk's office**

City Clerk's Office staff and Finance Department IT division continue working on implementation of Granicus for agenda and minutes automation as well as agenda preparation workflow.

Staff is in the process of receiving quotes from Laserfiche regarding records management and paperless solutions.

#### **Recall Update**

The election official received copies of the recall petitions for all Commerce Councilmembers and determined that proposed form and wording of the petition meets the necessary requirements and notified the proponents of the results that petitions could be circulated.

#### **Ongoing Activities**

We continue to process numerous records requests (31 for last three months), for both election-related and non-election related materials.

#### **Records Management Needs Assessment by Gladwell Governmental Services Inc**

Diane Gladwell is in a process of conducting on-site analysis, reorganization, inventorying, and preparation for destruction of appropriate records in the City Clerk's vault.

#### **Future goals –City Clerk's Office:**

1. Update Municipal Code
2. Establish City-Wide Records Retention Policy in order to have guidelines for City departments regarding timeframes and legal limitations for records retention and destruction.
3. Complete review of City-wide documents in the City Hall vault and off-site storage and prepare documents for destruction.
4. Implement Granicus by July 1, 2014 and go live.

### **PARKS & RECREATION DEPARTMENT:**

1. Renovation of the Atlantic Library landscaping.
2. Continuous renovation of Pacific Mini Park landscaping including having an Edison light repaired and planting of new trees.
3. Replacement of an underground electrical line at Veteran's Park that affected the flag pole and parking lot lights.
4. Repair of the Slauson and Greenwood median that includes the ordering of a new Street monument.
5. Provide work stations and computers for Facility Maintenance staff at the old fire station
6. Implement "Facility Dude" computer maintenance task tracking software to eliminate the use of hard copy "Facility Maintenance Request" forms. The use of Facility Dude reduced response time from 2 weeks to approximately 2-3 days and allows staff to track facility maintenance resources.



7. Various projects at Camp Commerce, including:
  - Repair of the totem pole
  - New carpet in cabins
  - Replace mattresses
  - Construction of retaining wall
8. Staff diamond cut the surface of the pool deck in the Brenda Villa Aquatic Center to mitigate slip and fall hazards.

#### **TRANSPORTATION DEPARTMENT:**

- 1) In September 2013, the Transportation Department implemented a new Metrolink commuter shuttle service. The service operates weekdays from 7:00 a.m. (first departure from Metrolink Station) to 9:31 a.m., and in the afternoon from 2:45 p.m. to 5:46 p.m. The shuttle service serves all morning and afternoon Metrolink trains serving the 26<sup>th</sup> Street Station. The bus stops serves over 40 companies, including some of the major employers in the City such as Unified Grocers, Alta Med, Bank of America, Citadel Outlet Stores, Commerce Casino, Los Angeles County Public Safety, State Department of Justice, Wells Fargo, and the Commerce City Hall. The new service has received positive feedback from the community. Currently, we are transporting over 600 passengers per month.
- 2) In November 2012, the Transportation Department implemented the Citadel Express bus service which operates seven days per week from approximately 7:00 a.m. (first departure from downtown Los Angeles) to 9:20 p.m. (last arrival in downtown Los Angeles). Service operates every hour. The route serves the following areas: Downtown hotels on 1<sup>st</sup> Street and Flower Street; L.A. Live Entertainment and neighboring hotels; Metro rail connections at 7<sup>th</sup> & Flower (Red, Purple, Blue Lines); Metrolink and Metro train and bus connections at Union Station; Citadel Outlets and the Commerce Casino.
- 3) Purchased and implemented a new "Fleet Maintenance Software System" to help manage the City's overall fleet. The new software system enables the transportation team to manage a diverse fleet of vehicles; track all functions related to the maintenance of vehicles and equipment, capture operating expenses (e.g., fuel, oil, parts), and offers billing and tracking for vehicle equipment usage. The new system increases vehicle maintenance productivity by 25% and helps track actual cost per vehicle. This information is beneficial when evaluating cost to replace or repair vehicles within the fleet.
- 4) The Transportation Department constantly strives to improve on-time performance. Overall, system on time performance has improved from 87% last year, to 92% this year. In addition to the constant attention and dedication to this issue, staff has developed a proactive field observation program that combats on-time performance related problems.
- 5) In an effort to extend the life span of the older over-the-road coaches, the engine, transmission, interior, DVD video/audio system and interior of the buses have been replaced and/or upgraded. Additionally, the exterior of all the over-the-road coaches are currently getting wrapped to match and standardize the City's existing transit fleet. The bus wraps shall be completed over the next three week period. The cost of the repairs equal approximately 275K. The repairs/upgrades were needed to extend the life span (5-6 years) until the buses can be replaced. The replacement cost is approximately 1.3 million and was submitted for consideration as part of the AA CIP.

## **FINANCE DEPARTMENT:**

- Continued to manage the RDA dissolution process
- Completed the Financial Statement audit with unqualified (clean) opinion
- Managed the upgrade of facility/park security cameras
- Began implementing the Granicus agenda management software
- Continued process to upgrade the City's phone system and technology infrastructure
- Obtained Successor Agency Oversight Board approval of the Long Range Property Management Plan

## **COMMUNITY SERVICES DEPARTMENT:**

### ***Public Safety***

- Hired and Trained 4 New Community Services Officers, utilizing JAG Grant funds
- Hired 1 P/T Animal Control Officer to allow for 7 Day coverage
- Hired 2 substitute crossing guards
- Inventoried, repaired and re-stocked all Public Safety Vehicles
- Renewed 1 year service for all GPS Systems in Public Safety Fleet
- Actively recruiting to fill 4 vacant CSO Slots
- Achieved a record high 105 Block Captains
- Held 24 Neighborhood Watch Meetings, some in response to a recent crime in the area
- Purchased 2 new patrol SUV's for use by our Community Safety Specialists/Community Services Officers
- Obtained a new look to the CSS/CSO uniform
- Awarded \$11,368 2013 JAG Grant, to be utilized for new CSO trainees
- Conducted 2 Operation Kid ID events
- Maintained active Business Watch Program
- Celebrated 14<sup>th</sup> anniversary of the COMCAT Volunteer Program
- 3 Animal Cruelty cases were filed by our Animal Control Officers
- 8 Residents attended the Sheriff's Community Academy
- CSO's obtained Taser Training to serve as backups for Animal Control Officers
- Held National Night Out 2013, 15 block parties, 1500 attendees
- Repainted the graphics for our old Animal Control truck
- Reinstated the CSS/CSO Bike Patrol Program, utilizing JAG Grant funds for training
- Coordinated various COMCAT Volunteer Program events

### ***Emergency Preparedness***

- Conducted an EOC Tabletop Exercise for localized Strike Team Members, in collaboration with Deanna Plascencia (Bandini Elementary School Principal) and Sheriff's Sergeant Rich Hailey.
- Certified members of the City's Urban Search & Rescue Team in Low Angle Rope Rescue Operations
- Upgraded the City's mass notification system from Connect CTY to Connect 5, to incorporate current methods of electronic communication.
- Participated in National Night Out 2013 with four (4) members of USAR Team.
- The Emergency Preparedness division was equipped with new two-way, digital radios to assist with enhancing communication efforts during an event of a disaster.
- The new Emergency Operations Center was successfully constructed. A soft opening was held to provide a walk through and visualization of the building.
- City employees participated in the Great California Shakeout Drill, to drop, cover and hold. This was vital in efforts to practice how to be safer during earthquakes, encouraged others to review and update emergency preparedness plans and supplies, and to secure their space in order to prevent damage and injuries.
- An update for the City's Hazardous Mitigation Plan is being completed.

