

Tina Baca Del Rio Mayor
Lilia R. Leon Mayor Pro Tem
Joe Aguilar Councilmember
Ivan Altamirano Councilmember
Denise Robles Councilmember



COMMERCE CITY HALL
COUNCIL CHAMBERS
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AGENDA

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, April 1, 2014 - 6:30 P.M.

CALL TO ORDER Mayor/Chairperson Baca Del Rio
PLEDGE OF ALLEGIANCE Mike Casalou, Director of Human Resources
INVOCATION Mayor/Chairperson Baca Del Rio
ROLL CALL City Clerk Shumway

APPEARANCES AND PRESENTATIONS

1. Introduction –Miss Commerce 2014 and Royal Court
Pageant Steering Committee will introduce Miss Commerce 2014 and her Royal Court and the 2014 Young Man of the Year to the City Council.

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. State law (Government Code Section 54950 et seq.) prohibits the City Council/Successor Agency from taking action or engaging in discussion on a specific item unless it appears on a posted agenda. 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. 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 limit your remarks to five (5) minutes.

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. There will be no discussion of these items unless members of the City Council request specific items to be removed from the Consent Agenda for a separate discussion. If the item is desired to be discussed separately, it should be the first item under Scheduled Matters.

2. Approval of Minutes

The **City Council and Successor Agency** will consider for approval the minutes of the Concurrent Adjourned Regular Meeting of Tuesday, March 18, 2014, held at 5:00 p.m., the Concurrent Regular Meeting of Tuesday, March 18, 2014, held at 6:30 p.m., Concurrent Adjourned Regular Meeting of Tuesday, August 20, 2013, held at 5:00 p.m., Concurrent Regular Meeting of Tuesday, August 20, 2013, held at 6:30 p.m., Concurrent Regular Meeting of Tuesday, November 5, 2013, held at 6:30 p.m., and Concurrent Regular Meeting of Tuesday, May 7, 2013, held at 6:30 p.m.

3. Approval of Warrant Register Nos. 17A and 17B

The **City Council and Successor Agency** will consider for approval the bills and claims set forth in Warrant Registers No. 17A, dated April 1, 2014, and 17B for the period of March 19, 2014 to March 27, 2014.

4. Proclamation –Autism Awareness Month

The City Council will consider designating the month of April 2014 as Autism Awareness month in the City of Commerce.

5. A Resolution of the City Council Approving the Purchase of Upgraded Security Cameras for the Transit Maintenance Facility (TMF), from Integrated Security

The City Council will consider for approval and adoption a proposed Resolution for the purchase of upgraded security cameras for the Transit Maintenance Facility (TMF), from Integrated Security in the amount not to exceed \$24,837.

6. A Resolution of the City Council Approving Revised Alcohol and Drug-Free Workplace Policy (III-3) and the Education Incentive Bonus Policy (IV-6)

The City Council will consider for approval and adoption a proposed Resolution amending Alcohol and Drug-Free Workplace Policy (III-3) and the Education Incentive Bonus Policy (IV-6) of the City of Commerce Personnel Policies and Procedures.

7. A Resolution of the City Council Approving an Agreement with Geosyntec Consultants, Inc. for Professional Environmental Consulting Services

The City Council will consider for approval and adoption a proposed Resolution with Geosyntec Consultants, Inc. for professional environmental consulting services for the property located at 7316 East Gage Avenue, Commerce, California.

8. Approve Plans and Specifications for City Project No. 1306 – 2013/2014 Bus Shelter Installation (Phase IV) Project

The City Council will consider approving the Plans and Specifications as prepared by Elie Farah, Inc. for City Project No. 1306 – 2013/2014 Bus Shelter Installation (Phase IV) Project; and authorizing the Public Works and Development Services Department to advertise for bids and designating May 9, 2014, at 3:00 p.m., as the bid opening date.

9. A Resolution of the Successor Agency to the Commerce Community Development Commission Approving a License and Hold Harmless Agreement between the Successor Agency and Craig- Realty Group Citadel LLC

The Successor Agency will consider for approval and adoption a proposed Resolution approving a License and Hold Harmless agreement between the Successor Agency and Craig-Realty Group-Citadel LLC, for the use of Successor Agency-owned real property for parking purposes throughout the remainder of 2014, and for the first part of 2015.

PUBLIC HEARING

10. First Reading of an Ordinance Adopting by Reference of Various 2013 Los Angeles County Codes Related to State Building Codes

The City Council will conduct a public hearing and consider for first reading a proposed Ordinance adopting by reference: Title 26, Los Angeles County Building Code (2014 Edition); Title 27, Los Angeles County Electrical Code (2014 Edition); Title 28, Los Angeles County Plumbing Code (2014 Edition); Title 29, Los Angeles County Mechanical Code (2014 Edition); New Title 30, 2014 Los Angeles County Residential Code; New Title 31, 2014 Los Angeles County Green Building Standards Code and Title 32, Los Angeles County and District Fire Code (2014 Edition); by amending Section 15.04.010 Of Chapter 15.04 ("Building Laws") and Section 16.04.010 Of Chapter 16.04 ("Fire Prevention Code") of the Commerce Municipal Code.

SCHEDULED MATTERS

11. 2014/2015 Fiscal Year Budget Overview/Revenue Forecast

The City Council will receive an overview on, and provide appropriate direction as deemed necessary with respect to, the 2014/2015 Fiscal Year budget, and initial General Fund projected numbers.

12. Options for the Expansion of the Service Area Around the Bristow Park.

At the request of City Council, the Parks and Recreation Department will provide options to increase the recreational youth sports program participant levels in the Bristow area.

13. Organizational Assignments/Commission Appointments for Councilmembers

The City Council will select from among its members who will serve as delegates and alternates on various boards and commissions.

14. A Resolution of the City Council Defining Public Records Requests Procedure and Establishing Related Fees

The City Council will consider for approval and adoption a proposed Resolution establishing fees and procedures for public inspection and examination of public records, and for obtaining copies of public records of the city of commerce at the request of Mayor Pro Tempore Leon.

15. A Resolution of the City Council Approving an Agreement with IntelliBridge Partners

The City Council will consider for approval and adoption a proposed Resolution Approving an Agreement with IntelliBridge Partners for interim planning related services.

16. A Resolution of the City Council Opposing Assembly Bill (AB) 2189 Related to Water Replenishment Districts: Replenishment Assessment

The City Council will consider for approval and adoption a proposed Resolution in opposition to AB 2189 introduced by Assemblymember Cristina Garcia related to Water Replenishment Districts: Replenishment Assessment.

17. A Resolution of the City Council Opposing H.R. 29 Regarding Restrictions on Outsourcing City Services

The City Council will consider taking a formal position in opposition to House Resolution H.R. 29 (introduced by Assembly Member Gomez), related to restrictions on outsourcing city services, and authorize the Mayor to sign a letter on behalf of the City of Commerce.

18. 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 Mayor Baca Del Rio.

ORDINANCES

19. First Reading of an Ordinance Amending Commerce Municipal Code Related to Pointholders

The City Council will consider for first reading a proposed Ordinance amending Sections 5.48.230 ("Pointholders- Applications for Sale or Transfer of Points"), 5.48.240 ("Pointholders-Application-Investigation"); 5.48.250 ("Pointholders-Application-Granting or Denial"), 5.48.290 ("Application of Provisions to Continuing Pointholders") and 5.48.290 ("Pointholders-Divestment") and Adding Section 5.48.270 (Pointholders-Divestment") to Chapter 5.48 ("Card Clubs") of Title 5 ("Business Regulations And Licensing") of the Commerce Municipal Code.

ADJOURNMENT

Adjourn to Tuesday, April 15, 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

Written materials distributed to the City Council are available for public inspection immediately following the posting of this agenda (at least 72 hours prior to a regular City Council meetings) in the **City Clerk/Secretary's Office, at Commerce City Hall, 2535 Commerce Way, Commerce, California, and the Central Library, 5655 Jillson Street, Commerce, California.**

Meeting facilities are accessible to persons with disabilities. In compliance with the Americans with Disabilities Act (ADA) if you need special assistance to participate in this meeting, notify the Office of the City Clerk at (323) 722-4805 at least 48 hours prior to the meeting.



AGENDA REPORT

Meeting date: April 1, 2014

TO: Honorable City Council

FROM: City Administrator

SUBJECT: Introduction of the 2014 Miss Commerce and her Court and the 2014 Young Man of the Year, by the Pageant Steering Committee

RECOMMENDATION:

Introduce and congratulate the 2014 Royal Court and the 2014 Young Man of the Year, recognize the Pageant Steering Committee for another successful Miss Commerce Pageant, and thank the 2013 Miss Commerce and Court for their service.

MOTION:

None needed.

BACKGROUND:

The 2014 Miss Commerce Pageant was held on March 22, 2014 to select a new queen and court to represent the City of Commerce in 2014-2015. The Pageant Steering Committee worked behind the scenes with Recreation Manager Adolfo Marquez to ensure a successful and enjoyable experience for the participants of the pageant, their parents and families.

ANALYSIS:

The participants, their parents, civic organizations and industry should be commended for their enthusiastic contributions to the success of this event.

FISCAL IMPACT:

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

RELATIONSHIP TO STRATEGIC GOALS:

This agenda item relates to Council's ongoing commitment to enhancing the quality of life for city residents by providing quality recreation programs and services. The annual Miss Commerce Pageant has been held since 1960.

Recommended by:

Scott Wasserman
Director of Parks & Recreation

Respectfully submitted,

Jorge Rifa
City Administrator

Approved as to Form:

Eduardo Olivo
City Attorney

**MINUTES OF THE CONCURRENT ADJOURNED MEETINGS
OF THE CITY COUNCIL OF THE CITY OF COMMERCE and GOVERNING BODY OF THE
SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT
COMMISSION**

TUESDAY, MARCH 18, 2014

Mayor/Chairperson Aguilar called the Special meeting of the City Council/Successor Agency to order at 5:00 p.m. **Present:** Councilmembers Altamirano, Robles, Baca Del Rio, Mayor Pro Tem Leon, and Mayor Aguilar

PUBLIC COMMENT

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

CLOSED SESSION

City Council/Successor Agency recessed to Closed Session at 5:00 p.m. for the following matters:

1. Pursuant to Government Code §54956.9(a), **the Successor Agency** will confer with its legal counsel, and take the appropriate action, with respect to the pending litigation of:

Mayans Development, Inc. and Los Jardines, LLC v City of Commerce Community Development Commission, et al., Superior Court of the State of California, County of Los Angeles, Case No. BC505679.
2. Pursuant to Government Code §54956.9(b), the **City Council** will confer with its legal counsel, and take the appropriate action with respect to, significant exposure to litigation in two potential cases.
3. Pursuant to Government Code §54957, the **City Council** will consider personnel matters related to public employee discipline/ dismissal/release/compensated administrative leave and other available changes in employment status or terms and conditions of employment of a certain public employee.

THE CITY COUNCIL RECONVENED TO OPEN SESSION at 6:29 p.m.

ORAL CLOSED SESSION ANNOUCEMENT

City Attorney Olivo stated that no reportable actions were taken during the closed session matters items 1 through 3.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 6:30 p.m.

Lena Shumway
City Clerk, CMC

**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, MARCH 18, 2014 - 6:30 p.m.

The meeting was called to order at 6:30 p.m. in 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 Vilko Domic, Finance Director, followed by an invocation offered by Councilmember/Board Member Altamirano.

Staff Present: Jorge Rifá, City Administrator; Eduardo Olivo, City Attorney; and Lena Shumway, City Clerk.

1. ANNUAL REORGANIZATION OF CITY COUNCIL

Mayor Aguilar opened nominations for Mayor for 2014-2015. Mayor Pro Tem Leon nominated Councilmember Baca Del Rio, and Councilmember Altamirano seconded the motion.

ROLL CALL:

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)

Mayor Baca Del Rio opened nominations for Mayor Pro Tem for 2014-2015. Councilmember Altamirano nominated Mayor Pro Tem Leon to continue as Mayor Pro Tem. Councilmember Aguilar seconded the motion.

ROLL CALL:

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

APPEARANCES AND PRESENTATIONS

2. Presentation of Outgoing Mayor's Plaque

On behalf of City Council, newly selected Mayor Baca Del Rio presented outgoing Mayor Aguilar with a plaque recognizing his service to the City of Commerce as Mayor for 2013-2014.

3. Introduction of New Community Services Director

City Administrator Jorge Rifá introduced Matt Rodriguez, the newly hired Community Services Director for the City of Commerce.

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4. Presentation – Recognizing Bravo Systems, Inc.

Paola Bravo, CEO of Bravo Systems, Inc., made a presentation on her company, which is a leading manufacturer of premier secondary containment systems that utilize innovative technology to protect the environment from soil and ground water contamination.

PUBLIC COMMENT

The following individuals addressed City Council on general matters within Council's jurisdiction: Joanna Flores, John Soria, Isabel Caldera, Carmin Marquez, Javier Hernandez, Chris Grieyo, Sharon Rowe, Nicky Leon, Sonia Rodriguez, and Josie Betencourt.

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

Councilmember Robles

- Announced that she attended a briefing with Congresswoman Lucille Roybal-Allard at which the main topic was regional cooperation.
- Reported that she attended the Celebration of Dr. Seuss's Birthday, a Penny Lane meeting, the Aquatics Breakfast, and the 32nd Annual Anniversary of the United Family Bristow.
- Wished all Miss Commerce contestants good luck in the upcoming event.

Councilmember Aguilar

- Congratulated newly appointed Mayor Baca Del Rio and re-appointed Mayor Pro Tem Leon.
- Invited everyone to attend the upcoming Miss Commerce Pageant on Saturday, March 22, 2014.
- Stated that he opposes the current recalls.

Councilmember Altamirano

- Announced that there will be Covered California enrollment event in Norwalk on Saturday, March 22, 2014.
- Invited those in attendance to attend the upcoming "When Women Succeed, America Succeeds" event, which is being organized by Congresswomen Lucille Roybal-Allard, Janice Hahn, and Grace Napolitano, and will be held in Council Chambers on Saturday, March 22, 2014, from 9:30 a.m. to 12:00 p.m.
- Announced that Assembly Member Rendon, Senator Garcia, and Senator Brenton, invite members of the public to an Opening Weekend Community Screening of the movie "Cesar Chavez," which will take place at 7:00 p.m. in the Edwards Theater on Friday, March 28, 2014. It was further noted that space is limited, and that residents could reserve seating by calling 562-805-1286.
- Stated the he opposes the current recalls, and further noted that such efforts fracture the City of Commerce and stop it from moving forward.

Mayor Pro Tem Leon

- Thanked members of the public for coming and showing their opposition to the current recall efforts that is dividing the City of Commerce.
- Reported that she attended the "Hispanas Organized for Political Equality" event, which she noted was a great event.

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Mayor Baca Del Rio

- Thanked everyone for coming and speaking for the record regarding the current recall efforts.
- Spoke in opposition to the current recalls, and suggested that proponents of the recalls sit down with Councilmembers and try to achieve a consensus.

CONSENT CALENDAR

Councilmember Altamirano moved to approve the Consent Calendar, Item 5 through 9. Mayor Pro Tem Leon seconded the motion, which carried by the following vote:

ROLL CALL:

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

5. Approval of Minutes

The City Council and Successor Agency approved the minutes of the Concurrent Special Meeting of Tuesday, February 18, 2014, held at 4:30 p.m. and the Concurrent Regular Meeting of Tuesday, February 18, 2014, held at 6:30 p.m.

6. Approval of Warrant Register Nos. 16A and 16B

The City Council and Successor Agency approved the bills and claims set forth in Warrant Registers No. 16A, dated March 18, 2014, and 16B for the period of March 5, 2014 to March 13, 2014.

7. A Resolution of the City Council Approving the Issuance of a Request for Proposal (RFP) for the Purchase of a Compressed Natural Gas (CNG) Service Truck

The City Council approved and adopted a proposed Resolution approving the issuance of RFP for the purchase of a Compressed Natural Gas Service Truck out of Federal Transit Administration (FTA) Grant Number CA-90-Z094, with an appropriation not to exceed \$150,000.00.

8. A Resolution of the City Council Approving a Grade Crossing Construction and Maintenance Agreement between the City of Commerce, BNSF Railway Company and Chalmers Corporation, dba C.E.G. Construction Company

The City Council approved and adopted a proposed Resolution approving a Grade Crossing Construction and Maintenance Agreement between the City of Commerce, BNSF Railway Company and Chalmers Corporation, dba C.E.G. Construction Company.

9. A Resolution of the City Council Approving the First Amendment to the Agreement between the City of Commerce and United Pacific Services Incorporated for Interim Tree Maintenance Services and Request for Proposals for Tree Maintenance Services

The City Council approved and adopted a proposed Resolution to approve the First Amendment to the Agreement between the City of Commerce and United Pacific Services Incorporated for interim tree maintenance services, Request for Proposals for tree maintenance services, and authorized the Public Works and Development Services

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Department to advertise for proposals and designate June 5, 2014 at 5:00 p.m. as the proposals due date.

10.A Resolution of the City Council Approving an Agreement between the City of Commerce and IntelliBridge Partners

City Attorney Olivo stated that for purposes of continuity in the current recalls process, it is recommended that City Council approve an Agreement between the City of Commerce and IntelliBridge Partners for Interim Public Affairs/Recall Consultant services. Mayor Pro Tem Leon moved, and Councilmember Altamirano seconded, to approve an Agreement for Interim Public Affairs/Recall Consultant Services, and to designate Pat Healy as the Election Official. The motion carried by the following vote:

ROLL CALL:

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

SCHEDULED MATTERS

11.2014 Commerce Clean-Up Day in coordination with Craig Realty Group Citadel, LLC (“CRG Citadel”)

Steve Craig, of CRG Citadel, provided a brief presentation regarding the economic performance of the Citadel Outlets, and recommended that City Council consider participating in the 2014 Commerce Clean-Up Day, which would require CRG Citadel and the City of Commerce to share expenses for the proposed street improvements. Discussion ensued. There was a consensus by Council to participate in the 2014 Commerce Clean-Up Day, and to direct staff to prepare a reimbursement agreement with CRG Citadel.

12. Review of Fiscal Year Budget 2014-2015 Initial General Fund Projected Numbers

This item was continued to the City Council meeting scheduled for April 1, 2014.

13. Commission and Committee Appointments

Mayor Aguilar appointed Susana Larios to the Education Commission.

Mayor Pro Tem Leon appointed Blanca Ramos to the Youth Advisory Commission.

All other appointments were continued to a future meeting.

ADJOURNMENT

City Council and the Successor Agency adjourned at 8:45 p.m., in memory of Donald Allen Wilson of Greensboro, North Carolina, who was father of Kathleen Jackson, the Transportation Grants Consultant for the Washington Boulevard Improvement Project. Meeting was adjourned to Tuesday, April 1, 2014, at 5:00 p.m., in City Council Chambers.

**MINUTES OF THE
CONCURRENT ADJOURNED 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
TUESDAY, AUGUST 20, 2013
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

The meeting was called to order at 5:08 p.m. Present were Councilmembers/Board Members Altamirano, Baca Del Rio, Robles and Mayor/Chair Aguilar; Mayor Pro Tem/Vice Chair Leon was absent. (excused absence due to hip surgery)

PUBLIC COMMENT

There were no persons wishing to address either City Council or Successor Agency at this time.

CLOSED SESSION

City Council/Successor Agency recessed to closed session at 5:08 p.m. regarding the following matters:

1. Pursuant to Government Code §54956.8, the Successor Agency, conferred with its real property negotiators, Jorge Rifá, Patrick Malloy, Danilo Batson and John Yonai, with respect to real estate negotiations for the property identified as Pacific Commerce Ban, 7316 Gage Avenue, (APN 6357-018-005) Commerce, California (formerly known as the Slotkin Property; and
2. Pursuant to Government Code §54956.9(b) City Council conferred with its legal counsel with respect to significant exposure to litigation in two potential cases; and
3. Pursuant to Government Code §54956.9(a), City Council conferred with its legal counsel with respect to the pending litigation of Central and West Basin Water Replenishment District, et al. v. Charles E. Adams, et al., Superior Court of the State of California, County of Los Angeles, Case No. C786656; and
4. Pursuant to Government Code §54957.6, City Council conferred with its labor negotiator, Jorge Rifá, with respect to labor negotiations pertaining to the Memorandum of Understanding on behalf of the mid-management and non-management full-time employees.

CITY ATTORNEY REPORT

The City Council and Successor Agency reconvened from closed session at 6:50 p.m. and the City Attorney reported the following action was taken:

1. The Successor Agency, by unanimous vote of Board Members presented gave direction to its property negotiators.
2. The City Council took no reportable action with one case; it did not consider the second case.
3. The City Council took no reportable action in this matter.
4. The City Council took no reportable action in this matter.

ADJOURNMENT

There being no further action to come before either the City Council or the Successor Agency, the meeting was adjourned at 6:51 p.m.

Victoria 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
TUESDAY, AUGUST 20, 2013
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

The meeting was called to order at 6:45 p.m. in Council Chambers. Responding to roll call were Councilmembers/Board Members Altamirano, Baca Del Rio, Robles, and Mayor Aguilar; Mayor Pro Tem/Vice Chair Leon was absent. (excused absence due to hip surgery) The salute to the flag was led by Loretta Gutierrez, Director of Community Services, followed with an invocation offered by Alex Bernard.

APPEARANCES AND PRESENTATIONS

3RD ANNUAL "CLEAN UP COMMERCE" EVENT

Steve Craig, Craig Realty Group and owner of the Citadel Retail Outlets reported regarding the event held August 10, 2013, and presented certificates of recognition to local volunteers and contributors. City Council expressed its appreciation to Mr. Craig and all involved for the success of the clean-up day.

PUBLIC COMMENT

Denise Silva introduced herself as Commerce's field representative on behalf of Assemblywoman Christina Garcia. She also requested Council's support for the Bell Business Center. Dave Ford, Regional Manager for Southern California Edison discussed infrastructure improvements planning for next three years and showed a short video. Beatriz Mancía invited Council to the United Families of Bristow event planned for September 8, 2013. Also addressing City Council were Augustine Perez urging residents to save water by planting gardens; Pastor Alex Bernard expressing support for Councilmember Robles; Angela Sandoval supporting Councilmember Robles; and Ed Miles commented on a recent block party, Clean-Up Day, and the retiring City Clerk.

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

Councilmember/Board Member Altamirano commented on the National Night Out event, the exit at Camp Commerce, and a recent gas leak. Councilmember/Board Member Robles complimented the staff at Camp Commerce, Summer Reading Program, Neighborhood Watch, Clean-Up Day and the Government Code dealing with the Brown Act. Councilmember/Board Member Baca Del Rio addressed comments to Councilmember/Board Member Robles, complimented the National Night Out, and announced that Mayor Pro Tem/Vice Chair Leon had just had hip surgery. Mayor/Chair Aguilar also complimented the National Night Out, the Clean-Up Day and the Reading Program.

CONSENT CALENDAR

Consent calendar items are routine in nature and may be enacted by one motion and roll call vote. Councilmember/Board Member Baca Del Rio moved and Councilmember Altamirano seconded to approve consent calendar items two through twelve as presented. Motion carried by the following roll call vote:

AYES: Councilmembers/Board Members Altamirano, Baca Del Rio, Robles, and Mayor/Chair Aguilar.(4)
NOES: None (0)
ABSENT: Mayor Pro Tem/Councilmember Leon (1)

APPROVAL OF WARRANT REGISTER

The City Council and Successor Agency approved, respectively, the bills and claims set forth in Warrant Registers No. 27A, dated August 19, 2013, and 2A dated August 20, 2013, and 2B for the period August 7, 2013 to August 15, 2013.

PERSONNEL CLASSIFICATION AND COMPENSATION PLAN – AMENDMENT

City Council approved an amendment to the Classification and Compensation Plan revising the classifications for Recreation Center Supervisor and Sports Supervisor.

REQUEST FOR PROPOSAL – HOLIDAY DECORATIONS

City Council approved the issuance of a Request for Proposals for the installation, maintenance and storage of holiday decorations, and authorized the Public Works and Development Services Department to advertise for proposals, and designated September 20, 2013, at 1:00 p.m. as the proposal due date.

RESOLUTION NO. 13-90 – EASEMENT POLICY REQUIREMENTS – WASHINGTON BOULEVARD WIDENING AND RECONSTRUCTION PROJECT

City Council adopted Resolution No. 13-90, a Resolution of the City Council of the City of Commerce, California, approving Various Easement Policy Requirements Related to the Washington Boulevard Widening and Reconstruction Project.

RESOLUTION NO. 13-91 – AMENDMENT TO AGREEMENT – GATEWAY CITIES COUNCIL OF GOVERNMENTS – TRUCK IMPACTED INTERSECTION PROJECT

City Council adopted Resolution No. 13-91, A Resolution of the City Council of Commerce, California, approving an Amendment to the Cooperative Agreement between the City of Commerce and Gateway Cities Council for Governments for Design and Construction of the Truck Impacted Intersection Project Phase II (Washington Blvd., & Ayers Ave.) in the City of Commerce.

RESOLUTION NO. 13-92 – TERMINATION – JOINT EXERCISE OF POWERS AGREEMENT – WEST SAN GABRIEL VALLEY CONSORTIUM

City Council adopted Resolution No. 13-92, A Resolution of the City Council of the City of Commerce, California approving the Dissolution and Termination of the West San Gabriel Valley Consortium Joint Exercise of Powers Agreement.

RESOLUTION NO. 13-93 – SUPPORT FOR JUDGMENT – GROUND WATER STORAGE PROGRAM

City Council adopted Resolution No. 13-93, A Resolution of the City Council of the City of Commerce, California, authorizing the City Administrator to Communicate the City of Commerce's Support for the Third Amendment to the Judgment (Relating to a Ground Water Storage Program) in the Matter of the Central and West Basin Water Replenishment District, et. al. v. Charles E. Adams, et. al., LASC Case No. C786656.

RESOLUTION NO. 13-94 – HOLD HARMLESS AGREEMENT – METROPOLITAN TRANSPORTATION AUTHORITY

City Council adopted Resolution No. 13-95, A Resolution of the City Council of the City of Commerce, California, approving a Right of Hold Harmless Agreement with Los Angeles County Metropolitan Transportation Authority (LACMTA), to use existing stop poles and connecting hardware to install City bus stop signs for the proposed Commerce Metrolink 26th Street station commuter transit route.

RESOLUTION NO. 13-95 – AGREEMENT – BOB MURRAY & ASSOCIATES

City Council adopted Resolution No. 13-95, approving an Agreement between the City of Commerce and Bob Murray Associates, for recruitment services related to the City Clerk and Community Services Director positions.

RESOLUTION NO. 13-96 – AGREEMENT – INTELLIBRIDGE PARTNERS

City Council adopted Resolution No. 13-96, A Resolution of the City Council of the City of Commerce, California, approving an Agreement between the City of Commerce and IntelliBridge Partners, for the services of an Interim City Clerk.

RESOLUTION NO. 13-97 – AMENDMENT TO AGREEMENT – CITY OF LOS ANGELES – EDWARD BYRNE MEMORIAL JUSTICE ASSISTANT GRANT PROGRAM

City Council adopted Resolution No. 13-97, A Resolution of the City Council of the City of Commerce, California, Approving a First Amendment to City of Los Angeles Contract No. C-117931 between the City of Los Angeles and the City of Commerce, related to the Edward Byrne Memorial Justice Assistance (JAG) grant.

SCHEDULED MATTERS

NEW COMMUTER TRANSIT ROUTE – METROLINK 26TH STREET STATION

Councilmember Baca Del Rio moved and Councilmember Altamirano seconded to receive and file the report. Motion carried by the following vote:

AYES: Councilmember's Altamirano, Baca Del Rio, Robles and Mayor Aguilar
NOES: None
ABSENT: Mayor Pro Tem Leon

RESOLUTION NO. 13-98 – PROFESSIONAL SERVICES AGREEMENT – ENVIRONMENTAL SCIENCE ASSOCIATES (ESA)

Councilmember Altamirano moved and Councilmember Robles seconded to adopt Resolution No. 13-98, A Resolution of the City Council of the City of Commerce, California, approving a Professional Services Agreement with Environmental Science Associates (ESA) to Update the Permitted Uses in the City's Commercial and Manufacturing Zones. Motion carried by the following vote.

AYES: Councilmembers Altamirano, Baca Del Rio and Robles (3)
NOES: None (0)
ABSENT: Mayor Pro Tem Leon and *Mayor Aguilar (2)

*Mayor Aguilar exited the meeting briefly and was not present for the vote.

AB 109 – PUBLIC SAFETY REALIGNMENT ACT

Following a report by the City Administrator regarding the Public Safety Realignment Act (AB 109), and brief discussion, Councilmember Baca Del Rio moved and Councilmember Robles seconded to go on record opposing the location of an AB109 facility within the City of Commerce. Motion carried by the following roll call vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, and Mayor Aguilar (4)
NOES: None (0)
ABSENT: Mayor Pro Tem Leon (1)

SPECIAL INVESTIGATION

Councilmember Baca Del Rio moved and Councilmember Altamirano seconded to continue this matter which relates to an anonymous letter dated June 16, 20013, and read into the record during public comment. Motion carried by the following roll call vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, and Mayor Aguilar (4)
NOES: None (0)
ABSENT: Mayor Pro Tem Leon (1)

CAMP COMMERCE CABIN USE

Following a report and discussion, this matter was tabled pending return of Mayor Pro Tem Leon.

CAMP COMMERCE EMPLOYEE WEEKEND

Councilmember Altamirano moved and Councilmember Baca Del Rio seconded that Councilmembers not be allowed to attend Camp Commerce at any time during Employee Weekend (Labor Day weekend). Motion carried by the following roll call vote:

AYES: Councilmembers Altamirano, Baca Del Rio, and Mayor Aguilar (3)
NOES: Robles (1)
ABSENT: Mayor Pro Tem Leon (1)

COMMISSION AND COMMITTEE APPOINTMENTS

This matter continued.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 13-99 – AMENDMENT NO. 2 – TRADE CORRIDOR IMPROVEMENT FUND PROJECT BASELINE AGREEMENT

Councilmember Baca Del Rio moved and Councilmember Robles seconded to adopt Resolution No. 13-99, A Resolution of the City Council of the City of Commerce, California, approving of Amendment No. 2 to the Trade Corridor Improvement Fund Project Baseline Agreement Between the California Transportation Commission, the California Department of Transportation, and the City of Commerce for the Washington Boulevard Widening and Reconstruction Project.

Motion carried by the following roll call vote:

AYES: Councilmembers Altamirano, Baca Del Rio, Robles, and Mayor Aguilar (4)
NOES: None (0)
ABSENT: Mayor Pro Tem Leon (1)

CIP PROGRESS REPORT

None

I-710 LOCAL ADVISORY COMMITTEE UPDATE

None

ADJOURNMENT

There being no further business to come before either the City Council or the Successor Agency, the meeting was adjourned at 10:00 p.m. to 5:00 p.m. on September 3, 2013 in Council Chambers, in memory of longtime Commerce resident Louis Pino.

**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
TUESDAY, NOVEMBER 5, 2013
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

The meeting was called to order at 6:45 p.m. in Council Chambers. City Council was present in its entirety with Councilmembers/Board Members Altamirano, Baca Del Rio, Robles, Mayor Pro Tem Leon and Mayor Aguilar responding to roll call. The salute to the flag was led by Beatriz Sarmiento, Director of Library Services, followed with an invocation offered by Councilmember/Board Member Robles.

APPEARANCES AND PRESENTATIONS

COMMENDATION - ARYA ICE CREAM COMPANY

Continued to the November 19, 2013 meeting.

CITY COUNCIL BRIEFING -- I-710 FREEWAY - TANKER TRUCK FIRE INCIDENT, SUNDAY, OCTOBER 27, 2013

This matter was removed from Schedule Matters and discussed at this time. The City received an update from Mike Brown, Battalion Chief, Los Angeles County Fire Department regarding the Tanker Truck Fire incident that occurred on Sunday, October 27, 2013, on the I-710 freeway.

PUBLIC COMMENT

Richard Robles responded to comments regarding comments made towards Councilmember Robles.

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

Councilmember/ Board Member Altamirano announced the upcoming Veterans' Day event and urged everyone to attend. Councilmember/ Board Member Robles urged everyone to Vote, Food collection program provides for needy families, large turnouts at the parks for Halloween festivities, attended NALEO good opportunity to learn about community. Councilmember/ Board Member Baca Del Rio announced the upcoming events Citidel Lighting and urged all to attend, 5K Turkey Trot, attended Clippers game, thanking Commerce Casino for supporting Miss Clippers, urged those interested to complete application for Miss Commerce, complimented on Halloween events at the Parks and in memory of Lisa Velasco was Class of 1981. Mayor Pro Tem/Vice Chair Leon announced congratulations to the Boys and Girls club Firefighter and Sheriff of the Year, attended the Clippers game thanking Commerce Casino for supporting Miss Clippers, announced upcoming Veterans' Day events, thanking ACME *Made in America* for generous donations and congratulating the participants of the 5K Run, prayers to those who are suffering with an illness, Mayor/Chair Aguilar announced Miss Commerce travelled to Aguascalientes, attended the Clippers game, received reports on recent Tanker Truck fire off of the I-710 freeway, Halloween events were well attended, attended the Lyons Club breakfast.

CONSENT CALENDAR

Consent calendar items are routine in nature and may be enacted by one motion and roll call vote. Mayor Pro Tem Leon moved and Councilmember Robles seconded to approve consent calendar items except for item ten dealing with the government affairs consulting agreement with California Consulting, LLC, which was matter was heard following the conclusion of the consent calendar. Motion carried by the following roll call vote:

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

APPROVAL OF WARRANT REGISTER

The City Council and Successor Agency approved, respectively, the bills and claims set forth in Warrant Registers No. 7A, dated November 5, 2013, and 7B for the period October 16, 2013 to October 31, 2013.

PROCLAMATION – DESIGNATING THE MONTH OF NOVEMBER AS “MOVEMBER”

City Council approved a proclamation designating the month of November as *Movember* in the City of Commerce, to increase awareness of men’s health issues, as expressed by the *Movember* Foundation.

DVD LATE FEE REDUCTION

The City Council considered a recommendation of the Library Commission to reduce the current DVD late fee from \$2.00 to \$1.00.

REQUEST FOR PROPOSALS FOR ENGINEERING, DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR CITY PROJECT NO. 1306 – 2013/2014 BUS SHELTER PROJECT (PHASE IV)

The City Council approved the Request for Proposals (RFP) for engineering, design and construction management services City Project No. 1306 – 2013/2014 Bus Shelter Project (Phase IV), and authorizing the Public Works and Development Services Development to advertise for bids and designating Wednesday, December 11, 2013, at 3:00 p.m., as the bid opening date.

RESOLUTION NO. 13-122 – PERSONNEL POLICIES AND PROCEDURES – STANDARD OPERATING PROCEDURES MANUAL

The City Council adopted Resolution No 13-122 A Resolution of the City Council of the City of Commerce, California approving Revisions to the City of Commerce Personnel Policies and Procedures and Standard Operating Procedure Manual (Employee Voluntary Leave Donation Plan Policy (III-23) and the new Electronic Communications Policy (III-25)).

RESOLUTION NO. 13-123 – EMERGENCY RESPONSE TEAM TRAINING

Resolution No. 13-123, A Resolution of the City Council of the City of Commerce, California, approving and Adopting an Agreement for Services between the City of Commerce and Rio Hondo Community College District for Commerce Emergency Response Team Training.

RESOLUTION NO. 13-124 – FIRST AMENDMENT – AGREEMENT – TRANSTRACK SYSTEM, INC.

Resolution No 13-124 A Resolution of the City Council of the City of Commerce, California, Approving the First Amendment to The TransTrack Systems, Inc. Maintenance and Support Agreement, extending the existing contract to June 2014 allowing TransTrack to continue providing the City maintenance and support services, as it relates to transit business intelligent software system.

RESOLUTION NO. 13-125 - PROFESSIONAL SERVICES AGREEMENT – CONVERSE CONSULTANTS – LIBRARY RENOVATION PROJECT

The City Council adopted Resolution No. 13-125, A Resolution of the City Council of the City of Commerce, approving a Professional Services agreement with Converse Consultants for the Division of State Architect (DSA) Approved Inspector of Record for the Central Library Renovation Project.

RESOLUTION NO. 13-127 – ACCEPTANCE QUITCLAIM DEED – BNSF RAILWAY COMPANY

The City Council adopted Resolution No. 13-127, A Resolution of the City Council of the City of Commerce, California, approving an Acceptance of Quitclaim Deed for Real Estate Donated by the BNSF Railway Company.

RESOLUTION NO. 13-128 – SOUTHEAST AIR QUALITY MANAGEMENT DISTRICT HEALTH ADVISORY

The City Council adopted Resolution No. 13-128, A Resolution of the City Council of the City of Commerce, Requesting the South Coast Air Quality Management District Issue a Health Advisory to the Southeast Los Angeles County Air Quality Management District Regions and any other Areas that may be Affected by harmful Air Emissions from Exide Technologies to Educate and Inform Residents, Workers, and Businesses in Commerce and Surrounding Communities on Immediate Steps they should take to Protect themselves and their Families given the AQMD Findings on Exposure to Lead and Arsenic Air Emissions.

RESOLUTION NO. 13-126 – CONSULTING AGREEMENT – CALIFORNIA CONSULTING, LLC

This matter was removed from the Consent Calendar. Following a briefing by the City Administrator, Mayor Pro Tem Leon moved and Councilmember Robles seconded to adopt Resolution No. 13-126, A Resolution of the City Council of the City of Commerce, California, approving a Government Affairs Consulting Agreement with California Consulting, LLC for Grant Writing and Consulting Services. Motion carried unanimously.

PUBLIC HEARINGS

ORDINANCE AMENDING COMMERCE MUNICIPAL CODE – ZONING

Mayor Aguilar opened the public hearing to consider introduction of an Ordinance amending Title 19 (“Zoning”) of the Commerce Municipal Code. Since there were no persons wishing to speak regarding this matter, Mayor Aguilar closed the public hearing.

Following a report presented by Sarah Walker, Consultant, ESA, Mayor Pro Tem Leon moved and Councilmember Baca Del Rio seconded to authorize the City Attorney to read the proposed Ordinance, by title only. Motion carried unanimously.