### **Social Services**

- The Holiday Easter Cheer Program serviced 50 families of 3 or more
- A Bullying Circle Seminar was held for 350 8<sup>th</sup> graders at Rosewood Park School.
- Participated in the YES Program 2013 Orientation for 65 participants
- A Housing Rights Workshop was held for 16 people
- Participated in National Night 2013 by promoting the department's programs
- Held a Community Education Seminar for 40 YES workers, with discussions on Drug issues in the community and preparing for a job interview
- 
- October 2013- Red Ribbon/ Anti Bullying Rally's 1,500 children were addressed at Rosewood Park School, Bandini School, and Bristow Park
- November 2013- Food Distribution chicken was given to families of 1-2 participants (158 people total); Operation Gobble 63 families were given a frozen turkey (38) or a turkey voucher (25); 7 families were sponsored for thanksgiving by local businesses or City Departments.
- Health Reform Care- 14 agencies who attended were there to register participants for Obama Care (30) in attendance;
- December 2013- Holiday Cheer program, we anticipate 140 people to attend the Commerce Casino Children's Party; Food Distribution will serve approximately 500 people; CCEA will host approx. 30 children at their holiday party

### **HUMAN RESOURCES DEPARTMENT:**

#### **Recent Accomplishments**

- Successfully Negotiated Two Year MOU with Employee Groups
- Resolved Outstanding Classification and Compensation Issues
- Resolved City-Wide Acting Pay Grievance
- Revised Numerous City Administrative Policies
- Coordination of RFP and Oversight of Organizational Assessment of Public Works and Development Services Department
- Coordination of Three Department Director Recruitments and Numerous others
- Assumed Responsibility for All Risk Management Activities including Claims Administration and Insurance Programs
- Coordinated another successful YES Program
- Re-organized Employee Safety Committee and Formalized process including regular safety inspections and complying with mandatory training requirements
- Coordinated Organizational Development Training for City Council and Executive Management
- Completed 50% (23 items dating back to 2005) of the Action Items listed in the CJPIA safety audit that are either required by law or deemed best practices
- Held successful open enrollment and benefits fair for city employees
- Streamlined process and forms for Workers' Compensation and Patron Accident/Incident Reports
- Successful Employee Service Awards Dinner

#### **Future Projects**

- Complete the remaining outstanding items identified in CJPIA's safety audit by June 30 2104 (this will have required staff to complete 45 separate recommendations by CJPIA to get into compliance with the law and with CJPIA best practices)
- Evaluate implementation of Automated Recruitment Solutions to improve operational efficiency for staff and ease of application for potential applicants for City positions
- Continue Review of existing City polices to insure legal compliance and best practices
- Review the City's performance evaluation process and prepare recommendations for improvement
- Complete Strategic Plan requirement by developing and enhancing employee recognition activities
- Review and Audit the City's insurance programs to identify potential savings
- Review ADA Compliance Issues and Address any requirements

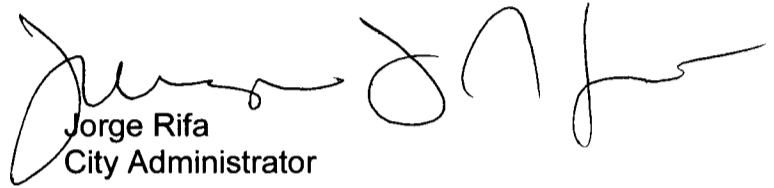
**FISCAL IMPACT:**

This report has no impact on the current operating budget.

**RELATIONSHIP TO 2012 STRATEGIC GOALS:**

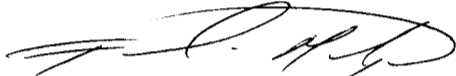
The issue before the Council is applicable to the following Council's strategic goal: *"Improve and maintain infrastructure and beautify our community"* as identified in the 2012 Strategic Plan.

Respectfully submitted,



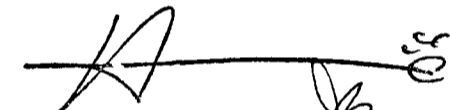
Jorge Rifa  
City Administrator

Prepared by:



Fernando Mendoza  
Deputy City Administrator

Fiscal impact reviewed by:

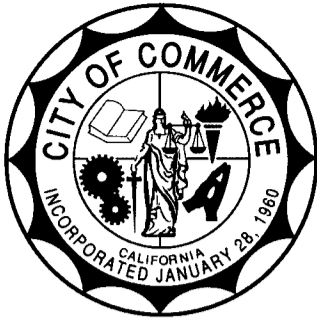


Vilko Domic  
Director of Finance

Approved as to form:



Eduardo Olivo  
City Attorney



# AGENDA REPORT

DATE: March 4, 2014

**TO:** Honorable City Council  
**FROM:** City Administrator  
**SUBJECT:** Commission and Committee Appointments

**RECOMMENDATION:**

Make the appropriate appointments.

**MOTION:**

Council discretion.

**BACKGROUND:**

Pursuant to Resolution No. 97-15, as amended, each Councilmember makes one appointment to the various Commissions and Committees of the City, with the terms of office of each appointee being for a period not to exceed two years, expiring at the next General Municipal Election. The term of office shall continue until the appointment and qualification of successor appointees. The Council makes the appointments of any sixth or more members, industrial member and Council member of the applicable Commission and Committees.

**ANALYSIS:**

It is recommended that an appointment be made to the following Commissions and Committees at this time, with all terms to expire March 18, 2015, unless otherwise indicated:

Traffic Commission

Mayor Aguilar

Measure AA Committee

Councilmember Baca Del Rio

Youth Advisory Commission

Mayor Pro Tempore Leon

Pageant Steering Committee

Councilmember Robles

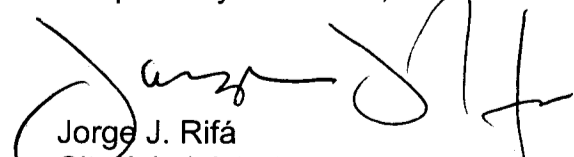
**FISCAL IMPACT:**

This activity can be carried out without additional impact on the current operating budget.