The City Attorney read, by title only, An Ordinance of the City Council of the City of Commerce, California, Amending Title 19 (“Zoning”) of the Commerce Municipal Code by Adding Chapter 19.47 (Housing Opportunity Overlay); Amending Chapter 19.07 Division 3 (Density Bonuses); Adding Chapter 19.07 Division 4 (Reasonable Accommodation); Amending Tables 19.07.020A (Permitted and Conditional Uses-Residential Zones) and Table 19.11.030A (Uses in Industrial Districts); Adding Chapter 19.31 Division 22 (Emergency Residential Shelters and Transitional Housing); Amending Section 19.07.090 (Second Units); and Chapter 19.45 (Definitions).

Councilmember Baca Del Rio moved and Mayor Pro Tem Leon seconded to approve the proposed ordinance for first reading, by title only. Motion carried unanimously.

RESOLUTION NO. 13-129 – GENERAL PLAN AMENDMENT NO. 13-02

Mayor Aguilar opened the public hearing to consider adoption of a resolution approving A General Plan Amendment regarding the City’s Housing Element for the 2014-2021 planning period. Since there were no persons wishing to speak regarding this matter, Mayor Aguilar closed the public hearing.

Following a staff report presentation made by Matt Marquez, City Planner Mayor Pro Tem Leon moved and Councilmember Baca Del Rio seconded to adopt Resolution No. 13-129, A Resolution of the City Council of the City of Commerce, California, approving General Plan Amendment No. 13-02, An Update of the City’s Housing Element of the General Plan for the 2014-2021 Planning Period. Motion carried unanimously.

RECESS

City Council/Successor Agency recessed at 9:45 p.m. and reconvened at 9:55 p.m.

SCHEDULED MATTERS

GREEN ZONES WORKING GROUP MAJORITY RECOMMENDATION

Alex Hamilton, Assistant Director of Development Services, introduced this matter. Esmeralda, Garcia with MIG, the consulting group retained to assist the working group established to address concerns raised by the City's Environmental Justice Advisory Task Force regarding proximity of hazardous sources to sensitive land uses in the City, presented an update from the Green Zones Working Group regarding its majority recommendation to implement the strategy recommendations listed in the Green Zones Working Group Recommendations Matrix.

The following communications were received in favor of the Green Zones Working Group majority recommendations: Patrick C. Lejeune, CEO, Heath and Lejeune; Michael Arviso, Owner, Commerce Electric; Hope Perez, President of the City of Commerce Senior Citizens Club; Mark Lopez, East Yard Communities; Jose Zambrano, President of the Commerce Garden Club; Carlos Vazquez, President Commerce Evening Lions Club; and Beatriz Mancia, President, United Family of Bristow. The East Yard Communities also presented seventeen "Green Zone Policy Campaign Endorsement" forms signed by local businesses. A twenty-five page petition in favor of the EYCEJ's recommended Green Zones policy was also submitted to City Council. Addressing City Council in favor were Angelo Logan, Don Spivack, Natasha Khanna-Dang, Augustin Perez, Nico Montes, Hugo Lujan, Antonia Lupercio, Isella Ramirez, Evie Cotto, Frances Sanchez, Noel Pimental, Mark Lopez, David Mata, Eddie Tafoya, Jon Reno, Jose Bojorquez, and Jim Parros, Jose Serfozo spoke in opposition. Jerry Wood of Gateway Cities, informed that the Air Quality Action Plan is available on the Gateway Cities website and offered to assist the City if this matter is continued.

Following discussion, Councilmember Baca Del Rio moved and Mayor Pro Tem Leon seconded to approve item nos. 2,3 and 4 of the Strategy recommendations listed in the Green Zones Working Group Matrix. Motion carried unanimously.

CINCO DE MAYO AND SEPTEMBER 16 CELEBRATIONS

The City Council reviewed a proposal from the Parks and Recreation Department to move the annual Cinco De Mayo event from Rosewood Park to Bristow Park and to restore funding for a September 16th Celebration event, which will also be held at Bristow Park. Following discussion, Councilmember Baca Del Rio moved and Mayor Pro Tem Leon seconded to approve the recommendation

DAY OF SERVICE

Councilmember Baca Del Rio moved and Mayor Pro Tem Leon seconded to receive and file the report regarding efforts to establish a third Day of Service event. Motion carried unanimously.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 13-130 – PURCHASE AND SALE AGREEMENT – MISSIMER FAMILY TRUST

Following a report, Councilmember Robles moved and Councilmember Baca Del Rio seconded to adopt Resolution No. 13-130 A Resolution of the City Council of the City of Commerce, California, Approving an Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions with Suzanne R. Mahoney, Trustee of the Constance M. Missimer Family Trust U/D Dated 08/11/03; for a purchase price of \$1,465,000. Motion carried unanimously.

RESOLUTION NO. 13-131 – FIRST AMENDMENT – DEKRA-LITE – HOLIDAY DECORATION

Following a report, Councilmember Baca Del Rio moved and Mayor Pro Tem Leon seconded to adopt Resolution No. 13-131, A Resolution of the City Council of the City of Commerce,

California, approving the First Amendment to the Agreement with Dekra-Lite for the Installation, Maintenance and Storage of Holiday Decorations and approving a City Council Sub-committee to Develop Recommendations for a New Holiday Decoration Program; appointed Mayor Pro Tem Leon and Councilmember Baca Del Rio to serve on a subcommittee; and appropriated not to exceed \$50,000 to expand the current Holiday Decorations Program. Motion carried unanimously.

Further, Councilmember Altamirano moved and Mayor Pro Tem Leon seconded to expand the current decoration at the Greenwood Library to include a Santa sleight with string of lights along the roof edge facing Gage and Greenwood Avenues. Motion carried unanimously.

CIP PROGRESS REPORT

None

I-710 LOCAL ADVISORY COMMITTEE UPDATE

None

ADJOURNMENT

There being no further business to come before either the City Council or the Successor Agency, the meeting was adjourned at 11:09 p.m. in memory of Albert Beto Olivas father of Cristina Olivas and father in-law of Councilmember Ivan Altamirano, to Tuesday, November 19, 2013, at 5:00 p.m. in the City Council Chambers.

Victoria 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")
HELD ON TUESDAY, MAY 7, 2013, AT 6:30 P.M.
COUNCIL CHAMBERS
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

CALL TO ORDER

Mayor/Chairperson Aguilar called the concurrent regular meetings of the Commerce City Council and the Governing Body of the Successor Agency to the Commerce Community Development Commission (hereinafter "Successor Agency") to order at 6:37 p.m.

PLEDGE OF ALLEGIANCE

Beatriz Sarmiento, Director of Library Services, led those assembled in the flag salute.

INVOCATION

Was offered by Mayor Pro Tempore/Vice Chairperson Leon.

ROLL CALL

PRESENT: Councilmembers/
Board Members: Altamirano, Baca Del Rio, Robles,
Mayor Pro Tempore/Vice Chairperson
Leon,
Mayor/Chairperson Aguilar

ABSENT: Councilmembers/
Board Members: None

STAFF

PRESENT: City Administrator/Executive Director Jorge J. Rifá
City Attorney/Agency Counsel Eduardo Olivo
City Clerk/Secretary Linda Kay Olivieri

ABSENT: None

APPEARANCES AND PRESENTATIONS

**PRESENTATION –
RELAY FOR LIFE**

Mr. Eddie Tafoya, Executive Director of the Commerce Industrial Council, 6055 E. Washington Boulevard, Suite 120, Commerce, addressed the Council; reported on the American Cancer Society's Relay for Life Commerce event held at Veterans Memorial Park on April 5-6, 2013, thanking the City for its support and assistance and all who participated in the event, and introduced the Relay for Life Commerce Chairperson Francine Ayala, with Popular Community Bank, commending her for a fine job in connect with the event.

Ms. Ayala addressed the Council; thanked the City for allowing the Relay For Life Committee event to be held; commended the Relay for Life Commerce event committee for their efforts and thanked the participants and sponsors for their participation in the event; provided a report on the event, which included a slideshow presentation; introduced the committee members; presented plaques and/or certificates to sponsoring vendors, including The Citadel Outlets, City of Commerce, Commerce Casino, Popular Community Bank and Vernon Commerce Federal Credit Union; thanked the Crowne Plaza Hotel, Mario's Auto Sales, Commerce Industrial Council, Stevens Steak and Seafood Restaurant, Boyd's Coffee, Ozzie's Diner, UPS Store, Commerce Costco Wholesale, Commerce Flowers, Unique Wireless, El Cafelito, Casa Cabral, Workforce Solutions, Alondra Hot Wings and Del Taco for their donations and recognized the Commerce Dance Team and Bell Gardens High School Band and Shamrock DJ for providing the entertainment.

Ms. Ayala again addressed the Council and extended a special thank you to the Council and staff members Veronica Hanna, Recreation Center Supervisor, and Robert Lipton, Assistant Director of Parks & Recreation, for their support, announcing that next year's event is scheduled for April 12, 2014.

COUNCIL/SUCCESSOR AGENCY MINUTES

05/07/13 – 6:30 p.m.

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PUBLIC COMMENT

**EXPRESSION OF
CONCERNS – VARI-
OUS MATTERS**

Ms. Cassie Gardner, of East Yard Communities for Environmental Justice (“EYCEJ”), 2317 Atlantic Boulevard, Commerce, addressed the Council and thanked the Council for the City’s co-sponsorship of EYCEJ’s Guide to Green Business Benefits Workshop, which will be held on Thursday, May 30, 2013, from 11:30 a.m.-1:30 p.m. at the Rosewood Park Community Center.

CITY COUNCIL/SUCCESSOR AGENCY REPORTS

**REPORTS – VARI-
OUS EVENTS**

Members of the Council/Successor Agency reported on their attendance at and/or participation in various events, including the Cinco de Mayo Celebration, commending staff and the participants for a fine job in connection therewith; Assemblymember Cristina Garcia’s Walk and Talk held in Downey, California; Spring Clean-up, commending all who participated in the event; Congresswoman Lucille Roybal-Allard’s 40th Congressional District’s Student Art Competition recognition, commending the recipients for their accomplishments, and the women’s fitness weekend at Camp Commerce, commending Ann Cruz, Senior Center Supervisor, for a fine job in connection therewith.

**MISCELLANEOUS
REPORTS / COM-
MENTS / REQUESTS**

Councilmember/Board Member Altamirano reported that he is working with Los Angeles County Supervisor Gloria Molina’s Office in trying to secure a charter bus to transport students from the Bristow Park area of Commerce to Los Angeles Unified School District schools, stating that the fee would be 50 cents per rider.

Councilmember/Board Member Altamirano reported that, per Supervisor Molina’s office, grant funds are still available for park purposes, stating that he discussed with her staff the possibility of constructing a jogging trail on soft pads around Bristow Park and adding additional exercise equipment at the park.

Councilmember/Board Member Robles reported that State Senator Ron Calderon recently provided information on applying for appointment to State committees and encouraged interested residents to contact either her or the Senator’s office for additional information.

Councilmember/Board Member Robles stated that she would like to see more Commerce youths participate in the 40th Congressional District’s Student Art Competition, recognizing that there is an abundance of talented youths in Commerce.

Councilmember/Board Member Baca Del Rio reported that she will be submitting a Council Request Form to find out why the City’s Annual Art Show was terminated and inquire as to how it may be resurrected.

Councilmember/Board Member Baca Del Rio reported that the new Wood Dragon, at the Commerce Casino, will be holding brunch from 10:00 a.m.-2:00 p.m. on Sundays, with Commerce seniors dining for free and Commerce residents receiving a discounted rate of \$24.95.

Mayor Pro Tempore/Vice Chairperson Leon requested that staff consider changing the women’s fitness weekend to a women’s get-away.

ANNOUNCEMENTS

Councilmember/Board Member Robles announced that Assemblymember Cristina Garcia will conduct a Walk and Talk at 8:00 a.m. on June 1, 2013, at Rosewood Park, thanking Robert Lipton, Assistant Director of Parks & Recreation, for making the arrangements for the event, inviting all to attend and stating that the event will be publicized by both the Assemblymember’s Office and the City’s Public Information Office.

Councilmember/Board Member Robles invited all veterans to attend the American GI Forum State Conference on June 20-22, 2013, at the Crowne Plaza Hotel, in Commerce.

COUNCIL/SUCCESSOR AGENCY MINUTES

05/07/13 – 6:30 p.m.

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CITY COUNCIL/SUCCESSOR AGENCY REPORTS (Continued)

ANNOUNCEMENTS Councilmember/Board Member Robles reminded those registered to vote on
(Continued) May 21, 2013, stating that Commerce voters will be voting for Community College District Trustees.

HOLIDAY WISHES Members of the Council/Successor Agency wished all mothers a Happy Mothers' Day.

CONSENT CALENDAR

ALL ITEMS ARE It was moved by Mayor Pro Tempore/Vice Chairperson Leon, seconded by
ROUTINE AND MAY Councilmember/Board Member Baca Del Rio and unanimously carried to
BE ENACTED BY approve Items 2 through 7, 9 through 14 and 16 through 18 of the Consent
ONE VOTE Calendar, respectively. Items 8 and 15 were considered first under Scheduled Matters.

2) APPROVAL OF The minutes of the Concurrent Adjourned Regular Meetings of Tuesday, April
MINUTES 16, 2013, held at 5:00 p.m. and Concurrent Regular Meetings of Tuesday, April 16, 2013, held at 6:30 p.m. were approved by the Council and Successor Agency, respectively, and the approval of the minutes of the Concurrent Adjourned Regular Meetings of Tuesday, April 23, 2013, held at 4:00 p.m. was continued by the Council and Successor Agency, respectively.

3) APPROVAL OF The bills and claims set forth in Warrant Registers No. 20A, dated May 7, 2013,
WARRANT REGIS- in the amount of \$1,469,314.00, and No. 20B, for the period April 17, 2013 to
TERS May 2, 2013, in the amount of \$1,058,678.06, as allowed by the City Administrator/Executive Director, were approved for payment by the Council and Successor Agency, respectively.

4) PROCLAMATION May 12-18, 2013, was proclaimed as National Transportation Week in the City
- NATIONAL of Commerce by the Council.
TRANSPORTATION
WEEK

5) PROCLAMATION May 19-25, 2013, was proclaimed as National Public Works Week in the City of
- NATIONAL PUB- Commerce by the Council.
LIC WORKS WEEK

6) PAGEANT STEER- The recommendation of the Pageant Steering Committee, with which staff con-
ING COMMITTEE curred, that the body remain as a Committee, as opposed to being converted to a Commission, was approved by the Council.

7) LETTER OF SUP- The letter from the City Council in support of the Los Angeles County Commu-
PORIT - REQUEST- nity Development Commission's request to the House and Senate Appropriations
ING HIGHEST POS- leadership requesting the highest possible level of funding for the Transporta-
SIBLE LEVEL OF tion, Housing and Urban Development and Related Agencies (THUD) Subcom-
FUNDING FOR mittee was approved by the Council and the Mayor authorized to execute said
TRANSPORTATION, letter on behalf of the City.
HOUSING AND UR-
BAN DEVELOP-
MENT AND RE-
LATED AGENCIES
(THUD) SUBCOM-
MITTEE

9) FISCAL YEAR The 2012/2013 fiscal year Capital Improvement Program update was approved
2012/2013 CAPITAL for receipt and filing by the Council.
IMPROVEMENT
PROGRAM UPDATE

COUNCIL/SUCCESSOR AGENCY MINUTES

05/07/13 – 6:30 p.m.

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CONSENT CALENDAR (Continued)

10) RESOLUTION
NO. 13-35 –
APPROVING CON-
TRACT WITH BR
TREE SERVICE FOR
CITY PROJECT
#1302 (FOREST
CARE PROJECT) AT
CAMP COMMERCE

Resolution No. 13-35, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING A CONTRACT WITH BR TREE SERVICE FOR CITY PROJECT #1302 (FOREST CARE PROJECT) AT CAMP COMMERCE”, was approved and adopted by the Council.

11) RESOLUTION
NO. SA 13-1 –
APPROVING PUR-
CHASE AND SALE
AGREEMENT BE-
TWEEN SUCCESSOR
AGENCY AND
COSTCO WHOLE-
SALE CORPORA-
TION

Resolution No. SA 13-1, “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND COSTCO WHOLESALE CORPORATION”, was approved and adopted by the Successor Agency.

12) RESOLUTION
NO. 13-36 –
DECLARING PUB-
LIC INTEREST AND
NECESSITY DE-
MAND IMMEDIATE
EXPENDITURE OF
PUBLIC MONEY TO
SAFEGUARD LIFE,
HEALTH, AND/OR
PROPERTY AND
APPROVING AND
ADOPTING FIND-
INGS REQUIRED
FOR FUNDING CAP-
ITAL IMPROVE-
MENTS FOR
STREET REPAIRS
REQUIRED ON
CANNING STREET
BETWEEN
GARFIELD AVENUE
AND MALT AVE-
NUE, AND AUTHOR-
IZING ALL NECES-
SARY WORK AND
EXPENDITURES
RELATED THERETO

Resolution No. 13-36, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA DECLARING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND THE IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO SAFEGUARD LIFE, HEALTH, AND/OR PROPERTY PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE SECTIONS 20168 AND 22050, AND APPROVING AND ADOPTING THE FINDINGS REQUIRED BY HEALTH AND SAFETY CODE SECTION 33445 FOR FUNDING OF CAPITAL IMPROVEMENTS FOR STREET REPAIRS REQUIRED ON CANNING STREET BETWEEN GARFIELD AVENUE AND MALT AVENUE, AND AUTHORIZING ALL NECESSARY WORK AND EXPENDITURES RELATED THERETO”, was approved and adopted by the Council.

COUNCIL/SUCCESSOR AGENCY MINUTES

05/07/13 – 6:30 p.m.

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CONSENT CALENDAR (Continued)

- 13) RESOLUTION NO. 13-37 – APPROVING AGREEMENT WITH LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY FOR EXCHANGE OF SURFACE TRANSPORTATION PROGRAM LOCAL FUNDS (SPT-L FUNDS)
- Resolution No. 13-37, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AN AGREEMENT WITH THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) FOR THE EXCHANGE OF SURFACE TRANSPORTATION PROGRAM LOCAL FUNDS (STP-L FUNDS)”, was approved and adopted by the Council.
- 14) RESOLUTION NO. 13-38 – APPROVING CONTRACTS FOR HOME PRESERVATION PROGRAM [PROJECT NO. 601074-12 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM]
- Resolution No. 13-38, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING CONTRACTS FOR THE HOME PRESERVATION PROGRAM [PROJECT NO. 601074-12 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM]”, was approved and adopted by the Council.
- 16) RESOLUTION NO. SA 13-2 – APPROVING LICENSE AND HOLD HARMLESS AGREEMENT BETWEEN SUCCESSOR AGENCY AND TUBEWAY PROPERTIES, LLC
- Resolution No. SA 13-2, “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION APPROVING A LICENSE AND HOLD HARMLESS AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND TUBEWAY PROPERTIES, LLC”, was approved and adopted by the Successor Agency.
- 17) RESOLUTION NO. 13-39 – AUTHORIZING EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS
- Resolution No. 13-39, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS”, was approved and adopted by the Council.
- 18) RESOLUTION NO. 13-40 – APPROVING WATER RIGHT LEASE AND AGREEMENT WITH CITY OF WHITTIER FOR FY 2013-2014
- Resolution No. 13-40, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING A WATER RIGHT LEASE AND AGREEMENT WITH THE CITY OF WHITTIER FOR FY 2013-2014”, was approved and adopted by the Council.

COUNCIL/SUCCESSOR AGENCY MINUTES

05/07/13 – 6:30 p.m.

Page 6 of 8

PUBLIC HEARINGS

**PUBLIC HEARING –
DISCUSSION AND
PRESENTATION ON
2014-2021 HOUSING
ELEMENT UPDATE**

The public hearing was continued by the Council to Tuesday, May 21, 2013.

SCHEDULED MATTERS

**RESOLUTION NO.
SA 13-3 – APPROV-
ING LICENSE AND
HOLD HARMLESS
AGREEMENT
BETWEEN SUCCE-
SOR AGENCY AND
CRAIG-REALTY
GROUP-CITADEL
LLC**

[Item 15]

It was moved by Board Member Altamirano and seconded by Board Member Baca Del Rio to approve and adopt Resolution No. SA 13-3, "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION APPROVING A LICENSE AND HOLD HARMLESS AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND CRAIG-REALTY GROUP-CITADEL LLC". Motion carried 4-1, with Board Member Robles voting against the motion.

**AMENDMENT TO
PERSONNEL
CLASSIFICATION
AND COMPENSA-
TION PLAN**

[Item 8]

It was moved by Mayor Pro Tempore Leon, seconded by Councilmember Altamirano and unanimously carried to approve the amendment to the Classification and Compensation Plan to include a proposed job classification and salary schedule for Special Assistant to the City Administrator, Pay Schedule 49 (\$90 per hour).

**CRIME STATISTICS
REPORT – LOS
ANGELES COUNTY
SHERIFF'S
DEPARTMENT**

Captain James P. Wolak, of the Los Angeles County Sheriff's Department and Commander of the East Los Angeles Sheriff's Substation, addressed the Council; on behalf of the deputies assigned to the Commerce area and the residents, thanked the Council for its commitment to public safety; presented the January-December 2012 Crime Statistics Report and responded to questions.

Members of the Council thanked and commended Captain Wolak and the Sheriff's Department for their service to the City.

It was moved by Mayor Pro Tempore Leon, seconded by Councilmember Baca Del Rio and unanimously carried to receive and file the January-December 2012 Crime Statistics Report.

**PRESENTATION –
SLAWSON SOUTH-
EAST OCCUPA-
TIONAL CENTER
ON JOB PREPARA-
TION OPPORTUNI-
TIES AND TRANS-
PORTATION CHAL-
LENGES**

Dr. Clif de Cordoba, Principal of Slawson Southeast Occupational Center, 5500 Rickenbacker Road, Bell, California, addressed the Council; reported on the Center's job preparation opportunities and the need for transportation for students to reach the center from the nearest public bus stop, which is on Eastern Avenue, requesting assistance from the City in meeting these transportation needs, and responded to questions.

It was moved by Councilmember Altamirano, seconded by Councilmember Baca Del Rio and unanimously carried to direct staff to publicize the Slawson Southeast Occupational Center and review available options with respect to providing necessary public transportation to the Center.

**CITY SPONSORSHIP
LEVELS FOR CINCO
DE MAYO AND
INDEPENDENCE
DAY EVENTS**

It was recommended that comments recognizing the major sponsors for the Cinco de Mayo and Independence Day Celebrations be included in the Mayor's opening speeches for these events and that the banners recognizing the sponsors be displayed on the Showmobile; staff look into expanding the programs for these events and including business card-size ads and providing event tee shirts imprinted with the sponsors' logos and sponsors be provided with a plaque, including a photo, or a City tile, recognizing them for their sponsorship.

COUNCIL/SUCCESSOR AGENCY MINUTES

05/07/13 – 6:30 p.m.

Page 7 of 8

SCHEDULED MATTERS (Continued)

**CITY SPONSORSHIP
LEVELS FOR CINCO
DE MAYO AND
INDEPENDENCE
DAY EVENTS
(Continued)**

It was moved by Councilmember Robles, seconded by Councilmember Baca Del Rio and unanimously carried to increase the Silver level of sponsorship for the Cinco de Mayo Celebration from \$1,500 to \$2,500 and the Bronze level from \$1,000 to \$1,500, with the Gold level to remain at \$5,000 and the Mariachi level to remain at \$750.

It was moved by Councilmember Robles, seconded by Councilmember Baca Del Rio and unanimously carried that the levels of sponsorship for the Independence Day Celebration remain as is, with the Gold level being \$10,000; Silver, \$5,000; Bronze, \$2,500, and Patriot, \$1,000.

**COMMISSION AND
COMMITTEE
APPOINTMENTS**

With the consent of the Council, the following appointments were made, with terms to expire March 17, 2015:

EDUCATION COMMISSION

Councilmember Altamirano Continued

LIBRARY COMMISSION

Councilmember Altamirano Continued

PARKS & RECREATION COMMISSION

Mayor Aguilar Continued

SENIOR CITIZENS COMMISSION

Mayor Aguilar Adelita Zepeda

YOUTH ADVISORY COMMISSION

Councilmember Altamirano Continued

I-710 LOCAL ADVISORY COMMITTEE (AD HOC)

Mayor Pro Tempore Leon Continued

ORDINANCES AND RESOLUTIONS

**RESOLUTION NO.
13-41 – ESTABLISH-
ING COMPOSITION
OF ADVISORY
COMMITTEE
PROVIDED FOR BY
MEASURE AA
(ORDINANCE NO.
649), SETTING
TERMS OF OFFICE
OF COMMITTEE
MEMBERS, AND
DEFINING SCOPE
OF COMMITTEE’S
RESPONSIBILITIES**

Councilmember/Board Member Baca Del Rio left the meeting at 8:55 p.m.

Mr. Kevin Larsen, City employee and President of the City of Commerce Employees Association (“CCEA”), addressed the Council and, stating that since the CCEA partnered with the Council to get Measure AA adopted, the CCEA would like to continue with its partnership with the Council by having a seat on the Advisory Committee.

City Attorney Olivo addressed the Council and, responding to Mr. Larsen’s request and Council inquiries, reported that the adopted Ordinance, which cannot be changed without a vote of the registered voters in the City, calls for Advisory Committee members to be either residents of the City or representatives of businesses in the City, stating that residents who are City employees and members of the CCEA may be appointed to the Advisory Committee.

COUNCIL/SUCCESSOR AGENCY MINUTES

05/07/13 – 6:30 p.m.

Page 8 of 8

ORDINANCES AND RESOLUTIONS (Continued)

RESOLUTION NO.
13-41 – ESTABLISH-
ING COMPOSITION
OF ADVISORY
COMMITTEE
PROVIDED FOR BY
MEASURE AA
(ORDINANCE NO.
649), SETTING
TERMS OF OFFICE
OF COMMITTEE
MEMBERS, AND
DEFINING SCOPE
OF COMMITTEE'S
RESPONSIBILITIES
(Continued)

It was moved by Councilmember Robles, seconded by Mayor Pro Tempore Leon and unanimously carried, with Councilmember Baca Del Rio absent during the vote, having left the meeting at 8:55 p.m., to approve and adopt Resolution No. 13-41, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA ESTABLISHING THE COMPOSITION OF THE ADVISORY COMMITTEE PROVIDED FOR BY MEASURE AA (ORDINANCE NO. 649), SETTING THE TERMS OF OFFICE OF THE COMMITTEE MEMBERS, AND DEFINING THE SCOPE OF THE COMMITTEE'S RESPONSIBILITIES", as amended, changing the "75%" under Section 3, "Scope of Duties", Subsection c. (i), to "70%" and the "5%" under Section 3, "Scope of Duties", Subsection c. (iii), to "10%".

ADJOURNMENT

Mayor/Chairperson Aguilar declared the meetings adjourned at 9:10 p.m. in memory of Richard "Dick" Zeimet, retired City employee; Enriqueta Sanchez-Munoz, mother-in-law of Community Services Commissioner Yolanda Acosta, and Jim DiMarzio, husband of retired City employee Donna DiMarzio, to Tuesday, May 14, 2013, at 2:00 p.m. in the Council Chambers.

Victoria Alexander
Deputy City Clerk



AGENDA REPORT

MEETING DATE: APRIL 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF COMMERCE PROCLAIMING THE MONTH OF APRIL 2014 AS AUTISM AWARENESS MONTH IN THE CITY OF COMMERCE

RECOMMENDATION:

The City Council proclaims the month of April 2014 as Autism Awareness Month in the City of Commerce.

MOTION:

To move and approve the recommendation.

BACKGROUND:

The Library Services Department will commemorate Autism Awareness Month by highlighting the books and resources available on this subject for parents and the public at large. There will be special displays at each library location and we hope to have informational handouts for patrons to take home as well.

ANALYSIS:

In order to highlight the growing need for concern and awareness about autism, the United States recognizes April as a special opportunity to educate the public about autism and issues within the autism community. This City proclamation affords the library the opportunity to bring national awareness to the local Commerce community.

FISCAL IMPACT:

This activity can be carried out 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: "Protect and Enhance Quality of Life in the City of Commerce."

Recommended by:

Beatriz Sarmiento
Director of Library Services

Reviewed by:

Vilko Domic
Director of Finance

Respectfully submitted,

Jorge Rifa
City Administrator

Approved as to form:

Eduardo Olivo
City Attorney

PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF COMMERCE
PROCLAIMING APRIL 2014
AUTISM AWARENESS MONTH
IN THE CITY OF COMMERCE

Whereas, autism has gained national attention through organizations like Autism Speaks who work to inform the public about autism and the resources available for families; and,

Whereas, experts estimate that three to six children out of every 1,000 will have autism. Males are four times more likely to have autism than females; and,

Whereas, autism was added as a special education exceptionality in 1991 and is now the sixth most commonly classified disability in the United States; and,

Whereas, autism is a spectrum disorder that ranges from mild to severe. The Commerce Public Library is here to provide information and educational resources for its community on a variety of topics, including autism. Parents and families can come to the library and read through the many resources available about this subject; and,

NOW, THEREFORE, I, TINA BACA DEL RIO, AS THE MAYOR OF THE CITY OF COMMERCE, CALIFORNIA, DO HEREBY DECLARE ON THIS 1ST DAY OF APRIL 2014 THAT THE MONTH OF APRIL 2014, IS OFFICIALLY DESIGNATED AS THE OBSERVANCE OF "AUTISM AWARENESS" IN THE CITY OF COMMERCE AND I ENCOURAGE ALL RESIDENTS TO VISIT THEIR LOCAL COMMERCE PUBLIC LIBRARY BRANCH TO USE THE MANY RESOURCES AVAILABLE ABOUT THE SUBJECT OF AUTISM.

Signed this 1ST day of April, 2014.

Tina Baca Del Rio
Mayor

ATTEST:

Lena Shumway
City Clerk



AGENDA REPORT

Meeting Date: April 1, 2014

TO: Honorable City Council

FROM: City Administrator

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE PURCHASE OF UPGRADED SECURITY CAMERAS FOR THE TRANSIT MAINTENANCE FACILITY (TMF), FROM INTEGRATED SECURITY

RECOMMENDATION:

Approve the Resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

On November 6, 1990, the voters of the County of Los Angeles approved by majority Proposition C, an ordinance establishing a one-half percent sales tax for public transit purposes. MOU.PC13COM1 states that 5% of the Proposition C funds are to be used to improve and expand rail and transit security. Los Angeles County Metropolitan Transportation Authority (LACMTA) is the agency responsible for administering these funds.

ANALYSIS:

Staff is proposing to upgrade all the existing security cameras at the TMF with High Definition (HD) cameras. HD cameras provide higher resolution of video images, and the resolution is a least three times better than our existing analog cameras. The upgrade will provide the City the ability to have a wider coverage area and more detailed visibility, utilizing the existing security system's infrastructure.

FISCAL IMPACT:

The cost to upgrade the security cameras is shown below and attached is a copy of the quote from Integrated Security, dated March 10, 2014.

Pricing

<u>Item</u>	<u>Number</u>	<u>Cost</u>
System HD Upgrade	1	\$23,804
Contingency	1	\$ 1,033
Total		\$24,837

Funding

The City's share of Prop "C" transit security funding for FY 2013 is \$34,837. There is \$24,837 remaining in FY 2013 Transit Security Account 57-5100-36127. Expenditures for the proposed activity will amount to \$24,837 for Fiscal Year 2013.

RELATIONSHIP TO 2012 STRATEGIC GOALS:

This agenda item relates to the 2012 strategic planning goal: “review and update services and activities to increase efficiency,” as the purchase of the HD cameras will provide the City the ability to have a wider coverage area and more detailed visibility utilizing the existing security system’s infrastructure.

Recommended by:


Claude McFerguson
Director of Transportation


Respectfully submitted,


Jorge Rifá
City Administrator

Budget Impact Review by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

Attachment: Transit Security Estimate, Integrated Security

INTEGRATED SECURITY

652 ANITA ST
 MONROVIA CA 91016

Estimate

Date	Estimate #
3/10/2014	383

Name / Address
CITY OF COMMERCE 2535 COMMERCE WAY CITY OF COMMERCE, CA 90040 TRANSPORTATION HIGH DEFINITION SYSTEM UPGRADE

			Project
Description	Qty	Rate	Total
HIGH DEFINITION 1080P WEBGATE VIDEO RECORDER 6 TERABYTES HARD DRIVE STORAGE DVD BURNER HDMI OUTPUTS. CONTROL CENTER REMOTE SOFTWARE AND SMART PHONE APT SUPPORT	2	4,010.00	8,020.00T
HIGH DEFINITION CAMERA 2.8-12MM AUTO IRIS LENS 1080P HIGH DEFINITION RESOLUTION	32	450.00	14,400.00T
CABLES, CONNECTORS, CONDUIT	32	87.50	2,800.00T
INSTALLATION OF 32 NEW HIGH DEFINITION CAMERAS. REMOVE EXISTING 26 CAMERAS AND INSTALL NEW CAMERAS. RE-CABLE FOR BOTH HIGH DEFINITION SYSTEM	1	2,800.00	2,800.00
TRADE IN CREDIT FOR EXISTING CAMERAS AND DVR RECORDER		-6,000.00	-6,000.00
		Subtotal	\$22,020.00
		Sales Tax	\$1,783.76
		Total	\$23,803.76

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING THE PURCHASE OF UPGRADED SECURITY CAMERAS
FOR THE TRANSIT MAINTENANCE FACILITY (TMF), FROM
INTEGRATED SECURITY

WHEREAS, on November 6, 1990, the voters of the County of Los Angeles approved by majority Proposition C, an ordinance establishing a one-half percent sales tax for public transit purposes; and

WHEREAS, 5% of the Proposition funds are to be used to improve and expand rail and transit security; and

WHEREAS, the City's share of Proposition C Transit Security Funding for FY 2013 is \$34,837, with a remaining balance of \$24,837; and

WHEREAS, on March 10, 2014, the City of Commerce received a quote from Integrated Security, for the upgrade of the existing security cameras system; and

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

Section 1: That the City of Commerce purchases an upgraded security camera system from Integrated Security, for a price not to exceed \$23,804. A contingency fund of \$1,033 would be established for a total project cost of \$24,837.

PASSED, APPROVED and ADOPTED, this _____ day of _____, 2014.

Tina Baca Del Rio, Mayor

ATTEST:

Lena Shumway
City Clerk



AGENDA REPORT

MEETING DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING REVISIONS TO THE CITY OF COMMERCE PERSONNEL POLICIES AND PROCEDURES AND STANDARD OPERATING PROCEDURES MANUAL

RECOMMENDATION:

Adopt the revised Alcohol and Drug-Free Workplace Policy (III-3) and the Education Incentive Bonus Policy (IV-6). Authorize the City Administrator and the Director of Human Resources to execute the revised policies.

MOTION:

Approve and adopt the Resolution and assign the number next in order.

BACKGROUND:

The Human Resources Department manages and maintains the City's Personnel Policies and Procedures Manual. The last comprehensive review of the Human Resources Policies and Procedures Manual was conducted in 1993. The Human Resources Department has committed to a comprehensive review of these policies and procedures. Policies requiring a meet and confer process are presented to the City of Commerce Employees Association Executive Board in order to meet in good faith and to receive employee comment regarding the adoption of such policies and procedures.

The Drug-Free Workplace Policy (III-3) and the Education Incentive Bonus Policy (IV-6) were discussed over the past several months at the Joint Labor/Management Committee (JLM).

Therefore, the following revised Policies and Procedures are being submitted to the City Council for consideration and adoption:

- Drug-Free Workplace Policy (III-3)
- Education Incentive Bonus Policy (IV-6)

ANALYSIS:

The proposed revision made to the Drug-Free Workplace Policy (III-3) would prevent City employees from consuming alcohol who are working overnight assignments. The intent of prohibiting alcohol use on overnight assignments is to insure City staff are able to respond to any emergency that might arise.


The Education Incentive Bonus Policy (IV-6) is being revised to address how the education bonus (a fixed monthly salary increase of \$50.00 for each degree earned beyond the requirements for the classification, not to exceed \$200 per month) will be implemented for positions with flexible minimum requirements. Recently, the City approved a few positions that have flexible minimum requirements, meaning that the

requirements that would typically be needed to attain the requisite knowledge, skills and abilities are listed on the job descriptions, but any combination of education and experience can be consider as qualifying. This revision would maintain the same amount of bonus to any employees holding these positions as they are currently getting and base the amount on the listed education and experience identified on the job description as a typical way to obtain the requisite education and experience.

FISCAL IMPACT:

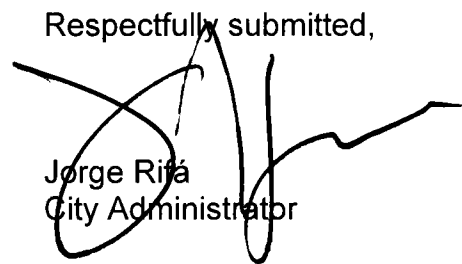
This activity can be carried out without additional impact on the current operating budget.

Recommended by:
Prepared by:




Michael Casalou
Director of Human Resources

Respectfully submitted,



Jorge Rifá
City Administrator

Approved as to Form:



Eduardo Olivo
City Attorney

Attachments:

Drug-Free Workplace Policy (III-3)
Education Incentive Bonus Policy (IV-6)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA,
APPROVING REVISIONS TO THE DRUG-FREE WORKPLACE POLICY (III-3) AND
EDUCATION INCENTIVE BONUS POLICY (IV-6)

WHEREAS, the Human Resources Department is in the process of conducting a comprehensive review of the City of Commerce's Personnel Policies and Procedures Manual; and

WHEREAS, City staff has presented representatives of the City of Commerce Employee Association with proposed revisions to the Drug-Free Workplace Policy and Education Incentive Bonus Policy; and

WHEREAS, the Association's suggestions and recommendations were incorporated in the revised policies; and

WHEREAS, City staff recommends that the City Council approve and adopt the revised Drug-Free Workplace Policy and Education Incentive Bonus Policy;.

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

Section 1. The revised Drug-Free Workplace Policy and Education Incentive Bonus Policy are hereby approved and adopted.

Section 2. The City Administrator and the Director of Human Resources are hereby authorized to execute the revised Personnel Policies and Procedures for and on behalf of the City of Commerce.

PASSED, APPROVED AND ADOPTED this ____ day of April, 2014.

Tina Baca Del Rio, Mayor

ATTEST:

Lena Shumway
City Clerk



**City of Commerce, California
Human Resources Policy and Procedure Manual**

Human Resources Director

City Administrator

Number: _ Effective Date:

SUBJECT: EDUCATION INCENTIVE BONUS – FULL TIME EMPLOYEES

PURPOSE:

To establish qualifications for full-time City of Commerce employees in regards to the Education Incentive Bonus.