Recommended by:

  
Victoria M. Alexander  
Deputy City Clerk

Respectfully submitted,

  
Jorge J. Rifá  
City Administrator





# AGENDA REPORT

DATE: March 4, 2014

TO: HONORABLE CITY COUNCIL  
FROM: CITY ADMINISTRATOR  
SUBJECT: LIBRARY RENOVATION PROJECT - UPDATE

**RECOMMENDATION:**

The City Council will receive and file a report and presentation on the Library Renovation Project.

**MOTION:**

Move to approve recommendation.

**BACKGROUND:**

On June 4, 2013, the City Council approved the plans and specification for City Project No. 1301- Central Library Renovation Project and authorized staff to advertise for bids.

On October 1, 2013, the City Council approved Resolution No. 13-115, which accepted the bid by MTM Construction, Inc. and directed the City Attorney to prepare a Construction Contract with MTM Construction, Inc. for the project.

On October 15, 2013, the City Council approved Resolution No. 13-120, which approved the Standard Contract for City Project No. 1301 between the City of Commerce and MTM Construction, Inc. for the Central Library Renovation.

**ANALYSIS:**

The following is a status update for Library's renovation to date:

- Abatement for the Library and Literacy Center is complete.
- Demolition for the Library Renovation is complete for the main scope (walls, ceilings, lighting, HVAC ductwork and concrete.
- Wall framing is complete with the exception of pending revisions (i.e. restroom layout & Literacy Center classroom.)
- Perimeter walls have insulation installed
- Electrical conduit is being installed in walls for data systems and electrical.
- Restroom underground plumbing is installed and ready for inspection.
- Fire sprinkler drawings have been submitted to LA County Fire Engineering for plan check review
- Fire Alarm drawings have been submitted to LA County Fire Engineering for plan check review
- Drywall installation will be 40% complete by 2/18/14.
- Underside of roof structure paint mock-up has been completed and ready for review

During the construction process a few issues have come up that staff and the Project Manager would like to bring to the attention of the City Council:

- Quantify abatement work beyond Library's public space (Old City Hall offices)
- Water intrusion at Library store front window system (existing issue)
- Fire damage at Library store front wood framing
- Audio / Video revisions based on renovated space use
- Main Electrical Distribution room enlargement. Where to take office space to allow room enlargement?

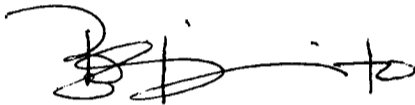
**FISCAL IMPACT:**

At this time there is no fiscal impact.

**RELATIONSHIP TO STRATEGIC GOALS:**

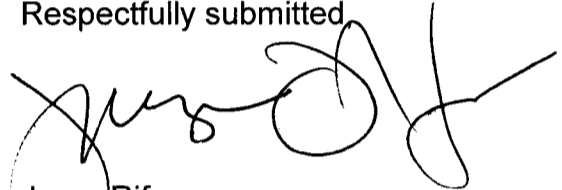
The agenda report is in furtherance of Council's strategic goal to "*Protect and Enhance Quality of Life in the City of Commerce.*" The City's ability to utilize other funding sources is an effective and efficient way to improve the quality of life for residents.

Recommended by:



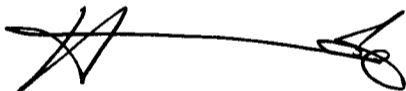
Beatriz Sarmiento  
Director of Library Services

Respectfully submitted



Jorge Rifa  
City Administrator

Fiscal impact reviewed by:



Vilko Domic  
Director of Finance

Approved as to Form



Eduardo Olivo  
City Attorney





# AGENDA REPORT

MEETING DATE: March 4, 2014

TO: Honorable City Council

FROM: City Administrator

SUBJECT: LEGISLATIVE REPORT

## RECOMMENDATION:

The City Council will consider taking a formal position on legislative bills of interest to Commerce and other municipalities in California, and direct City staff to forward City position letters to Sacramento on behalf of the City of Commerce.

## MOTION:

City Council discretion.

## BACKGROUND / ANALYSIS:

From time to time, legislation is considered by the State Legislature that affects local government, at which time cities throughout California take appropriate positions on proposed legislation of concern. The legislative positions adopted by the Council will direct the City's lobbying efforts during the 2014 Legislative Session.

## FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.

## RELATIONSHIP TO 2012 STRATEGIC GOALS:

This agenda report is not applicable to any specific strategic objective; however, it is consistent with the City's goal to protect and enhance the quality of life in the City of Commerce.

Prepared by:

Fernando Mendoza  
Deputy City Administrator

Respectfully submitted,

Jorge J. Rifa  
City Administrator

Fiscal impact reviewed by:

Vilko Domic  
Director of Finance

Reviewed as to form:

Eduardo Olivo  
City Attorney



**STATE LEGISLATION**  
**Tuesday, February 18, 2014**

Bill #	Author	Title	Summary	Status	League Position	City Position
SB 1064	Sen. Jerry Hill	Public Utilities Commission: railroads safety.	Existing law provides that the Public Utilities Commission has certain responsibilities for the inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads, including public mass transit guideways, and for enforcement of state and federal laws, regulations, orders, and directives relative to railroad safety. This bill would enact similar provisions applicable to NTSB safety recommendations concerning railroads.	May be acted upon on or after March 21.	Watch	
AB 471	Assembly Member Toni Atkins	Local Government: redevelopment: successor agencies to redevelopment agencies	Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to the division of taxes and voter approval requirements. Existing law prohibits an infrastructure financing district from including any portion of a redevelopment project area. This bill would delete that prohibition and would authorize a district to finance a project or portion of a project that is located in, or overlaps with, a redevelopment project area or former redevelopment project area, as specified.	Enrolled: 02/18/14		

**Introduced by Senator Hill**

February 18, 2014

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An act to add Section 765 to the Public Utilities Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 1064, as introduced, Hill. Public Utilities Commission: railroads: safety.

Existing law provides that the Public Utilities Commission has certain responsibilities for the inspection, surveillance, and investigation of the rights-of-way, facilities, equipment, and operations of railroads, including public mass transit guideways, and for enforcement of state and federal laws, regulations, orders, and directives relative to railroad safety.

Existing law, with respect to safety recommendations of the National Transportation Safety Board (NTSB) concerning gas pipelines, requires the commission to respond to a safety recommendation letter sent to the commission by the NTSB within 90 days. Existing law requires the commission, in its response to the NTSB, to indicate whether the commission intends to implement the recommendations in whole or in part, or whether the commission refuses to implement the recommendations, as specified. Existing law requires the commission's decision to be detailed in writing and to be approved by a majority vote of commissioners. Existing law requires the commission to issue orders or adopt rules to implement the NTSB recommendations if the commission determines that they are appropriate. Existing law requires the commission to report on any action taken on NTSB recommendations in an annual report submitted to the Legislature.

This bill would enact similar provisions applicable to NTSB safety recommendations concerning railroads.