POLICY:

- a. Employee Qualifications: To qualify for the Education Incentive Bonus, the employee must be employed on a full-time basis, and must have satisfactorily completed any applicable training or probationary period. Dual degrees would not qualify for the Education Incentive Bonus. City Councilmembers, City Council appointees, Department Heads and Assistant Department Heads are not eligible for the Education Incentive Bonus.

The degree must be from an accredited college or university, must be job related, and must be above the required level (recommended level listed on the classification specification for flexible minimum requirement positions) of education for the position occupied by the employee. Once deemed eligible, the employee would continue to receive the Education Incentive Bonus until: the employee changes job classification and the job classification either requires the degree or the degree is not related to the new job; the position description relating to the minimum educational level for the classification s changed; the employee is no longer on the payroll of the City of Commerce; or the City exercises its option to discontinue or modify the Education Incentive Bonus Program.

The Education Incentive Bonus will consist of a fixed monthly salary increase of \$50 for each degree earned beyond the requirements for the classification, not to exceed two-hundred (\$200) dollars per month, e.g. if no degree is required, a total of \$50 per month for Associate degree, a total of \$100 per month for Bachelor's degree, a total of \$150 per month for Master's degree, and a total of \$200 per month for a Ph.D.

- b. Procedures for Requesting Education Incentive Bonus: Upon receipt of a degree from an accredited college or university, before or after the adoption of this policy, which exceeds the required educational level for his/her classification, the employee must fill out and submit an Education Incentive Bonus Request Form

and a clear, legible copy of the degree, to the Human Resources Department. The Human Resources Department will review the request, obtain degree confirmation, and advise the Finance Department regarding the eligibility for, and amount of, the Education Incentive Bonus. The effective date of the Education Incentive Bonus pay will be the date specified on the actual degree but no earlier than the date this policy is adopted.



Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**

Director of Human Resources

City Administrator

Number: III-3 Effective Date:

SUBJECT: ALCOHOL AND DRUG-FREE WORKPLACE

Field Code Changed

PURPOSE:

To enforce the City's zero-tolerance policy for the safety of its employees and the community we service. To establish a policy that maintains a alcohol and drug-free workplace and to ensure compliance with the Drug Free Workplace Act of 1988.

BACKGROUND:

The City and the public share an interest in a safe, healthy and productive workforce. City employees provide a variety of services. Many employees are responsible for or operate expensive, heavy and/or high-speed equipment or vehicles. Other employees are responsible for public safety and security. Some employees work with or around electrical power and are required to work in diverse environments; others supervise children or areas where children congregate and play. This policy has as its purpose the commitment to maintaining a safe, healthy, productive workforce, and achieving a drug-free workplace.

Both legal and illegal drugs can be broadly categorized as depressants, stimulants or hallucinogens. Most drugs, even in very low doses, can affect the capacity of an employee to carry out their duties safely.

There are a number of chemicals used in workplaces, which can have a similar effect of types of drugs. Where these are used, a strict hierarchy of hazard control should be employed and employees should be educated in the potential hazards.

POLICY:

The City of Commerce ("the City") is the recipient of federal funds that require certification and notification to employees regarding promoting and maintaining a drug-free workplace. In accordance with the requirements of 41 U.S.C. 702-706, the City is required to notify employees that:

1. The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance or other drugs not prescribed by a licensed physician for the treatment of a current medical problem is prohibited.
2. Any violation of this policy by an employee shall result in disciplinary action up to and including termination.
3. As a condition of continued employment all employees shall abide by this policy and report for duty free of the influence of drugs and alcohol.
4. Employees are required to notify their immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
5. The City shall report the conviction, in writing, within 10 calendar days to the Federal agency grant officer, or other designee of any individual who is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity.
6. The City shall, within 30 days after receiving notice from an employee of any criminal drug statute conviction for a violation occurring in the workplace, take appropriate personnel action against such employee up to and including termination; or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
7. Counseling, rehabilitation and employee assistance for employees who have personal problems regarding the abuse of drugs is available through the City's Employee Assistance Program. Additionally, awareness programs are presented to inform employees about the dangers of drug abuse in the workplace.
8. The City of Commerce is not responsible for the costs of participation in programs under this policy. Employees may use options provided under their medical coverage.

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Additionally, the use of alcohol shall be prohibited by City employees working overnight assignments.

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PROCEDURE:

Responsibility	Action	Action
Human Resources	1. Provides notice to employees of drug-free workplace policy.	
	2. Provides drug-free awareness information programs.	
	3. Provides drug counseling and rehabilitation programs through employee assistance program.	
Employee	4. Notifies immediate supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five days of conviction.	
Supervisor	5. Notifies Department Head and Human Resources of the conviction of an employee.	
Department	6. Reports the conviction, in writing, within 10 days to the Federal agency grant officer or other designee of any individual who is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity.	
Human Resources	7. Recommends appropriate disciplinary action to department.	
Department	8. Takes appropriate disciplinary action up to and including termination; or requires employee to satisfactorily participate in drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.	
Employee	9. Participates in drug abuse assistance or rehabilitation programs, as required, utilizing their medical coverage.	

Human Resources

10. Monitors disciplinary actions by department.



AGENDA REPORT

MEETING DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AN AGREEMENT WITH GEOSYNTEC CONSULTANTS, INC. FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES FOR THE PROPERTY LOCATED AT 7316 EAST GAGE AVENUE, COMMERCE, CALIFORNIA

RECOMMENDATION:

Approve the Resolution and assign the number next in order.

MOTION:

Move to approve recommendation.

BACKGROUND/ANALYSIS:

The property located at 7316 Gage Avenue, in the City of Commerce (the "Gage Site") was used as a private landfill from 1950 to 1954, and developed with an industrial facility from the late 1950s until 1992 when the facility was demolished. Prior geotechnical investigations suggest that landfill waste and debris may extend to depths. Up to approximately 30 feet below ground surface, and that the waste is covered by approximately one foot of soil.

The City requires professional environmental consulting services related to the recent site developer/owner excavation of portions of the Gage Site. The City is concerned that the recent waste excavation performed by the site developer/owner was not appropriately permitted and has created potential problems with the subsequent exposure of the waste.

The City has previously utilized Geosyntec Consulting, Inc. ("Geosyntec") on other matters and was satisfied with their services. Geosyntec will perform services on a time and materials basis.

FISCAL IMPACT:

The services are being provided on an hourly basis. Geosyntec rates are as follows: Principal - \$230; Associate - \$215; Senior Professional - \$195; Project Professional - \$174; and various other lesser rates for support staff. The exact amount that will be incurred is unknown at this time, but is estimated at \$20,000. Staff believes that the estimated amount can be absorbed in the department's existing budget.

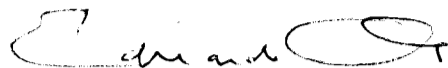
Reviewed by,

Vilko Domic
Finance Director

Respectfully submitted,

Jorge Rifa
City Administrator

Approved as to form,

A handwritten signature in black ink, appearing to read "Eduardo Olivo". The signature is fluid and cursive, with a large, stylized initial "E" and "O".

Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AN AGREEMENT WITH GEOSYNTEC CONSULTANTS, INC. FOR PROFESSIONAL ENVIRONMENTAL CONSULTING SERVICES FOR THE PROPERTY LOCATED AT 7316 EAST GAGE AVENUE, COMMERCE, CALIFORNIA

WHEREAS, the City of Commerce (the "City") must address unpermitted excavation that has occurred at 7316 Gage Avenue, in the City of Commerce (the "Gage Site"); and

WHEREAS, the Gage Site was used as a private landfill from 1950 to 1954, and developed with an industrial facility from the late 1950s until 1992 when the facility was demolished. Prior geotechnical investigations suggest that landfill waste and debris may extend to depths up to approximately 30 feet below ground surface, and that the waste is covered by approximately one foot of soil; and

WHEREAS, the City requires professional environmental consulting services related to the recent site developer/owner excavation of portions of the Gage Site. The City is concerned that the recent waste excavation performed by the site developer/owner was not appropriately permitted and has created potential problems with the subsequent exposure of the waste; and

WHEREAS, the City has previously utilized Geosyntec Consulting, Inc. ("Geosyntec") on other matters and was satisfied with their services. Geosyntec will perform services on a time and materials basis.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Services Agreement between the City of Commerce and Geosyntec Consulting, Inc. is hereby approved. The Mayor is hereby authorized to execute the Agreement for and on behalf of the City of Commerce.

PASSED, APPROVED and ADOPTED this 1st day of April, 2014.

Tina Baca Del Rio, Mayor

ATTEST:

Lena Shumway,
City Clerk

THIS AGREEMENT (the "Agreement") entered into this 26th day of March 2014 (the "Effective Date") is by and between Geosyntec Consultants, Inc., a Florida Corporation ("Consultant") located at 2100 Main Street, Suite 150, Huntington Beach, CA 92648 and the City of Commerce, a municipal corporation (the "City") located at 2535 Commerce Way, Commerce, CA 90040.

RECITALS

WHEREAS, the City is addressing unpermitted excavation activities at 7316 Gage Avenue, in the City of Commerce and requires special expertise in order to properly address the issues presented; and

WHEREAS, Consultant represents that it is specially trained, experienced and competent to perform the special services that will be required by this Agreement; and

WHEREAS, Consultant is willing to render such Services, as hereinafter defined, on the terms and conditions below.

AGREEMENT

1. Scope of Services and Schedule of Performance.

Consultant shall perform the services (the "Services") set forth in Exhibit A, which is attached hereto and incorporated herein by this reference, in accordance with the schedule set forth therein.

2. Term.

Except as otherwise provided by Section 20 hereof, the term of this Agreement shall be for a period commencing on the Effective Date and shall continue until the Services to be provided are completed or until the City provides notice that it no longer requires such Services.

3. Compensation.

So long as Consultant is discharging its obligations in conformance with the terms of this Agreement, Consultant shall be paid a fee by the City in accordance with the fee schedule set forth in Exhibit A and with the other terms of this Agreement. The fees payable hereunder shall be subject to any withholding required by law.

Such fees shall be payable following receipt of an itemized invoice for services rendered. Consultant shall send and address its bill for fees, expenses, and costs to the City to the attention of the City Administrator. The City shall pay the full amount of such invoice within 30 days of receipt of approved invoices; provided, however, that if the City or its City Administrator object to any portion of an invoice, the City shall notify Consultant of the City's objection and the grounds therefore within thirty (30) days of the date of receipt of the invoice; the parties shall immediately make every effort to settle the disputed portion of the invoice.

4. Financial Records.

Consultant shall maintain complete and accurate records with respect to fees and costs incurred under this Agreement. All such records shall be maintained on a generally accepted accounting basis and be clearly identified and readily accessible. Consultant shall keep, maintain and provide free access to such books and records to examine and audit the same, and to make transcripts thereof as necessary, and to allow inspection of all work data, documents, proceedings and activities related to this Agreement for a period of three years from the date of final payments under this Agreement. All accounting records shall readily provide a breakdown of fees and costs charged to this Agreement.

5. Independent Contractor.

Consultant is and shall perform its services under this Agreement as a wholly independent contractor. Consultant shall not act nor be deemed an agent, employee, officer or legal representative of the City. Consultant shall not at any time or in any manner represent that it or any of its agents, employees, officers or legal representatives are in any manner agents, employees, officers or legal representatives of the City. Consultant has no authority to assume or create any commitment or obligations on behalf of the City or bind the City in any respect. This Agreement is not intended to and does not create the relationship of partnership, joint venture or association between the City and Consultant. None of the foregoing shall affect any privilege or protection against disclosure which applies to the services Consultant undertakes under this Agreement.

6. Consultant to Provide Required Personnel.

Consultant shall provide and direct the necessary qualified personnel to perform the Services required of, and from, it pursuant to the express and implied terms hereof, with the degree of skill and judgment normally exercised by recognized professional firms performing services of a similar nature at the time the Services are rendered, and to the reasonable satisfaction of the City.

7. Responsible Principal and Project Manager.

Consultant shall have a Responsible Principal and a Project Manager who shall be principally responsible for Consultant obligations under this Agreement and who shall serve as principal liaison between the City and Consultant. Designation of another Responsible Principal or Project Manager by Consultant shall not be made without the prior written consent of the City. The names of the Responsible Principal and the Project Manager are listed in Exhibit A.

8. City Liaison.

Consultant shall direct all communications to the Director of Community Development or his designee. All communications, instructions and directions on the part of the City shall be communicated exclusively through the Director of Community Development or the City

Administrator or their designee.

9. Licenses.

Consultant warrants that it and its employees have obtained all valid licenses and/or certifications generally required of professionals providing services such as the Services, by all applicable regulating governmental agencies, and are in good standing with such applicable regulating governmental agencies.

10. Compliance with Laws.

Consultant shall, and shall ensure that its employees comply with all applicable city, county, state, and federal laws and regulations (including occupational safety and environmental laws and regulations) in performing the Services and shall comply with any directions of governmental agencies and the City relating to safety, security, and the like.

11. Insurance.

Consultant shall maintain insurance and provide evidence thereof as required by Exhibit B hereto (the "Required Insurance") which is attached hereto and incorporated herein by this reference, for the term provided herein.

12. Warranty and Liability.

Consultant warrants that the Services provided under this Agreement will be performed with the degree of skill and judgment normally exercised by recognized professionals performing services of a similar nature at the time the services were rendered. Consultant shall be liable for injury or loss caused by the negligence of, or breach of this warranty by Consultant, its employees and/or its agents hereunder. This warranty survives the completion and/or termination of this Agreement.

13. Indemnification.

Consultant shall indemnify and hold the City and their respective officials, officers, agents and employees harmless from and against any and all liabilities, losses, damages, costs and expenses the City and their respective officials, officers, agents and employees hereafter may suffer in connection with any claim, action, or right of action (at law or in equity) because of any injury (including death) or damage to person or property proximately caused by any negligent acts, errors, or omissions by Consultant, its employees or its agents in the performance of the Services hereunder. Consultant shall not be liable to the extent that any liability, loss, damage, cost, and expense is caused solely from an act of negligence or willful misconduct by the City or its respective officials, officers, employees or agents. Upon demand, Consultant shall promptly provide a defense to such claims, actions or right of action (at law or equity) and shall promptly pay for all associated and resulting costs, damages, settlements, penalties, judgments, fees and expenses, including attorneys' fees and costs.

14. Confidentiality.

Consultant shall maintain as confidential and not disclose to others, either before or after the termination of this Agreement, any data, documents, reports, or other information provided to Consultant by the City, or employees or agents of the City, or any data, documents, reports, or other information produced by Consultant during its performance hereunder, except as expressly authorized in writing by the City, or to the extent required for: (1) compliance with professional standards of conduct for the preservation of the public safety, health, and welfare, but only after Consultant notifies the City of such need for disclosure; and (2) compliance with any court order or other government directive or requirement, but only after Consultant notifies the City of such an order, directive, or requirement. Consultant shall keep all "Confidential" materials received or generated under this Agreement in separate files marked "Confidential." Any non-compliance by Consultant with this part of the Agreement shall be deemed a material breach of this Agreement. The obligations of this paragraph shall survive the termination of this Agreement.

15. Ownership of Documents.

All original documents, designs, drawings, methodological explanations, computer programs, reports, notes, data, materials, services and other products prepared in the course of providing the Services (collectively, "Products") shall become the sole property of the City and the City shall have authority to publish, disclose, distribute, use, reuse or disposed of the Products in whole or in part, without the permission of Consultant. In the event that this Agreement is terminated by the City, Consultant shall provide the City with any finished or unfinished Products. No documents, designs, drawings, methodological explanations, computer programs, reports, notes, data, materials, services and other products prepared in whole or in part under this Agreement shall be the subject of an application for copyright or submitted for publication by or on behalf of Consultant. Notwithstanding such ownership, Consultant shall be entitled to make and obtain copies or reproductions of such Products for its own files or internal reference.

16. Data and Services to be Furnished by the City.

All information, data, records, reports and maps as are in possession of the City, and necessary for the carrying out of this work, shall be made available to Consultant without charge. The City shall make available to Consultant, members of the City's staff for consultation with Consultant in the performance of this Agreement. The City does not warrant that the information data, records, reports and maps heretofore to be provided to Consultant are complete or accurate; Consultant shall satisfy itself as to such accuracy and completeness. The City and Consultant agree that the City shall have no liability should any of the information, data, records, reports, and maps be inaccurate, incomplete or misleading.

17. Covenant against Contingent Fees.

Consultant warrants that it has not employed or retained any company or person to solicit or secure this Agreement and that it has not paid or agreed to pay any company or person any fee, City or percentage from the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right, among other available legal remedies, to terminate

this Agreement without liability, or in its discretion, to deduct from the consideration payable to Consultant, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

18. Conflict of Interest.

Consultant covenants that neither it nor any officer or principal of its firm have any interests, nor shall they acquire any interest, directly or indirectly which will conflict in any manner or degree with the performance under this Agreement. Consultant further warrants its compliance with the Political Reform Act (Government Code § 81000, *et seq.*) and all other laws, respecting this Agreement and that no Services shall be performed by either an employee or agent of Consultant, who has a conflict relating to the City or the performance of Services on behalf of the City.

19. Other Agreements.

Consultant warrants that it is not a party to any other existing agreement that would prevent Consultant from entering into this Agreement or that would adversely affect Consultant's ability to perform the Services under this Agreement. During the term of this Agreement, Consultant shall not, without City's prior written consent, perform services for any person, firm, or corporation other than City if such services could lead to a conflict with Consultant's obligations under this Agreement.

20. Termination.

This Agreement may be terminated, prior to the expiration of its term, only in the following manner:

- a. by the written mutual agreement of the parties hereto; or
- b. by the City, with or without cause, upon 5 days written notice to Consultant pursuant to Section 25 of this Agreement.

Upon receipt of a notice of termination, Consultant shall immediately cease all work and promptly deliver to the City the work product or other results obtained by Consultant up to that time. In the event of termination without cause by the City, the City shall pay Consultant for work completed prior to the date of such termination (based on the percentage of the overall work satisfactorily completed by Consultant in relation to the work required by the entire Agreement or the hours worked by Consultant, as applicable), provided such work is in a form usable by the City.

21. Waiver of Breach.

No waiver of any term, condition or covenant of this Agreement by the City shall occur unless signed by the City Administrator and such writing identifies the provision which is waived and the circumstances or period of time for which it is waived. Such waiver shall be for the specified period of time only and shall not apply to any subsequent breach. In addition, such

waiver shall not constitute a waiver of any other term, condition or covenant of this Agreement nor shall it eliminate any remedies available to the City for any breaches of this Agreement which are not excused by such waiver. A delay in communicating a failure of Consultant to satisfy a term, condition or covenant in no way waives that term or any remedies available for its breach.

22. Assignment.

Neither this Agreement nor any rights or obligations hereunder may be assigned or otherwise transferred by Consultant, nor shall this Agreement inure to the benefit of any trustee in bankruptcy, receiver, or creditor or Consultant, whether by operation of law or otherwise, without the prior written consent of the City which may be withheld in its sole discretion. Any attempt to so assign or transfer this Agreement or any rights or obligations hereunder without such consent shall be void and of no effect.

23. Arbitration.

If any dispute arises out of or relates to this Agreement, or the breach thereof, and if such a dispute cannot be settled through direct discussions, the parties agree to settle any disputes involving only monetary amounts less than \$100,000 by binding arbitration pursuant to the rules of the American Arbitration Association by an arbitrator sitting in Los Angeles County.

24. Attorneys' Fees.

In the event an arbitration or a judicial proceeding is brought to enforce the terms of this Agreement, the prevailing party shall be entitled to recover from the other party its reasonable costs and attorneys' fees incurred in connection therewith.

25. Notices.

Notices provided hereunder shall be delivered by certified First Class U.S. Mail, postage prepaid, or by personal service as required in judicial proceedings, directed to the address provided below:

For the City:

City of Commerce
2535 Commerce Way
Commerce, California 90040
Attn: Jorge Rifa, City Administrator

For Consultant:

GeoSyntec Consultants, Inc.
2100 Main Street, Suite 150
Huntington Beach, California 92648
Attn: Greg Corcoran, Principal

Notice shall be deemed received three days after its mailing to the above address or upon actual receipt as indicated by return receipt, whichever is earlier. Personal service shall be deemed received the same day personal delivery is effected.

26. Governing Law.

The validity, performance and construction of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California applicable to contracts made to be performed therein. Any litigation commenced by either party to this Agreement shall be venued in Los Angeles County, California.

27. Severability.

Should any part of this Agreement be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement, absent the unexercised portion, can be reasonably interpreted to give effect to the intentions of the parties.

28. No Construction of Agreement against any Party.

Each party has cooperated in the drafting and preparation of this Agreement. Hence, in any construction to be made of this Agreement, it shall not be construed against any party on the basis such party drafted this Agreement or any provision thereof.

29. Entire Agreement and Amendments to Agreement.

This Agreement contains the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersedes all previous communications, negotiations, and agreements, whether oral or written, between the parties with respect to such subject matter, and no addition to or modification of this Agreement or waiver of any provisions of this Agreement shall be binding on either party unless made in writing and executed by Consultant and the City.

30. No Representations Except as Expressly Stated in this Agreement.

Except as expressly stated in this Agreement, no party, nor its employees, agents or attorneys have made any statement or representation to any other party or its employees, agents or attorneys regarding any fact relied upon in entering into this Agreement, and each party does not rely upon any statement, representation and/or promise of any other party, its respective employees, agents or attorneys in executing this Agreement.

31. Counterpart Signatures.

This Agreement may be executed in one or more counterparts. When this Agreement has

been properly signed by an authorized representative of each of the parties hereto, it shall constitute a valid Agreement, though each of the signatories may have executed separate counterparts hereof.

IN WITNESS WHEREOF, the parties hereto have each executed or caused to be executed this Agreement as of the Effective Date.

CITY OF COMMERCE

DATED: March __, 2014

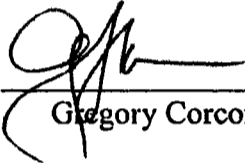
By: _____
Tina Baca Del Rio, Mayor

ATTEST:

Lena Shumway, City Clerk

CONSULTANT

DATED: March 26, 2014

By:  _____
Gregory Corcoran, Principal

APPROVED AS TO FORM

By: Eduardo Olivo
Title: City Attorney

EXHIBIT A

12 March 2014

VIA EMAIL

Gina Nila
Environmental Services Manager
City of Commerce
2535 Commerce Way
Commerce, California 90040

Proposal for Professional Environmental Consulting Services
Subject: 7316 East Gage Avenue, Commerce, CA

Dear Ms. Nila:

Geosyntec Consultants (Geosyntec) is pleased to submit this proposal to the City of Commerce (the City) for professional environmental consulting services (the "Services") related to the recent site developer/owner excavation of portions of the Gage Street Landfill (the site). We understand that the City is concerned that the recent waste excavation performed by the site developer/owner was not appropriately permitted and has created potential problems with the subsequent exposure of the waste.

We have performed a preliminary review of historical reports provided by the City for the site including a Phase I Environmental Site Assessment prepared by Terracon in July 2001, and a geotechnical investigation report, prepared in October 2004. Based on information obtained from these documents, the property was reportedly used as a private landfill from 1950 to 1954, and developed with an industrial facility from the late 1950s until 1992 when the facility was demolished. Prior geotechnical investigations suggest that landfill waste and debris may extend to depths up to approximately 30 feet below ground surface, and that the waste is covered by approximately one foot of soil.

The following sections of this proposal present the scope of work and cost estimate for performing the consulting services.

SCOPE OF SERVICES

Geosyntec will provide on-call environmental consulting services in support of the City's efforts to monitor the remedy of the current site conditions (i.e. exposed waste). We participated in a preparatory meeting with the City on 11 March 2014 in the City's offices and anticipate participating in a meeting with the project stakeholders (the City, Local Enforcement Agency [LEA], Regional Water Quality Control Board [RWQCB], South Coast Air Quality Management

District [SCAQMD], developer, contractor, owner, etc.) on 18 March 2014 in the City's offices in Commerce, California. In addition, Geosyntec will use Richard Wilborn Photo Tours to capture low altitude aerial photographs of the current site conditions, without entering the property. These photographs will be used to estimate the volume of excavated soil and waste currently stockpiled at the site, and provide an illustration of current site conditions for discussion at the stakeholder meeting. Geosyntec will also research regulatory requirements associated with post closure development of landfills.

COST ESTIMATE

Geosyntec will perform the consulting services on a time and materials basis in accordance with the attached rate schedule. For the purposes of this proposal and knowing that the scope of services is dynamic, Geosyntec respectfully requests a budget of \$20,000. Geosyntec will not exceed this budget amount without your prior approval and authorization. The services are governed by the terms of (i) this proposal and (ii) the Agreement by and between Geosyntec Consultants and the City. This proposal and the Agreement constitute our contract for professional services and the Agreement is hereby ratified and incorporated into this proposal. If the services indicate that further testing and evaluation are needed in connection with the site, any subsequent work will be covered under a separate contract to be negotiated.

Geosyntec is prepared to initiate the described Scope of Services and will begin work immediately upon receiving your authorization to proceed. Please sign below and return a copy to this office. Geosyntec appreciates the opportunity to provide the City of Commerce this proposal for this exciting project. If you have any questions or require additional information please contact me at (858) 716-2905.

Sincerely,



Gregory T. Corcoran, P.E.
Principal

APPROVED AND ACCEPTED:
City of Commerce

Gina Nila

Date

**GEOSYNTEC CONSULTANTS
2014 RATE SCHEDULE**

<u>Engineer/Scientist</u>	<u>Rate/Hour</u>
Staff Professional	\$114
Senior Staff Professional	\$132
Professional	\$152
Project Professional	\$174
Senior Professional	\$195
Associate	\$215
Principal	\$230
<u>Construction Services</u>	
Engineering Technician I	\$ 59
Engineering Technician II	\$ 65
Senior Engineering Technician I	\$ 70
Senior Engineering Technician II	\$ 75
Site Manager I	\$ 83
Site Manager II	\$ 92
Construction Manager	\$105
<u>Design, Graphical, and Administrative Services</u>	
Designer	\$125
Senior Drafter/Senior CADD Operator	\$ 110
Drafter/CADD Operator/Artist	\$ 96
Project Administrator	\$ 60
Clerical	\$ 49
<u>General</u>	
Direct Expenses	Cost plus 12%
Subcontract Services	Cost plus 12%
Technology/Communications Fee	3% of Professional Fees
Specialized Computer Applications (per hour)	\$ 15
Personal Automobile (per mile)	Current Gov't Rate
Photocopies (per page)	\$.09

Rates are provided on a confidential basis and are client and project specific.
Unless otherwise agreed, rates will be adjusted annually based on a minimum of the applicable Consumer Price Index (CPI).
Rates for field equipment, health and safety equipment, and graphical supplies presented upon request.

EXHIBIT B

REQUIRED INSURANCE

On or before beginning any of the Services called for by any term of this Agreement, Consultant, at its own cost and expense, shall carry, maintain for the duration of this Agreement, and provide proof thereof that is acceptable to the City of its procurement of the insurance specified below from insurers and under forms of insurance satisfactory in all respects to the City. Consultant shall not commence work under this Agreement until all insurance required of Consultant have been obtained. Such insurance shall not be in derogation of Consultant's obligations to provide indemnity under Section 13 of this Agreement.

1. Comprehensive General Liability And Automobile Liability Insurance Coverage

CONSULTANT shall carry and maintain Comprehensive General Liability and Automobile Liability Insurance which provides the following:

Minimum coverage: Bodily injury limits of \$2,000,000 for each person and \$2,000,000 for each occurrence; property damage limits of \$2,000,000 for each occurrence, \$2,000,000 aggregate.

If a Commercial General Liability Insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned real property and automobiles. Insurance coverage shall not be subject to any type of pollution exclusion or owned property exclusions.

2. Errors And Omissions Insurance Coverage

CONSULTANT shall carry and maintain Errors and Omissions Coverage Insurance which provides a minimum coverage of at least \$2,000,000 for each occurrence, \$2,000,000 aggregate, triggered by manifestation of injury.

3. Worker's Compensation

Before execution of the Agreement, CONSULTANT shall file with the City the following signed certification:

"I am aware of the provisions of Section 3700 Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Service Agreement".

CONSULTANT shall carry and maintain worker's compensation as required by the

California Labor Code for all persons employed directly or indirectly in connection with this Agreement by CONSULTANT.

4. Additional Insureds

The City of Commerce, their officers, agents and employees must be named as additional insureds or as additional loss payees in all insurance policies required by this Agreement, except for workers compensation and professional liability. An endorsement to this effect shall be delivered to City prior to the commencement of any work. Satisfaction of any deductible requirement shall be the responsibility of CONSULTANT. Such insurance shall be primary, and noncontributory with any other insurance by the City of Commerce.

5. Cancellation Clause

Each of the policies of insurance shall contain a clause substantially as follows:

It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof be reduced until 30 days after receipt by the City Administrator of the City of Commerce of the written notice of such cancellation or reduction of coverage, as evidenced by receipt of the certified letter.

6. Severability Clause

Each of the policies of insurance shall contain a clause substantially as follows:

The insurance afforded by this policy applies separately to each insured against whom a claim or suit is made or suit is brought, except with respect to the limit of the insurer's liability.

7. Qualifications of Insurer

All policies of insurance shall be issued by an insurance company acceptable to City and authorized to issue said policy in the State of California.

8. Approval of Insurer

The insurance carrier providing the insurance shall be chosen by CONSULTANT subject to approval by City, provided that such approval shall not be unreasonably withheld.

9. Payment of Premiums

All premiums on insurance policies shall be paid by CONSULTANT making payment, when due, directly to the insurance carrier, or in a manner agreed to by City.

10. Evidence of Insurance and Claims

CONSULTANT shall promptly furnish the City all renewal notices and all receipts of paid premiums. In the event of loss, CONSULTANT shall give prompt notice to the insurance

carrier and City. City may make proof of loss if not made promptly by CONSULTANT.

4816-7818-7545, v. 1



AGENDA REPORT

MEETING DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: APPROVE PLANS AND SPECIFICATIONS FOR CITY PROJECT NO. 1306 – 2013/2014 BUS SHELTER INSTALLATION (PHASE IV) PROJECT

RECOMMENDATION:

That the City Council:

1. Approve the project plans and specifications for City Project No. 1306 – 2013/2014 Bus Shelter Installation (Phase IV) Project, as prepared by Elie Farah Inc.; and
2. Authorize the Public Works and Development Services Department to advertise for bids and designate May 9, 2014, at 3:00 p.m., as the bid opening date.

MOTION:

Move to approve recommendation.

BACKGROUND:

On August 17, 2010, the City Council approved the project Request for Proposal (RFP) prepared by staff for the Bus Shelter Project and authorized the Community Development Department to advertise for bids/proposals.

On December 21, 2010, the City Council awarded a professional services agreement for design and engineering services for the City's Bus Shelter Project to Onward Engineering. Phases I, II, and III of the City's bus shelter project have been completed with a combined cost of approximately \$396,291.

A summary of the work completed is as follows:

Repaired and/or upgraded seventy-three (73) bus shelters to meet current ADA requirements, installed sixteen (16) new solar powered shelter lights and bus benches, installed twenty-three (23) new trash receptacles, installed ten (10) new bus stop signs, removed 10,300 square feet of concrete, constructed fifteen (15) new ADA curb ramps, and painted over 940 linear feet of curb.

The Final Phase IV of this project is needed to further meet current ADA requirements and improve the appearance and public safety at City authorized bus stops.

At its meeting of November 5, 2013, the City Council awarded a Professional Services Agreement for design and engineering services for the City's Bus Shelter Project to Elie Farah Inc.

ANALYSIS:

The project plans and specifications are ready and available in the Public Works and Development Services Department. The proposed improvements include various repairs and upgrades to 24 City bus stops in order to meet current ADA requirements, improve safety and appearance, repair damaged sidewalk, etc.

The existing project plans and specifications includes installing 13 new bus shelters (including solar powered transit lights), 12 new bus benches, 12 trash receptacles, 4 new bus signs, removal of 4,500 square feet of concrete, constructing 6 new ADA curb ramps, painting 30 linear feet of curb, etc.

FISCAL IMPACT:

This activity can be carried out without having an impact to the City's General Fund; whereas, this project is Federally Funded and has been approved as part of the City's Capital Improvement Plan (CIP) budget.

The entire budget for the bus shelter project (including design and construction) is \$652,562 as follows:

\$522,877	Federal Transportation Administration
<u>\$129,685</u>	<u>PTMSEA Prop. 1-B</u>
\$652,562	Total Project Budget

Phases I, II and III of the City's bus shelter project have been completed with a combined cost of approximately \$396,291, leaving a remaining balance of \$256,271.


The project estimate to complete Phase IV is as follows:

\$215,174	Construction
<u>\$ 41,097</u>	<u>Engineering and Construction Management</u>
\$256,271	Total

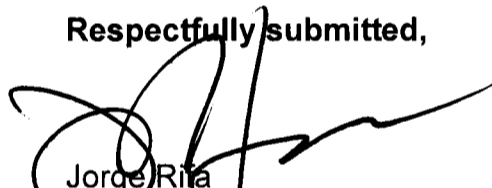
RELATIONSHIP TO 2012 STRATEGIC GOALS:

This agenda item relates to the 2012 strategic goal "improve and maintain infrastructure and beautify our community", as the proposed recommendation outlined in this report: 1) Adds new infrastructure; and 2) Provides protection for transit users.

Recommended by:


Maryam Babaki
Director of Public Works & Development Services

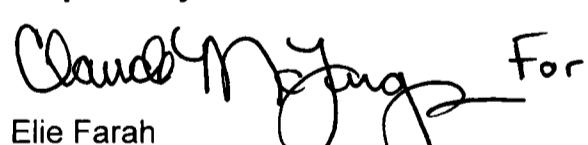
Respectfully submitted,


Jorge Rifa
City Administrator

Reviewed by:


Claude McFerguson
Director of Transportation

Prepared by:

 For
Elie Farah
Project Manager

Fiscal impact reviewed by:


Vilko Domic
Director of Finance

Approved as to form:


Eduardo Olivo
City Attorney



AGENDA REPORT

MEETING DATE: APRIL 1, 2014

TO: HONORABLE SUCCESSOR AGENCY

FROM: EXECUTIVE DIRECTOR

SUBJECT: A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION APPROVING A LICENSE AND HOLD HARMLESS AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND CRAIG-REALTY GROUP-CITADEL LLC

RECOMMENDATION:

Adopt the Resolution approving a License and Hold Harmless agreement between the Successor Agency and Craig-Realty Group-Citadel LLC and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND AND OVERVIEW:

The Successor Agency to the Commerce Community Development Commission (the "Successor Agency") owns certain real properties commonly known as Lots 5 at 2322 Travers, Lot 6 at 2311 Travers, and Lot 7 at 2240 Gaspar all of PM 142-82-83 (the "Premises"). Craig Realty Group-Citadel LLC ("Craig Realty") has requested permission from the Successor Agency to use the Premises for parking purposes for weekdays and weekends throughout the remainder of 2014, and for the first part of 2015. The Successor Agency desires to license the Premises for use by Craig Realty for parking purposes.

Last year the Successor Agency granted the same license to Craig Realty for 2013/2014. It was approved by the Oversight Board and approved by the California Department of Finance.

ANALYSIS:

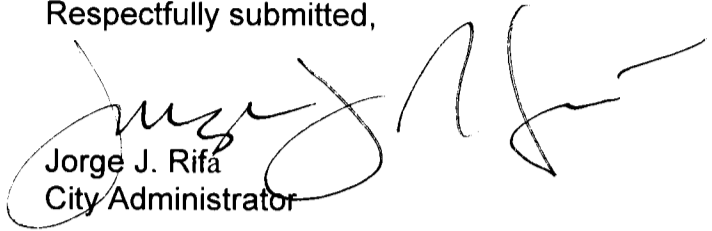
The License and Hold Harmless Agreement between the Successor Agency and Craig Realty will commence April 1, 2014, and will automatically terminate on April 1, 2015 (the "Agreement"). Pursuant to the Agreement, Craig Realty will indemnify the Successor Agency for any and all loss or liability arising from their use of the Premises and will provide insurance. The purpose of the parking license will be to continue to provide non-exclusive public parking for the Citadel, the Doubletree Hotel and surrounding businesses.

FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

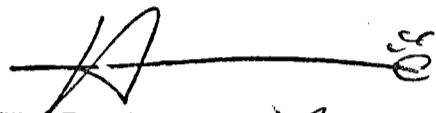
RELATIONSHIP TO STRATEGIC GOALS:

Respectfully submitted,




Jorge J. Rifa
City Administrator

Reviewed by:



Vilko Domic
Finance Director



Approved As To Form:



Eduardo Olivo
Legal Counsel



March 27, 2014

Commerce City Council
Successor Agency to the
Community Development Commission
City of Commerce
2535 Commerce Way
Commerce, CA 90040

Re: Interim Non-Exclusive Use of Parking Lots

Dear City Council and Successor Agency members:

This letter will serve as our request to extend the use of the interim non-exclusive license to use the vehicle parking areas for Citadel Outlets customer, tenant and employee vehicle parking described as follows:

Lots 5 at 2322 Travers, Lot 6 at 2311 Travers, and Lot 7 at 2240 Gaspar all of PM 142-82-83 as depicted on Attached Exhibit A (Location Map).

We request that this non-exclusive license is granted for 365 days from the date of this letter and subject to the following conditions:

Maintenance of parking areas for safety, trash litter, debris, to be undertaken by Craig Realty Group-Citadel LLC.

Lighting and Security to be established and patrolled by Craig Realty Group-Citadel LLC commensurate with equivalent service levels maintained by Craig Realty Group-Citadel LLC for the Citadel Outlets Parking areas.

Craig Realty Group-Citadel LLC is responsible for traffic control as may be required.

We would appreciate the City's permission to use these lots and are extremely thankful for your prompt consideration. We will provide the appropriate Liability and indemnification documents to you as well. WE look forward to hearing from you and greatly appreciate everything you do for us.