Under existing law, a violation of an order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because this bill would require the commission to issue orders or adopt rules to implement any safety recommendation of the NTSB relative to railroads that the commission determines to be appropriate, and a violation of those orders or rules would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 765 is added to the Public Utilities Code,  
2 to read:

3 765. (a) When the federal National Transportation Safety  
4 Board (NTSB) submits a safety recommendation letter concerning  
5 railroad safety to the commission, the commission shall provide  
6 the NTSB with a formal written response to each recommendation  
7 no later than 90 days after receiving the letter. The response shall  
8 state one of the following:

9 (1) The commission’s intent to implement the recommendations  
10 in full, with a proposed timetable for implementation of the  
11 recommendations.

12 (2) The commission’s intent to implement part of the  
13 recommendations, with a proposed timetable for implementation  
14 of those recommendations, and detailed reasons for the  
15 commission’s refusal to implement those recommendations that  
16 the commission does not intend to implement.

17 (3) The commission’s refusal to implement the  
18 recommendations, with detailed reasons for the commission’s  
19 refusal to implement the recommendations.

20 (b) If the NTSB issues a safety recommendation letter  
21 concerning any commission-regulated railroad facility to a

1 commission-regulated rail operator or to the commission, the  
2 commission shall determine if implementation of the  
3 recommendation is appropriate. The basis for the commission's  
4 determination shall be detailed in writing and shall be approved  
5 by a majority vote of the commission.

6 (c) If the commission determines that a safety recommendation  
7 made by the NTSB is appropriate, the commission shall issue  
8 orders or adopt rules to implement the safety recommendations as  
9 soon as practicable. In implementing the safety recommendation,  
10 the commission shall consider whether a more effective, or equally  
11 effective and less costly, alternative exists to address the safety  
12 issue that the recommendation addresses.

13 (d) Any action taken by the commission on a safety  
14 recommendation letter shall be reported annually, in detail, to the  
15 Legislature with the report required by Section 321.6. Any  
16 correspondence from the NTSB indicating that a recommendation  
17 has been closed following an action that the NTSB finds  
18 unacceptable shall be noted in the report required by Section 321.6.

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.

**Assembly Bill No. 471**

\_\_\_\_\_

Passed the Assembly February 10, 2014

\_\_\_\_\_  
*Chief Clerk of the Assembly*

\_\_\_\_\_

Passed the Senate February 6, 2014

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 53395.4 of the Government Code, and to amend Sections 34171, 34177, 34191.4, and 34191.5 of the Health and Safety Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

AB 471, Atkins. Local government: redevelopment: successor agencies to redevelopment agencies.

(1) Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to the division of taxes and voter approval requirements. Existing law prohibits an infrastructure financing district from including any portion of a redevelopment project area.

This bill would delete that prohibition and would authorize a district to finance a project or portion of a project that is located in, or overlaps with, a redevelopment project area or former redevelopment project area, as specified.

(2) Existing law requires a successor agency to submit a Recognized Obligation Payment Schedule to the Department of Finance, and requires the successor agency to make payments pursuant to that schedule.

This bill would authorize the successor agency to schedule Recognized Obligation Payment Schedule payments beyond the existing Recognized Obligation Payment Schedule cycle upon a showing that a lender requires cash on hand beyond the Recognized Obligation Payment Schedule cycle, or when a payment is shown to be due during the Recognized Obligation Payment Schedule period. The bill would authorize the successor agency to utilize reasonable estimates and projections to support payment amounts where a payment is shown to be due during the Recognized Obligation Payment Schedule period but an invoice or other billing document has not been received, if the successor agency submits appropriate supporting documentation for the basis of the estimate or projection to the department and the auditor-controller. The bill



would provide that a Recognized Obligation Payment Schedule may also include appropriation of moneys from bonds subject to passage during the Recognized Obligation Payment Schedule cycle when an enforceable obligation requires the agency to issue the bonds and use the proceeds to pay for project expenditures.

(3) Existing law requires the county auditor-controller to determine the amount of property taxes that would have been allocated to each redevelopment agency if it had not been dissolved and to deposit this amount in a Redevelopment Property Tax Trust Fund in the county. Existing law requires the conducting of a due diligence review to determine the unobligated balances available for transfer to affected taxing entities. Existing law requires the county auditor-controller for each fiscal year to allocate moneys in the Redevelopment Property Tax Trust Fund for passthrough payment obligations, enforceable obligations of the dissolved redevelopment agency, and administrative costs, as specified. Any remaining moneys in the Redevelopment Property Tax Trust Fund are required to be distributed as local property tax revenues to local agencies and school entities, as specified.

This bill would require that, under specified conditions, on July 1, 2014, and twice yearly thereafter until July 1, 2018, funds be allocated to cover the housing entity administrative cost allowance of a local housing authority that has assumed the housing duties of the former redevelopment agency, as specified, before remaining moneys are distributed to local agencies and school entities. The bill would define “housing entity administrative cost allowance” for these purposes. This bill would also exclude from the calculation of the amount distributed to taxing entities during the 2012–13 base year the amounts distributed to taxing entities pursuant to the due diligence review process. By imposing additional duties upon local public officials, the bill would create a state-mandated local program.

(4) Existing law requires a successor agency to prepare a long-range property management plan that addresses the disposition and use of the real properties of a former redevelopment agency and requires a transfer of the property to the city, county, or city and county if the plan directs the use or liquidation of the property for a project identified in an approved redevelopment plan, as specified.

This bill would specify that the term “identified in an approved redevelopment plan” includes properties listed in a community plan or a 5-year implementation plan.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. Section 53395.4 of the Government Code is amended to read:

53395.4. (a) A district may finance only the facilities or services authorized in this chapter to the extent that the facilities or services are in addition to those provided in the territory of the district before the district was created. The additional facilities or services may not supplant facilities or services already available within that territory when the district was created but may supplement those facilities and services as needed to serve new developments.

(b) A district may include areas that are not contiguous.

(c) A district may finance a project or portion of a project that is located in, or overlaps with, a redevelopment project area or former redevelopment project area. The successor agency to the former redevelopment agency shall receive a finding of completion, as defined in Section 34179.7 of the Health and Safety Code, prior to the district financing any project or portion of a project under this subdivision.

(d) Notwithstanding subdivision (c), any debt or obligation of a district shall be subordinate to an enforceable obligation of a former redevelopment agency, as defined in Section 34171 of the Health and Safety Code. For the purposes of this chapter, the division of taxes allocated to the district pursuant to subdivision (b) of Section 53396 shall not include any taxes required to be deposited by the county auditor-controller into the Redevelopment

Property Tax Trust Fund created pursuant to subdivision (b) of Section 34170.5 of the Health and Safety Code.

(e) The legislative body of the city or county forming the district may choose to dedicate any portion of its net available revenue to the district through the financing plan described in Section 53395.14.