Sincerely,

Susan Jennrich
Susan Jennrich *for Susan Jennrich*

General Manager

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION APPROVING A LICENSE AND HOLD HARMLESS AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND CRAIG-REALTY GROUP-CITADEL LLC

WHEREAS, the Successor Agency to the Commerce Community Development Commission (the "Successor Agency") owns certain real properties commonly known as Lots 5 at 2322 Travers, Lot 6 at 2311 Travers, and Lot 7 at 2240 Gaspar all of PM 142-82-83 (the "Premises"); and

WHEREAS, Craig Realty Group-Citadel LLC ("Craig Realty") has requested permission from the Successor Agency to use the Premises for parking purposes for weekdays and weekends throughout the remainder of 2014 and for the first part of 2015; and

WHEREAS, the Successor Agency desires to license the Premises for use by Craig Realty for parking purposes.

WHEREAS, the Successor Agency granted a parking license approved as the Oversight Board and the California Department of Finance for 2013 and 2014.

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

Section 1. The City Council of the City of Commerce, in its capacity as the Successor Agency to the Commerce Community Development Commission hereby finds and determines that the recitals set forth above are true and correct.

Section 2. The License and Hold Harmless Agreement between the Successor Agency and Craig Realty Group-Citadel LLC is hereby approved. The Chairperson is hereby authorized to execute the License and Hold Harmless Agreement for and on behalf of the Successor Agency.

Section 3. The Successor Agency's Secretary shall certify to the adoption of this Resolution and thereupon and thereafter the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED this 1st day of April 2014.

Tina Baca Del Rio, Chairperson

ATTEST:

Lena Shumway
Secretary

LICENSE AND HOLD HARMLESS AGREEMENT

This License and Hold Harmless Agreement ("Agreement") is entered into this 1st day of April 2014, by and between the Successor Agency to the Commerce Community Development Commission ("Licensor") and Craig Realty Group-Citadel, LLC ("Licensee").

RECITALS

WHEREAS, Licensor owns certain real properties commonly known as Lots 5 at 2322 Travers, Lot 6 at 2311 Travers, and Lot 7 at 2240 Gaspar all of PM 142-82-83 (hereafter, the "Premises" or "Licensed Area") as depicted on Attached Exhibit "A" (Location Map), which is attached hereto and incorporated herein by reference.

WHEREAS, Licensee has requested permission from Licensor to use the Premises for parking purposes for weekdays and weekends throughout the remainder of 2014 and for the first part of 2015; and

WHEREAS, Licensor desires to license the Premises for use by Licensee for parking purposes.

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Licensor and Licensee hereby agree as follows.

AGREEMENT

SECTION 1. LICENSE OF THE LICENSED AREA

Licensor grants to Licensee, for the sole benefit of Licensee, its employees, and invitees, a non-exclusive, non-assignable license to enter upon the Premises for the sole purpose of parking vehicles on the Premises from April 1, 2014 through April 1, 2015. The Licensed Area is described as follows: the real property commonly known as real properties commonly known as Lots 5 at 2322 Travers, Lot 6 at 2311 Travers, and Lot 7 at 2240 Gaspar all of PM 142-82-83 as depicted on Attached Exhibit "A."

Licensee shall be required to maintain the Premises and shall be responsible for all lighting and security commensurate with equivalent service levels maintained by Licensee for the Citadel Outlets parking areas. Licensee shall also be responsible for traffic control, as may be required.

SECTION 2. TERM

The term of this License shall commence on April 1, 2014 ("Commencement Date") and, unless earlier terminated by Licensor for Licensee's default hereunder, shall automatically terminate on April 1, 2015 ("Expiration Date").

SECTION 3. INSURANCE

Licensee shall maintain insurance and provide evidence thereof as required by Exhibit "B" hereto (the "Required Insurance") which is attached hereto and incorporated herein by this reference, for the term provided herein.

SECTION 4. INDEMNIFICATION

Licensee agrees and acknowledges that its use of the Licensed Area is at its sole risk, and Licensee hereby waives, releases and absolves Licensor, its officers, agents and employees (the "Licensor Parties") from any and all cost, loss, damage, expense, and liability, whether foreseeable or not, from any cause whatsoever, that Licensee may suffer to its personal property located anywhere in the Licensed Area or that it or its agents, employees, principals, and invitees may suffer as a direct or indirect consequence of Licensee's use of the Licensed Area or access areas to the Licensed Area or for any other reason arising from or related to this Agreement; provided, however, that Licensee shall have no obligation to defend or indemnify Licensor from claims unrelated to a preexisting condition which are caused by Licensor's negligence, or willful or criminal act. In addition, Licensee hereby agrees to indemnify, defend, protect, and hold Licensor and the Licensor Parties harmless from and against any loss, cost (including, but not limited to, attorneys' fees), damage, liability, expense, claim, or action or cause of action of any third party (including, but not limited to, employees, agents, contractors, invitees and licensees of Licensee), whether foreseeable or not, resulting as a direct or indirect consequence of or use of the Licensed Area or access areas to the Licensed Area or for any other reason arising from or related to the Agreement; provided, however, that Licensee shall have no obligation to defend or indemnify Licensor from claims which are caused by Licensor's negligence, or willful or criminal act. Licensee's indemnification obligations hereunder shall survive the expiration or earlier termination of this Agreement.

SECTION 5. MISCELLANEOUS

- (a) Time is of the essence of this Agreement and each of its provisions.
- (b) This Agreement shall be construed and enforced in accordance with the laws of the State of California.
- (c) In the event of any litigation between the parties respecting this Agreement, the prevailing party shall be entitled to recover from the unsuccessful party its reasonable attorneys' fees and costs as part of the judgment.
- (d) This License is not to be construed as in any way granting to Licensee any leasehold or other real property interest in the Licensed Area, it being intended that this Agreement merely grants to Licensee this License to enter upon and use the

Licensed Area during the Term in accordance with the terms and conditions hereof and shall not be deemed to grant to Licensee a leasehold or other real property interest in the Licensed Area.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by duly authorized individuals effective as of the date first written above.

LICENSOR:

SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION

By: _____
Tina Baca Del Rio, Chairperson

Approved as to Form:

By: _____
Eduardo Olivo, Legal Counsel

LICENSEE:

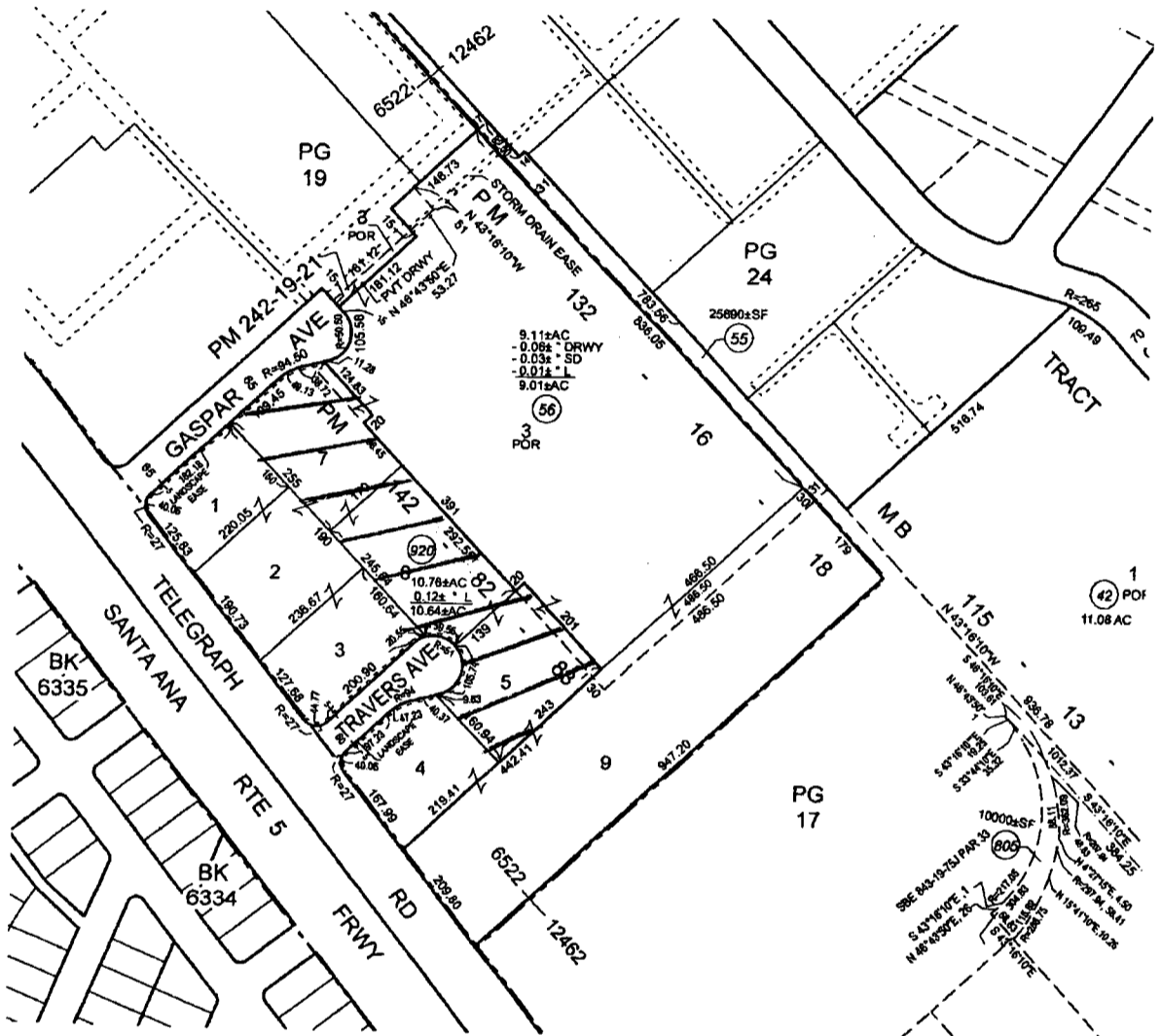
CRAIG REALTY GROUP CITADEL, LLC,
a California limited liability company

By: Citadel SPE, Inc.
a Delaware corporation,
its Manager

By: _____
Steven L. Craig
President

EXHIBIT "A"
(Map)

A. 136-19 & 34	TRA 6522 12462	REVISED 2008031010001002-27 2008080606002001-29	2008092305006001-27 2009041308001001-27 2009041308007001-27,29	2009041308009001-27,29 2010030904005001-27 2010032404002001-27	2010072802001001-27 2010121502010001-27 2012042602004001-27	2012042502007001-22
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*Exhibit A
Location Map*

ALL 800 SERIES PARCELS
ARE ASSESSED TO C
DEVELOPMENT COMI
OTHERWISE NOTED.

EXHIBIT "B"
(Required Insurance)

Licensee, at its own cost and expense, shall carry, maintain for the duration of this Agreement, and provide proof thereof that is acceptable to the Successor Agency to the Commerce Community Development Commission ("Successor Agency") of its procurement of the insurance specified below from insurers and under forms of insurance satisfactory in all respects to the Successor Agency. Licensee shall not allow any subcontractor to commence work on any subcontract under this Agreement until all insurance required of Licensee have also been obtained for the or by the subcontractor. Such insurance shall not be in derogation of Licensee's obligations to provide indemnity under Section 4 of this Agreement.

1. Comprehensive General Liability and Automobile Liability Insurance Coverage.

Licensee shall carry and maintain Comprehensive General Liability and Automobile Liability Insurance which provides the following:

Minimum coverage: Bodily injury limits of \$1,000,000 for each person and \$1,000,000 for each occurrence; property damage limits of \$500,000 for each occurrence, \$2,000,000 aggregate. Automobile liability limits of \$1,000,000 Combined Single Limit.

If a Commercial General Liability Insurance form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned real property and automobiles.

2. Additional Insureds.

The Successor Agency, its officers, agents and employees must be named as additional insureds or as additional loss payees in all insurance policies required by this Agreement. An endorsement to this effect shall be delivered to the Successor Agency prior to the commencement of any work. Satisfaction of any deductible requirement shall be the responsibility of Licensee.

3. Cancellation Clause.

Each of the policies of insurance shall contain a clause substantially as follows:

It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof be reduced until 30 days after receipt by the Executive Director of the Successor Agency to the Commerce Community Development Commission of the written notice of such cancellation or reduction of coverage, as evidenced by receipt of a certified letter.

4. Severability Clause.

Each of the policies of insurance shall contain a clause substantially as follows:

The insurance afforded by this policy applies separately to each insured against whom a claim or suit is made or suit is brought, except with respect to the limit of the insurer's liability.

5. Qualifications of Insurer.

All policies of insurance shall be issued by an insurance company acceptable to the Successor Agency and authorized to issue said policy in the State of California.

6. Approval of Insurer.

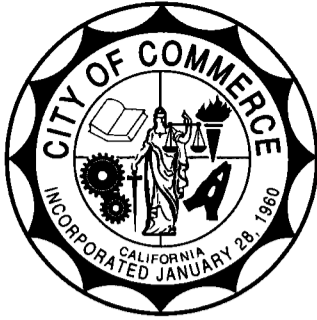
The insurance carrier providing the insurance shall be chosen by Licensee subject to approval by the Successor Agency, provided that such approval shall not be unreasonably withheld.

7. Payment of Premiums.

All premiums on insurance policies shall be paid by Licensee making payment, when due, directly to the insurance carrier, or in a manner agreed to by the Successor Agency.

8. Evidence of Insurance and Claims.

The Successor Agency shall have the right to hold the policies and policy renewals, and Licensee shall promptly furnish to the Successor Agency all renewal notices and all receipts of paid premiums. In the event of loss, Licensee shall give prompt notice to the insurance carrier and the Successor Agency. The Successor Agency may make proof of loss if not made promptly by Licensee.



AGENDA REPORT

DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA ADOPTING BY REFERENCE: TITLE 26, LOS ANGELES COUNTY BUILDING CODE (2014 EDITION); TITLE 27, LOS ANGELES COUNTY ELECTRICAL CODE (2014 EDITION); TITLE 28, LOS ANGELES COUNTY PLUMBING CODE (2014 EDITION); TITLE 29, LOS ANGELES COUNTY MECHANICAL CODE (2014 EDITION); NEW TITLE 30, 2014 LOS ANGELES COUNTY RESIDENTIAL CODE; NEW TITLE 31, 2014 LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE AND TITLE 32, LOS ANGELES COUNTY AND DISTRICT FIRE CODE (2014 EDITION); BY AMENDING SECTION 15.04.010 OF CHAPTER 15.04 ("BUILDING LAWS") AND SECTION 16.04.010 OF CHAPTER 16.04 ("FIRE PREVENTION CODE") OF THE COMMERCE MUNICIPAL CODE - FIRST READING

RECOMMENDATION:

1. Conduct the required public hearing.
2. Move to read the Ordinance by title only; and
3. Move to approve the Ordinance for first reading.

MOTION:

Conduct a public hearing regarding the subject Ordinance and consider the proposed Ordinance for first reading.

BACKGROUND:

The State of California mandates that local jurisdictions adopt and commence enforcement of the updated State Building and Fire Codes. They are updated to provide for the safety and welfare of all Californians through the application of the latest technology and advances in materials and methods of construction. While the codes are standardized, flexibility is built in to allow the codes to be adapted to local building conditions. Local jurisdictions may make modifications to building and fire codes to take into account changes with greater emphasis on local conditions (i.e. topography, climate, and building structures common to the area).

The 2013 California Building was adopted by the State of California on July 10, 2013 and became effective throughout the State on January 1, 2014. On March 25, 2014, the Los Angeles County District Fire Code was before the County Board of Supervisors for a public hearing and adoption. For several years the City of Commerce has adopted and enforced the same version of the California Building Codes that were adopted, amended, and enforced by the County of Los Angeles. Staff is recommending adoption of the entire County Building and Fire Codes by reference (except for fees) as they are the most appropriate codes and standards for the protection of health, safety and welfare in the City.

ANALYSIS:

The California Health and Safety Code requires that the County adopt ordinances that impose the same building standards as contained in the State Code of California Building

Standards Code. On January 2011, the City adopted the Los Angeles County Codes by reference in their entirety (excepting fees). The current City codes are the 2011 edition, and have been in effect since January 1, 2011. The 2013 California Codes are effective throughout the State on January 1, 2014 and have required technical reference standards and include the following:

2014 CODE LOS ANGELES COUNTY CODES
Title 26 Los Angeles County Building Code Volumes 1 & 2
Title 27 Los Angeles County Electrical Code
Title 28 Los Angeles County Plumbing Code
Title 29 Los Angeles County Mechanical Code
Title 30, Los Angeles County Residential Code
Title 31, Los Angeles County Green Building Standards Code
Title 32, Los Angeles County Fire Code (2014 County Fire Code)

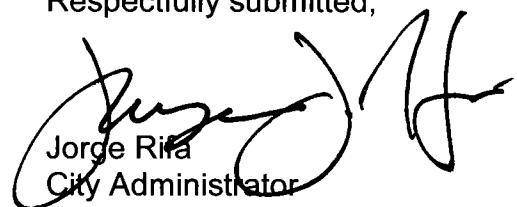
The primary source for the County amendments to the Building Codes has been the Los Angeles County Basin Chapter of the International Code Council. The Chapter took the lead in reviewing the Building Code to determine which amendments were essential for the region based on its specific needs. Changes to the Fire Code include, but are not limited to, fire apparatus access requirements, approval requirements for traffic calming devices that affect fire apparatus access roads, and requirements for photovoltaic systems, roof gardens and landscaped roofs. A full summary of the changes to the Fire Code is attached to this report. These efforts and updated 2014 Building Codes, ensures conformity and consistency among all local jurisdictions that will help designers, developers, and the public at large. Changes to the Fire Code

At the public counter in Building and Safety, notice was given as to the effective date for the new codes. Inspection and plan check staff have received training in the new codes and have been answering questions from the public regarding application of the new standards. In addition, Building and Safety staff indicated that as it relates to the building, trade, and fire codes most design professionals and builders that work in the City are familiar with the new codes and have taken those changes into account for their project design.

BUDGET IMPACT:

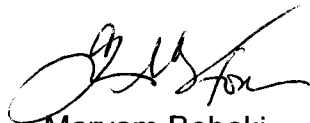
None. Plan check and permit fees are charged and collected based on the valuation established for the job. Fees are charged to recover the costs for inspection and plan check services.

Respectfully submitted,



Jorge Rifa
City Administrator

Recommended by:



Maryam Babaki
Director of Public Works & Development Services

Reviewed by:



Patrick Malloy
Special Assistant to the City Administrator

Prepared by:


Matt Marquez
City Planner

Fiscal impact reviewed by:


Vilko Domic
Director of Finance

Approved as to form:


Eduardo Olivo
City Attorney

ATTACHEMENTS:

- 1) Summary of Major Changes to the District Fire Code
- 2) City Council Ordinance

COUNTY/FIRE PROTECTION DISTRICT FIRE CODE SUMMARY OF MAJOR CHANGES

Changes from 2011 Los Angeles County Fire Code to the 2014 Los Angeles County/District Fire Code include:

- The proposed 2014 Los Angeles County Fire Code is based on the 2013 California Fire Code, additional adoption of sections and chapters of the 2012 International model Fire Code (IFC) that are not part of the CA Fire Code and numerous Fire Department authored amendment that have been brought forward from previous Fire Code editions along with several new amendments.
- The base 2012 IFC model code has chapters rearranged from the previous 2009 edition.
- Unlike last code cycle, the SFM did not adopt IFC fire apparatus access requirements of Section 503. This section must be adopted locally in order to be enforceable. The reasoning by the SFM is because of a State's Attorney General opinion that fire apparatus access roads are not a building standard, therefore, should not be part of the CA Title 24, Building Standards Code.
- Traffic calming devices that affect fire apparatus access roads now requires approval by the fire code official. This requirement was by local amendment last code cycle. This requirement is now based on adoption of IFC model code language. As per above reason, this requirement was not adopted by the State.
- Photovoltaic systems, roof gardens, and landscaped roofs access for fighter requirements are now based on new model code language which was adopted by the state. Los Angeles County Fire proposes minor amendments and the following firefighter safety amendment:

605.11.2.1 Remote electrical disconnect.

Photovoltaic circuits shall be equipped with a means for remote electrical disconnect located downstream from the photovoltaic array at the point where the photovoltaic circuit first enters the structure, or at another approved location. The manual control to operate the remote electrical disconnect shall be located within five feet of the building's main electrical panel. The remote electrical disconnect shall be listed and meet the requirements of the California Electrical Code.