(f) For the purposes of this section, “net available revenue” means periodic distributions to the city or county from the Redevelopment Property Tax Trust Fund, created pursuant to Section 34170.5 of the Health and Safety Code, that are available to the city or county after all preexisting legal commitments and statutory obligations funded from that revenue are made pursuant to Part 1.85 (commencing with Section 34170) of Division 24 of the Health and Safety Code. Net available revenue shall not include any funds deposited by the county auditor-controller into the Redevelopment Property Tax Trust Fund or funds remaining in the Redevelopment Property Tax Trust Fund prior to distribution. Net available revenues shall not include any moneys payable to a school district that maintains kindergarten and grades 1 to 12, inclusive, community college districts, or to the Educational Revenue Augmentation Fund, pursuant to paragraph (4) of subdivision (a) of Section 34183 of the Health and Safety Code.

SEC. 2. Section 34171 of the Health and Safety Code is amended to read:

34171. The following terms shall have the following meanings:

(a) “Administrative budget” means the budget for administrative costs of the successor agencies as provided in Section 34177.

(b) “Administrative cost allowance” means an amount that, subject to the approval of the oversight board, is payable from property tax revenues of up to 5 percent of the property tax allocated to the successor agency on the Recognized Obligation Payment Schedule covering the period January 1, 2012, through June 30, 2012, and up to 3 percent of the property tax allocated to the Redevelopment Obligation Retirement Fund money that is allocated to the successor agency for each fiscal year thereafter; provided, however, that the amount shall not be less than two hundred fifty thousand dollars (\$250,000), unless the oversight board reduces this amount, for any fiscal year or such lesser amount as agreed to by the successor agency. However, the allowance amount shall exclude, and shall not apply to, any administrative

costs that can be paid from bond proceeds or from sources other than property tax. Administrative cost allowances shall exclude any litigation expenses related to assets or obligations, settlements and judgments, and the costs of maintaining assets prior to disposition. Employee costs associated with work on specific project implementation activities, including, but not limited to, construction inspection, project management, or actual construction, shall be considered project-specific costs and shall not constitute administrative costs.

(c) “Designated local authority” shall mean a public entity formed pursuant to subdivision (d) of Section 34173.

(d) (1) “Enforceable obligation” means any of the following:

(A) Bonds, as defined by Section 33602 and bonds issued pursuant to Chapter 10.5 (commencing with Section 5850) of Division 6 of Title 1 of the Government Code, including the required debt service, reserve set-asides, and any other payments required under the indenture or similar documents governing the issuance of the outstanding bonds of the former redevelopment agency. A reserve may be held when required by the bond indenture or when the next property tax allocation will be insufficient to pay all obligations due under the provisions of the bond for the next payment due in the following half of the calendar year.

(B) Loans of moneys borrowed by the redevelopment agency for a lawful purpose, to the extent they are legally required to be repaid pursuant to a required repayment schedule or other mandatory loan terms.

(C) Payments required by the federal government, preexisting obligations to the state or obligations imposed by state law, other than passthrough payments that are made by the county auditor-controller pursuant to Section 34183, or legally enforceable payments required in connection with the agencies’ employees, including, but not limited to, pension payments, pension obligation debt service, unemployment payments, or other obligations conferred through a collective bargaining agreement. Costs incurred to fulfill collective bargaining agreements for layoffs or terminations of city employees who performed work directly on behalf of the former redevelopment agency shall be considered enforceable obligations payable from property tax funds. The obligations to employees specified in this subparagraph shall

remain enforceable obligations payable from property tax funds for any employee to whom those obligations apply if that employee is transferred to the entity assuming the housing functions of the former redevelopment agency pursuant to Section 34176. The successor agency or designated local authority shall enter into an agreement with the housing entity to reimburse it for any costs of the employee obligations.

(D) Judgments or settlements entered by a competent court of law or binding arbitration decisions against the former redevelopment agency, other than passthrough payments that are made by the county auditor-controller pursuant to Section 34183. Along with the successor agency, the oversight board shall have the authority and standing to appeal any judgment or to set aside any settlement or arbitration decision.

(E) Any legally binding and enforceable agreement or contract that is not otherwise void as violating the debt limit or public policy. However, nothing in this act shall prohibit either the successor agency, with the approval or at the direction of the oversight board, or the oversight board itself from terminating any existing agreements or contracts and providing any necessary and required compensation or remediation for such termination. Titles of or headings used on or in a document shall not be relevant in determining the existence of an enforceable obligation.

(F) Contracts or agreements necessary for the administration or operation of the successor agency, in accordance with this part, including, but not limited to, agreements concerning litigation expenses related to assets or obligations, settlements and judgments, and the costs of maintaining assets prior to disposition, and agreements to purchase or rent office space, equipment and supplies, and pay-related expenses pursuant to Section 33127 and for carrying insurance pursuant to Section 33134.

(G) Amounts borrowed from, or payments owing to, the Low and Moderate Income Housing Fund of a redevelopment agency, which had been deferred as of the effective date of the act adding this part; provided, however, that the repayment schedule is approved by the oversight board. Repayments shall be transferred to the Low and Moderate Income Housing Asset Fund established pursuant to subdivision (d) of Section 34176 as a housing asset and shall be used in a manner consistent with the affordable

housing requirements of the Community Redevelopment Law (Part 1 (commencing with Section 33000)).

(2) For purposes of this part, “enforceable obligation” does not include any agreements, contracts, or arrangements between the city, county, or city and county that created the redevelopment agency and the former redevelopment agency. However, written agreements entered into (A) at the time of issuance, but in no event later than December 31, 2010, of indebtedness obligations, and (B) solely for the purpose of securing or repaying those indebtedness obligations may be deemed enforceable obligations for purposes of this part. Notwithstanding this paragraph, loan agreements entered into between the redevelopment agency and the city, county, or city and county that created it, within two years of the date of creation of the redevelopment agency, may be deemed to be enforceable obligations.

(3) Contracts or agreements between the former redevelopment agency and other public agencies, to perform services or provide funding for governmental or private services or capital projects outside of redevelopment project areas that do not provide benefit to the redevelopment project and thus were not properly authorized under Part 1 (commencing with Section 33000) shall be deemed void on the effective date of this part; provided, however, that such contracts or agreements for the provision of housing properly authorized under Part 1 (commencing with Section 33000) shall not be deemed void.

(e) “Indebtedness obligations” means bonds, notes, certificates of participation, or other evidence of indebtedness, issued or delivered by the redevelopment agency, or by a joint exercise of powers authority created by the redevelopment agency, to third-party investors or bondholders to finance or refinance redevelopment projects undertaken by the redevelopment agency in compliance with the Community Redevelopment Law (Part 1 (commencing with Section 33000)).

(f) “Oversight board” shall mean each entity established pursuant to Section 34179.

(g) “Recognized obligation” means an obligation listed in the Recognized Obligation Payment Schedule.

(h) “Recognized Obligation Payment Schedule” means the document setting forth the minimum payment amounts and due dates of payments required by enforceable obligations for each

six-month fiscal period as provided in subdivision (m) of Section 34177.

(i) "School entity" means any entity defined as such in subdivision (f) of Section 95 of the Revenue and Taxation Code.

(j) "Successor agency" means the successor entity to the former redevelopment agency as described in Section 34173.

(k) "Taxing entities" means cities, counties, a city and county, special districts, and school entities, as defined in subdivision (f) of Section 95 of the Revenue and Taxation Code, that receive passthrough payments and distributions of property taxes pursuant to the provisions of this part.

(l) "Property taxes" include all property tax revenues, including those from unitary and supplemental and roll corrections applicable to tax increment.

(m) "Department" means the Department of Finance unless the context clearly refers to another state agency.

(n) "Sponsoring entity" means the city, county, or city and county, or other entity that authorized the creation of each redevelopment agency.

(o) "Final judicial determination" means a final judicial determination made by any state court that is not appealed, or by a court of appellate jurisdiction that is not further appealed, in an action by any party.

(p) From July 1, 2014, to July 1, 2018, inclusive, "housing entity administrative cost allowance" means an amount of up to 1 percent of the property tax allocated to the Redevelopment Obligation Retirement Fund on behalf of the successor agency for each applicable fiscal year, but not less than one hundred fifty thousand dollars (\$150,000) per fiscal year.

(1) If a local housing authority assumed the housing functions of the former redevelopment agency pursuant to paragraph (2) or (3) of subdivision (b) of Section 34176, then the housing entity administrative cost allowance shall be listed by the successor agency on the Recognized Obligation Payment Schedule. Upon approval of the Recognized Obligation Payment Schedule by the oversight board and the department, the housing entity administrative cost allowance shall be remitted by the successor agency on each January 2 and July 1 to the local housing authority that assumed the housing functions of the former redevelopment

agency pursuant to paragraph (2) or (3) of subdivision (b) of Section 34176.

(2) If there are insufficient moneys in the Redevelopment Obligations Retirement Fund in a given fiscal year to make the payment authorized by this subdivision, the unfunded amount may be listed on each subsequent Recognized Obligation Payment Schedule until it has been paid in full. In these cases the five-year time limit on the payments shall not apply.

SEC. 3. Section 34177 of the Health and Safety Code is amended to read:

34177. Successor agencies are required to do all of the following:

(a) Continue to make payments due for enforceable obligations.

(1) On and after February 1, 2012, and until a Recognized Obligation Payment Schedule becomes operative, only payments required pursuant to an enforceable obligations payment schedule shall be made. The initial enforceable obligation payment schedule shall be the last schedule adopted by the redevelopment agency under Section 34169. However, payments associated with obligations excluded from the definition of enforceable obligations by paragraph (2) of subdivision (d) of Section 34171 shall be excluded from the enforceable obligations payment schedule and be removed from the last schedule adopted by the redevelopment agency under Section 34169 prior to the successor agency adopting it as its enforceable obligations payment schedule pursuant to this subdivision. The enforceable obligation payment schedule may be amended by the successor agency at any public meeting and shall be subject to the approval of the oversight board as soon as the board has sufficient members to form a quorum. In recognition of the fact that the timing of the California Supreme Court's ruling in the case *California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231 delayed the preparation by successor agencies and the approval by oversight boards of the January 1, 2012, through June 30, 2012, Recognized Obligation Payment Schedule, a successor agency may amend the Enforceable Obligation Payment Schedule to authorize the continued payment of enforceable obligations until the time that the January 1, 2012, through June 30, 2012, Recognized Obligation Payment Schedule has been approved by the oversight board and by the Department of Finance. The successor agency may utilize reasonable estimates



and projections to support payment amounts for enforceable obligations if the successor agency submits appropriate supporting documentation of the basis for the estimate or projection to the Department of Finance and the auditor-controller.

(2) The Department of Finance and the Controller shall each have the authority to require any documents associated with the enforceable obligations to be provided to them in a manner of their choosing. Any taxing entity, the department, and the Controller shall each have standing to file a judicial action to prevent a violation under this part and to obtain injunctive or other appropriate relief.

(3) Commencing on the date the Recognized Obligation Payment Schedule is valid pursuant to subdivision (1), only those payments listed in the Recognized Obligation Payment Schedule may be made by the successor agency from the funds specified in the Recognized Obligation Payment Schedule. In addition, after it becomes valid, the Recognized Obligation Payment Schedule shall supersede the Statement of Indebtedness, which shall no longer be prepared nor have any effect under the Community Redevelopment Law (Part 1 (commencing with Section 33000)).

(4) Nothing in the act adding this part is to be construed as preventing a successor agency, with the prior approval of the oversight board, as described in Section 34179, from making payments for enforceable obligations from sources other than those listed in the Recognized Obligation Payment Schedule.

(5) From February 1, 2012, to July 1, 2012, a successor agency shall have no authority and is hereby prohibited from accelerating payment or making any lump-sum payments that are intended to prepay loans unless such accelerated repayments were required prior to the effective date of this part.

(b) Maintain reserves in the amount required by indentures, trust indentures, or similar documents governing the issuance of outstanding redevelopment agency bonds.

(c) Perform obligations required pursuant to any enforceable obligation.

(d) Remit unencumbered balances of redevelopment agency funds to the county auditor-controller for distribution to the taxing entities, including, but not limited to, the unencumbered balance of the Low and Moderate Income Housing Fund of a former redevelopment agency. In making the distribution, the county

auditor-controller shall utilize the same methodology for allocation and distribution of property tax revenues provided in Section 34188.

(e) Dispose of assets and properties of the former redevelopment agency as directed by the oversight board; provided, however, that the oversight board may instead direct the successor agency to transfer ownership of certain assets pursuant to subdivision (a) of Section 34181. The disposal is to be done expeditiously and in a manner aimed at maximizing value. Proceeds from asset sales and related funds that are no longer needed for approved development projects or to otherwise wind down the affairs of the agency, each as determined by the oversight board, shall be transferred to the county auditor-controller for distribution as property tax proceeds under Section 34188. The requirements of this subdivision shall not apply to a successor agency that has been issued a finding of completion by the Department of Finance pursuant to Section 34179.7.

(f) Enforce all former redevelopment agency rights for the benefit of the taxing entities, including, but not limited to, continuing to collect loans, rents, and other revenues that were due to the redevelopment agency.

(g) Effectuate transfer of housing functions and assets to the appropriate entity designated pursuant to Section 34176.

(h) Expeditiously wind down the affairs of the redevelopment agency pursuant to the provisions of this part and in accordance with the direction of the oversight board.

(i) Continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the former redevelopment agency can be transferred to other parties. Bond proceeds shall be used for the purposes for which bonds were sold unless the purposes can no longer be achieved, in which case, the proceeds may be used to defease the bonds.

(j) Prepare a proposed administrative budget and submit it to the oversight board for its approval. The proposed administrative budget shall include all of the following:

(1) Estimated amounts for successor agency administrative costs for the upcoming six-month fiscal period.

(2) Proposed sources of payment for the costs identified in paragraph (1).

(3) Proposals for arrangements for administrative and operations services provided by a city, county, city and county, or other entity.

(k) Provide administrative cost estimates, from its approved administrative budget that are to be paid from property tax revenues deposited in the Redevelopment Property Tax Trust Fund, to the county auditor-controller for each six-month fiscal period.

(l) (1) Before each six-month fiscal period, prepare a Recognized Obligation Payment Schedule in accordance with the requirements of this paragraph. For each recognized obligation, the Recognized Obligation Payment Schedule shall identify one or more of the following sources of payment:

- (A) Low and Moderate Income Housing Fund.
- (B) Bond proceeds.
- (C) Reserve balances.
- (D) Administrative cost allowance.

(E) The Redevelopment Property Tax Trust Fund, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation or by the provisions of this part.

(F) Other revenue sources, including rents, concessions, asset sale proceeds, interest earnings, and any other revenues derived from the former redevelopment agency, as approved by the oversight board in accordance with this part.

(2) A Recognized Obligation Payment Schedule shall not be deemed valid unless all of the following conditions have been met:

(A) A Recognized Obligation Payment Schedule is prepared by the successor agency for the enforceable obligations of the former redevelopment agency. The initial schedule shall project the dates and amounts of scheduled payments for each enforceable obligation for the remainder of the time period during which the redevelopment agency would have been authorized to obligate property tax increment had the a redevelopment agency not been dissolved.

(B) The Recognized Obligation Payment Schedule is submitted to and duly approved by the oversight board. The successor agency shall submit a copy of the Recognized Obligation Payment Schedule to the county administrative officer, the county auditor-controller, and the Department of Finance at the same time that the successor agency submits the Recognized Obligation Payment Schedule to the oversight board for approval.

(C) A copy of the approved Recognized Obligation Payment Schedule is submitted to the county auditor-controller, the Controller's office, and the Department of Finance, and is posted on the successor agency's Internet Web site.

(3) The Recognized Obligation Payment Schedule shall be forward looking to the next six months. The first Recognized Obligation Payment Schedule shall be submitted to the Controller's office and the Department of Finance by April 15, 2012, for the period of January 1, 2012, to June 30, 2012, inclusive. This Recognized Obligation Payment Schedule shall include all payments made by the former redevelopment agency between January 1, 2012, through January 31, 2012, and shall include all payments proposed to be made by the successor agency from February 1, 2012, through June 30, 2012. Former redevelopment agency enforceable obligation payments due, and reasonable or necessary administrative costs due or incurred, prior to January 1, 2012, shall be made from property tax revenues received in the spring of 2011 property tax distribution, and from other revenues and balances transferred to the successor agency.

(m) The Recognized Obligation Payment Schedule for the period of January 1, 2013, to June 30, 2013, shall be submitted by the successor agency, after approval by the oversight board, no later than September 1, 2012. Commencing with the Recognized Obligation Payment Schedule covering the period July 1, 2013, through December 31, 2013, successor agencies shall submit an oversight board-approved Recognized Obligation Payment Schedule to the Department of Finance and to the county auditor-controller no fewer than 90 days before the date of property tax distribution. The Department of Finance shall make its determination of the enforceable obligations and the amounts and funding sources of the enforceable obligations no later than 45 days after the Recognized Obligation Payment Schedule is submitted. Within five business days of the department's determination, a successor agency may request additional review by the department and an opportunity to meet and confer on disputed items. The meet and confer period may vary; an untimely submittal of a Recognized Obligation Payment Schedule may result in a meet and confer period of less than 30 days. The department shall notify the successor agency and the county auditor-controllers

as to the outcome of its review at least 15 days before the date of property tax distribution.

(1) The successor agency shall submit a copy of the Recognized Obligation Payment Schedule to the Department of Finance electronically, and the successor agency shall complete the Recognized Obligation Payment Schedule in the manner provided for by the department. A successor agency shall be in noncompliance with this paragraph if it only submits to the department an electronic message or a letter stating that the oversight board has approved a Recognized Obligation Payment Schedule.

(2) If a successor agency does not submit a Recognized Obligation Payment Schedule by the deadlines provided in this subdivision, the city, county, or city and county that created the redevelopment agency shall be subject to a civil penalty equal to ten thousand dollars (\$10,000) per day for every day the schedule is not submitted to the department. The civil penalty shall be paid to the county auditor-controller for allocation to the taxing entities under Section 34183. If a successor agency fails to submit a Recognized Obligation Payment Schedule by the deadline, any creditor of the successor agency or the Department of Finance or any affected taxing entity shall have standing to and may request a writ of mandate to require the successor agency to immediately perform this duty. Those actions may be filed only in the County of Sacramento and shall have priority over other civil matters. Additionally, if an agency does not submit a Recognized Obligation Payment Schedule within 10 days of the deadline, the maximum administrative cost allowance for that period shall be reduced by 25 percent.

(3) If a successor agency fails to submit to the department an oversight board-approved Recognized Obligation Payment Schedule that complies with all requirements of this subdivision within five business days of the date upon which the Recognized Obligation Payment Schedule is to be used to determine the amount of property tax allocations, the department may determine if any amount should be withheld by the county auditor-controller for payments for enforceable obligations from distribution to taxing entities, pending approval of a Recognized Obligation Payment Schedule. The county auditor-controller shall distribute the portion of any of the sums withheld pursuant to this paragraph to the

affected taxing entities in accordance with paragraph (4) of subdivision (a) of Section 34183 upon notice by the department that a portion of the withheld balances are in excess of the amount of enforceable obligations. The county auditor-controller shall distribute withheld funds to the successor agency only in accordance with a Recognized Obligation Payment Schedule approved by the department. County auditor-controllers shall lack the authority to withhold any other amounts from the allocations provided for under Section 34183 or 34188 unless required by a court order.

(4) (A) The Recognized Obligation Payment Schedule payments required pursuant to this subdivision may be scheduled beyond the existing Recognized Obligation Payment Schedule cycle upon a showing that a lender requires cash on hand beyond the Recognized Obligation Payment Schedule cycle.

(B) When a payment is shown to be due during the Recognized Obligation Payment Schedule period, but an invoice or other billing document has not yet been received, the successor agency may utilize reasonable estimates and projections to support payment amounts for enforceable obligations if the successor agency submits appropriate supporting documentation of the basis for the estimate or projection to the department and the auditor-controller.

(C) A Recognized Obligation Payment Schedule may also include appropriation of moneys from bonds subject to passage during the Recognized Obligation Payment Schedule cycle when an enforceable obligation requires the agency to issue the bonds and use the proceeds to pay for project expenditures.

(n) Cause a postaudit of the financial transactions and records of the successor agency to be made at least annually by a certified public accountant.

SEC. 4. Section 34191.4 of the Health and Safety Code is amended to read:

34191.4. The following provisions shall apply to any successor agency that has been issued a finding of completion by the Department of Finance:

(a) All real property and interests in real property identified in subparagraph (C) of paragraph (5) of subdivision (c) of Section 34179.5 shall be transferred to the Community Redevelopment Property Trust Fund of the successor agency upon approval by the Department of Finance of the long-range property management

plan submitted by the successor agency pursuant to subdivision (b) of Section 34191.5 unless that property is subject to the requirements of any existing enforceable obligation.

(b) (1) Notwithstanding subdivision (d) of Section 34171, upon application by the successor agency and approval by the oversight board, loan agreements entered into between the redevelopment agency and the city, county, or city and county that created the redevelopment agency shall be deemed to be enforceable obligations provided that the oversight board makes a finding that the loan was for legitimate redevelopment purposes.

(2) If the oversight board finds that the loan is an enforceable obligation, the accumulated interest on the remaining principal amount of the loan shall be recalculated from origination at the interest rate earned by funds deposited into the Local Agency Investment Fund. The loan shall be repaid to the city, county, or city and county in accordance with a defined schedule over a reasonable term of years at an interest rate not to exceed the interest rate earned by funds deposited into the Local Agency Investment Fund. The annual loan repayments provided for in the recognized obligation payment schedules shall be subject to all of the following limitations:

(A) Loan repayments shall not be made prior to the 2013–14 fiscal year. Beginning in the 2013–14 fiscal year, the maximum repayment amount authorized each fiscal year for repayments made pursuant to this subdivision and paragraph (7) of subdivision (e) of Section 34176 combined shall be equal to one-half of the increase between the amount distributed to the taxing entities pursuant to paragraph (4) of subdivision (a) of Section 34183 in that fiscal year and the amount distributed to taxing entities pursuant to that paragraph in the 2012–13 base year, provided, however, that calculation of the amount distributed to taxing entities during the 2012–13 base year shall not include any amounts distributed to taxing entities pursuant to the due diligence review process established in Sections 34179.5 to 34179.8, inclusive. Loan or deferral repayments made pursuant to this subdivision shall be second in priority to amounts to be repaid pursuant to paragraph (7) of subdivision (e) of Section 34176.

(B) Repayments received by the city, county, or city and county that formed the redevelopment agency shall first be used to retire any outstanding amounts borrowed and owed to the Low and

Moderate Income Housing Fund of the former redevelopment agency for purposes of the Supplemental Educational Revenue Augmentation Fund and shall be distributed to the Low and Moderate Income Housing Asset Fund established by subdivision (d) of Section 34176.

(C) Twenty percent of any loan repayment shall be deducted from the loan repayment amount and shall be transferred to the Low and Moderate Income Housing Asset Fund, after all outstanding loans from the Low and Moderate Income Housing Fund for purposes of the Supplemental Educational Revenue Augmentation Fund have been paid.

(c) (1) Bond proceeds derived from bonds issued on or before December 31, 2010, shall be used for the purposes for which the bonds were sold.

(2) (A) Notwithstanding Section 34177.3 or any other conflicting provision of law, bond proceeds in excess of the amounts needed to satisfy approved enforceable obligations shall thereafter be expended in a manner consistent with the original bond covenants. Enforceable obligations may be satisfied by the creation of reserves for projects that are the subject of the enforceable obligation and that are consistent with the contractual obligations for those projects, or by expending funds to complete the projects. An expenditure made pursuant to this paragraph shall constitute the creation of excess bond proceeds obligations to be paid from the excess proceeds. Excess bond proceeds obligations shall be listed separately on the Recognized Obligation Payment Schedule submitted by the successor agency.

(B) If remaining bond proceeds cannot be spent in a manner consistent with the bond covenants pursuant to subparagraph (A), the proceeds shall be used to defease the bonds or to purchase those same outstanding bonds on the open market for cancellation.

SEC. 5. Section 34191.5 of the Health and Safety Code is amended to read:

34191.5. (a) There is hereby established a Community Redevelopment Property Trust Fund, administered by the successor agency, to serve as the repository of the former redevelopment agency's real properties identified in subparagraph (C) of paragraph (5) of subdivision (c) of Section 34179.5.

(b) The successor agency shall prepare a long-range property management plan that addresses the disposition and use of the real



properties of the former redevelopment agency. The report shall be submitted to the oversight board and the Department of Finance for approval no later than six months following the issuance to the successor agency of the finding of completion.

(c) The long-range property management plan shall do all of the following:

(1) Include an inventory of all properties in the trust. The inventory shall consist of all of the following information:

(A) The date of the acquisition of the property and the value of the property at that time, and an estimate of the current value of the property.

(B) The purpose for which the property was acquired.

(C) Parcel data, including address, lot size, and current zoning in the former agency redevelopment plan or specific, community, or general plan.

(D) An estimate of the current value of the parcel including, if available, any appraisal information.

(E) An estimate of any lease, rental, or any other revenues generated by the property, and a description of the contractual requirements for the disposition of those funds.

(F) The history of environmental contamination, including designation as a brownfield site, any related environmental studies, and history of any remediation efforts.

(G) A description of the property's potential for transit-oriented development and the advancement of the planning objectives of the successor agency.

(H) A brief history of previous development proposals and activity, including the rental or lease of property.

(2) Address the use or disposition of all of the properties in the trust. Permissible uses include the retention of the property for governmental use pursuant to subdivision (a) of Section 34181, the retention of the property for future development, the sale of the property, or the use of the property to fulfill an enforceable obligation. The plan shall separately identify and list properties in the trust dedicated to governmental use purposes and properties retained for purposes of fulfilling an enforceable obligation. With respect to the use or disposition of all other properties, all of the following shall apply:

(A) (i) If the plan directs the use or liquidation of the property for a project identified in an approved redevelopment plan, the property shall transfer to the city, county, or city and county.

(ii) For purposes of this subparagraph, the term “identified in an approved redevelopment plan” includes properties listed in a community plan or a five-year implementation plan.

(B) If the plan directs the liquidation of the property or the use of revenues generated from the property, such as lease or parking revenues, for any purpose other than to fulfill an enforceable obligation or other than that specified in subparagraph (A), the proceeds from the sale shall be distributed as property tax to the taxing entities.

(C) Property shall not be transferred to a successor agency, city, county, or city and county, unless the long-range property management plan has been approved by the oversight board and the Department of Finance.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act provides for offsetting savings to local agencies or school districts that result in no net costs to the local agencies or school districts, within the meaning of Section 17556 of the Government Code.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to facilitate the smooth and effective implementation and completion of the dissolution of redevelopment agencies, it is necessary that this act go into immediate effect.

Approved \_\_\_\_\_, 2014

\_\_\_\_\_  
*Governor*