Exceptions:

1. Photovoltaic circuits contained in rigid or electrical metallic tubing running between the array combiner box and the main electrical panel which are entirely exterior to the building need not be equipped with a means of remote electrical disconnect other than the disconnects intrinsic to the system.

2. Photovoltaic circuits contained in rigid or electrical metallic tubing running between the array combiner box and the main electrical panel that run through the interior of the building when installed a minimum of 18" below the roof assembly when measured parallel to the surface of the roof.

- Deleted ban for open flame cooking devices on combustible balconies or within 10 feet of combustible construction at multi-residential buildings due to problematic enforcement of this requirement. If there is a fire hazard because of a cooking issue on a combustible balcony, it can be address with other section of the code rather than needing an all-out ban of such conditions. SFM does not adopt this section either.

- Added new amendment to prohibit high voltage transmission power line over the required fire apparatus access roads that face the building's exterior walls for new buildings. The restricted area is termed area of firefighting operations.
- Added prohibition to use or release floating luminaries due to ignition concerns to wildfire areas and structures. Allowed use only by fire code permit.
- Added Department policy of fire flow water supply requirements directly into the fire code:

507.2 Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. Where facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction and are located within a water utility service area and pressure zone, fire flow water supply shall be provided directly from a water utility's water system. The use of private water storage system for fire flow water supply purposes shall be approved by the fire code official.

- Revised SFM authored Appendix K "Temporary Amusement Haunted Houses" to better meet the needs of the Fire Protection District by accommodating lesser hazardous temporary haunted house themed events.
- Rewrote Appendix M Fire Hazard Severity Zones.
- Made other administrative and editorial changes; many sections of the existing code were renumbered and/or deleted and re-added to correspond to the International Fire Code/State Fire Code section numbering scheme.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA ADOPTING BY REFERENCE: TITLE 26, LOS ANGELES COUNTY BUILDING CODE (2014 EDITION); TITLE 27, LOS ANGELES COUNTY ELECTRICAL CODE (2014 EDITION); TITLE 28, LOS ANGELES COUNTY PLUMBING CODE (2014 EDITION); TITLE 29, LOS ANGELES COUNTY MECHANICAL CODE (2014 EDITION); NEW TITLE 30, 2014 LOS ANGELES COUNTY RESIDENTIAL CODE; NEW TITLE 31, 2014 LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE AND TITLE 32, LOS ANGELES COUNTY AND DISTRICT FIRE CODE (2014 EDITION); BY AMENDING SECTION 15.04.010 OF CHAPTER 15.04 ("BUILDING LAWS") AND SECTION 16.04.010 OF CHAPTER 16.04 ("FIRE PREVENTION CODE") OF THE COMMERCE MUNICIPAL CODE

WHEREAS, the State of California has adopted and published the 2014 California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Residential Code, California Green Building Code, and California Fire Code; and

WHEREAS, the Government Code requires that the County adopt the latest State building and fire codes; and

WHEREAS, the State of California requires that the County adopt ordinances that impose the same building standards as are contained in the 2014 California Building Standards Code, with the exception that the County may make amendments to these building and fire standards that are more restrictive and that are reasonably necessary because of climatic, geological, and/or topographical conditions; and

WHEREAS, on November 26, 2013, the Los Angeles County Board of Supervisors adopted the 2014 Los Angeles County Codes including Title 26 Building Code, Title 27 Electrical Code, Title 28 Plumbing Code, Title 29 Mechanical Code, new Title 30 Residential Code, new Title 31, Green Building Standards Code, and March 25, 2014 the Los Angeles County Board of Supervisors adopted the Title 32, 2011 Los Angeles County Fire Code; and

WHEREAS, the City of Commerce contracts with Los Angeles County for its Building and Fire Code plan check review, inspection, and enforcement services; and

WHEREAS, staff has reviewed the 2014 Los Angeles County Codes including Title 26 Building Code, Title 27 Electrical Code, Title 28 Plumbing Code, and Title 29 Mechanical Code, new Title 30 Residential Code, new Title 31, Green Building Standards Code, and title 32 Fire Code, for applicability within the City of Commerce and has concluded adoption of the Los Angeles County Codes by reference in its entirety (except for fees) to be the most efficient and effective means to insure a high degree of fire, life-safety protection for all residents of the City of Commerce.

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

Section 1. The current Title 15, Chapter 15.04, Section 15.04.010 is hereby amended as follows:

15.04.010 Adoption by Reference. There are adopted by reference, as the building, electrical, plumbing, mechanical laws, residential, and green building standards code, of the City of Commerce, the following:

Title 26, LOS ANGELES COUNTY BUILDING CODE (2014 Edition) Adopted. Title 26 of the Los Angeles County Building Code (2014 Edition), as adopted by Los Angeles County Ordinance, becoming effective January 1, 2014, fully expresses the City Council's will and intention to enforce the provisions of Title 26 of the Los Angeles County Building Code (2014 Edition) within the City, except for Section 107 ("Fees"). The aforementioned is hereby adopted by reference as an amendment to Title 15 of the Buildings and Construction Code of the City.

Title 27, LOS ANGELES COUNTY ELECTRICAL CODE (2014 Edition) Adopted.

Title 27 of the 2014 Los Angeles County Electrical Code, as adopted by Los Angeles County Ordinance, becoming effective January 1, 2014, fully expresses the City Council's will and intention to enforce the provisions of Title 27 of the Los Angeles County Electrical Code (2014 Edition) within the City, except for Section 82-8 ("Fees"). The aforementioned is hereby adopted by reference as an amendment to Title 15 of the Buildings and Construction Code of the City.

Title 28, LOS ANGELES COUNTY PLUMBING CODE (2014 Edition) Adopted.

Title 28 of the Los Angeles County Plumbing Code (2014 Edition), as adopted by Los Angeles County Ordinance, becoming effective January 1, 2014, fully expresses the City Council's will and intention to enforce the provisions of Title 28 of the Los Angeles County Plumbing Code (2014 Edition) within the City, except for Section 103.10 ("Cost of Permit"). The aforementioned is hereby adopted by reference as an amendment to Title 15 of the Buildings and Construction Code of the City.

Title 29, LOS ANGELES COUNTY MECHANICAL CODE (2014 Edition) Adopted.

Title 29 of the Los Angeles County Mechanical Code (2014 Edition), as adopted by Los Angeles County Ordinance, becoming effective January 1, 2014, fully expresses the City Council's will and intention to enforce the provisions of Title 29 of the Los Angeles County Mechanical Code (2014 Edition) within the City, except for Section 114 ("Permit Fees"). The aforementioned is hereby adopted by reference as an amendment to Title 15 of the Buildings and Construction Code of the City.

New Title 30, LOS ANGELES COUNTY RESIDENTIAL CODE (2014 Edition) Adopted.

New Title 30 of the Los Angeles County Residential Code (2014 Edition), as adopted by Los Angeles County Ordinance, becoming effective January 1, 2014, fully expresses the City Council's will and intention to enforce the provisions of Title 30 of the Los Angeles County Residential Code (2014 Edition) within the City, except for Section 107 ("Fees"). The aforementioned is hereby adopted by reference as an amendment to Title 15 of the Buildings and Construction Code of the City.

New Title 31, LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE (2014 Edition). Adopted.

New Title 31 of the Los Angeles County Green Building Standards Code (2014 Edition), as adopted by Los Angeles County Ordinance, becoming effective January 1, 2014, fully expressed the City Council's will and intention to enforce the provisions of Title 31 of the Los Angeles County Green Building Standards Code (2014 Edition) within the City, except for Section 107 ("Fees"). The aforementioned is hereby adopted by reference as an amendment to Title 15 of the Buildings and Construction Code of the City.

Section 2. In the event that Title 26 of the Los Angeles County Building Code (2014 Edition), Title 27 of the Los Angeles County Electrical Code (2014 Edition), Title 28 of the Los Angeles County Plumbing Code (2014 Edition), Title 29 of the Los Angeles County Mechanical Code (2014 Edition), New Title 30 of the Los Angeles County Residential Code (2014 Edition), New Title 31 of the Los Angeles County Green Building Standards Code (2014 Edition), as adopted by reference herein, conflicts with any provision of the Commerce Municipal Code now or hereinafter enacted, the provision of the Municipal Code shall prevail over the conflicting County Code provision.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

Section 4. A copy of Title 26 of the Los Angeles County Building Code (2014 Edition), Title 27 of the Los Angeles County Electrical Code (2014 Edition), Title 28 of the Los Angeles County Plumbing Code (2014 Edition), Title 29 of the Los Angeles County Mechanical Code (2014 Edition), New Title 30 Los Angeles County Residential Code (2014 Edition), and New Title 31 Los Angeles County Green Building Standards Code (2014 Edition), as herein adopted by reference is on file in the office of the City Clerk.

Section 5. The current Title 16, Chapter 16.04, Section 16.04.010 is hereby amended as follows:

16.04.010 Adoption by Reference. There are adopted by reference, as the fire prevention laws of the City of Commerce, the following:

Title 32, LOS ANGELES COUNTY FIRE CODE (2014 Edition) Adopted. The Los Angeles County Fire Code (2014 Edition) is adopted in its entirety by reference, as the fire prevention code of the City of Commerce and fully expresses the City Council's will and intention to enforce the provisions of Title 32 of the Los Angeles County Fire Code (2014 Edition) within the City.

Section 6. In the event that Title 32 of the Los Angeles County Fire Code (2014 Edition) as adopted by reference herein, conflicts with any provision of the Commerce Municipal Code now or hereinafter enacted, the provision of the Municipal Code shall prevail over the conflicting County Code provision.

Section 7. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

Section 8. A copy of the Title 32 Los Angeles County Fire Code as herein adopted by reference shall be on file in the office of the City Clerk.

Section 9. The City Clerk shall certify to the passage of this ordinance and cause same to be posted as required.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2014.

Tina Baca Del Rio
Mayor

ATTEST:

Lena Shumway
City Clerk



AGENDA REPORT

MEETING DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: FISCAL YEAR 2014-15 INITIAL GENERAL FUND PROJECTED NUMBERS

RECOMMENDATION:

Receive and file

MOTION:

Council discretion

EXECUTIVE SUMMARY:

After years of uncertainty and addressing budget deficits, we begin this year's budget process with a projected modest surplus. As I have highlighted in years past, I will advise the City Council to exercise caution with respects to the preliminary projection – it will change as staff solidifies the numbers based on new information which filters in over the next few months.

Albeit that we recognized a generous surplus in FY 2012-13 (premised upon several one-time revenues), I will request that the City Council continue to air on the side of caution on padding the baseline budget until we begin to realize new sources of income that can accommodate new staffing and/or programmatic costs. I state this because it wasn't too long ago that this City Council (along with staff) lived through some arduous and painstaking decisions that resulted in nearly \$6 million in operational reductions.

In addition to the General Fund preliminary projections, staff will provide a brief overview of the Measure 'AA' funds and what actions have transpired to date.

DISCUSSION:

The initial preliminary projection for the upcoming budget cycle stands at a surplus of just over **\$425,000**. This amount is very similar to where we began the process one year ago.

We will be coming before Council over the next few weeks with a framework for the rest of the budget process.

The Director of Finance will provide more detail via a slide show presentation at this meeting.

FISCAL IMPACT:

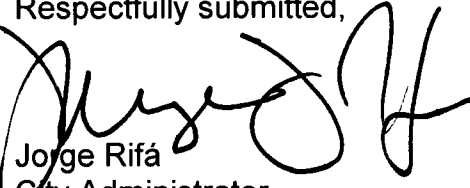
Despite the fact that we are looking at a projected surplus for the upcoming budget process, the City Council will still be facing some difficult decisions on how to best allocate those funds.

Mindful of the organizational and financial impact involving the last 5 years, staff will continue to make a concerted effort to keep the integrity of the services we provide the community during the upcoming process. Overall, we are not seeking to reduce services. Instead we are maintaining the current levels and modest increases focused on facility maintenance and re-investment in the re-organizing process for Public Works and Development Services.

AGENDA ITEM No. 11

RELATIONSHIP TO 2012 STRATEGIC GOALS:


The item is associated with the Council's goal of growing revenues to ensure all expenses are being met so the City can remain fiscally responsible and continue to provide services to the residents.

Respectfully submitted,

Jorge Rifá
City Administrator

Recommended by:


Vilko Domic
Finance Director/City Treasurer

Approved as to Form


Eduardo Olivo
City Attorney



AGENDA REPORT

MEETING DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL
FROM: CITY ADMINISTRATOR
SUBJECT: OPTIONS FOR THE EXPANSION OF THE SERVICE AREA AROUND BRISTOW PARK

RECOMMENDATION:

At the request of City Council, the department will provide options to increase the recreational youth sports program participant levels in the Bristow area.

MOTION:

Council discretion.

BACKGROUND:

At its meeting of February 4, 2014, Council considered the question of expanding the service area around the Bristow Park area and providing an option to allow for the issuance of non-resident activity cards for children to participate in city recreational sports programs. The possible issuance of non-resident activity cards would be limited to the Bristow Park area. After discussion, staff was directed to return to Council with options to improve the recreation program participation level in the Bristow Park area.

ANALYSIS:

2010 Census overview of the Bristow area

- o 359 Males under the age of 20
- o 303 Females under the age of 20

2010 Census overview of the Bristow adjacent area

- o 464 Males under the age of 20
- o 439 Females under the age of 20

Alternative solutions to increase participation in the Bristow area include:

1. Provide a door to door outreach to the Bristow area informing residents of the Resident Activity Card reduction program. At the same time, staff can collect information regarding children living in the Bristow area. Staff will also provide satellite issuance of Resident Activity Cards at Bristow Park twice a year.
2. Allow the children of industrial residents to participate in recreational youth sports programs after the Commerce resident registration period has ended, based on roster space availability, when sports rosters are at the following levels:
 - Volleyball- minimum of five residents registered with a maximum roster of eight
 - Flag Football-minimum of six residents registered with a maximum roster of ten
 - Basketball- minimum of four residents registered with a maximum roster of seven

- Baseball/Softball- minimum of seven residents registered with a maximum roster of eleven
 - Soccer- minimum of nine residents registered with a maximum roster of thirteen
 - This option would be reviewed and a report will be provided to City Council to either continue or discontinue it
 - The industrial- resident fee will be set at \$20.00 for each recreational sport
3. Expand the pool of eligible youth by allowing students living in the adjacent neighborhood to register for recreational youth sports at Bristow Park. This will allow youth outside of the Bristow service area to participate in the recreation sports program, only. The specific area will include 200 homes that are located West of Marianna, North of Dunham, East of Sunol Dr., and South of Boswell / South Brannick Ave.

Non-resident enrollment procedure options:

- A. Create a youth non-resident sports identification card, for a one year trial basis, with the non-resident providing proof similar to the documentation required of residents.
 - B. Non-residents would need to provide proof of living in the adjacent neighborhood consistent with the resident activity card requirements along with birth certificates that are confirmed and filed at Bristow Park by the park supervisor.
4. Expand the pool of eligible youth by allowing students from area schools to register for recreational youth sports at Bristow Park. Non-resident activity cards could be an option, but students would need to provide school identification cards/proof of enrollment, and birth certificates to demonstrate eligibility. Students at the following schools would be permitted to enroll in recreational youth sports at Bristow Park (excluding the boxing program/travel teams):
- Ford Boulevard Elementary
 - Kipp Charter Elementary
 - Winter Gardens Elementary
 - Stevenson Middle School
 - Garfield High School

The non-resident participant will be permitted to register for youth sports programs after the resident registration period has ended and when sports rosters are at the following levels:

- Volleyball- minimum of five residents registered with a maximum roster of eight
- Flag Football- minimum of six residents registered with a maximum roster of ten
- Basketball- minimum of four residents registered with a maximum roster of seven
- Baseball/Softball- minimum of seven residents registered with a maximum roster of eleven
- Soccer- minimum of nine residents registered with a maximum roster of thirteen

FISCAL IMPACT: If Council chooses to issue non-resident activity cards, staff recommends charging \$10 annually for the identification card and a non-resident fee of \$20.00 for each recreational sport.

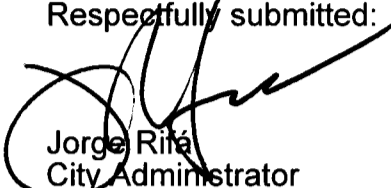
Staff does not expect any negative financial impact, regardless of which option is selected. Funds are already allocated for youth sports programs at Bristow Park and additional funds would not be required.

RELATIONSHIP TO STRATEGIC GOALS: This initiative relates to Council's historic emphasis of providing robust youth sports programming in all areas of the City. As the number of eligible youth may be smaller around the Bristow Park area, Council is considering options to increase the pool of youth eligible to participate in youth sports programs.

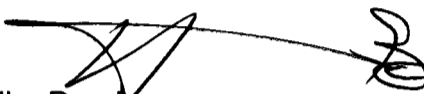
Recommended and prepared by:


Scott Wasserman
Director of Parks & Recreation

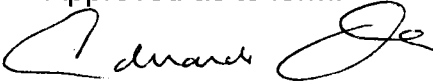
Respectfully submitted:


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: 04/01/2014

TO: Honorable City Council

FROM: City Administrator

SUBJECT: ORGANIZATIONAL ASSIGNMENTS FOR COUNCILMEMBERS

RECOMMENDATION:

Make the appropriate delegate and alternate appointments to the outside boards and agencies.

BACKGROUND/ANALYSIS:

Upon the selection of a new Mayor and Mayor Pro Tem, it has been customary to review City Councilmembers organizational assignments to various boards and agencies.

All Councilmembers are invited to attend any board meetings; however, voting rights are reserved for the official representatives. A list of the current Council delegates and alternate appointment is attached for Council's convenience for year 2013-2014.

FISCAL IMPACT:

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

RELATIONSHIP TO 2014 STRATEGIC GOALS:


This item is not related to a specific 2014 Strategic goal.

Respectfully submitted,



Jorge Rifa
City Administrator

Recommended by:



Lena Shumway
City Clerk

Approved as to form:



Eduardo Olivo
City Clerk

ATTACHMENTS:

1. Roster of Organizational Assignments for Councilmembers for 2013-2014

ORGANIZATION ASSIGNMENTS FOR COUNCILMEMBERS - March 2013-March 2014

Name of Organization	Details	Location	Comp.	Delegate/Alternate	Notes
California Cities for Self-Reliance Joint Powers Authority	3 rd Wed./month -10:00 a.m.	TBD	\$250/month	Councilmember Baca Del Rio Alternate: Mayor Pro Tempore Leon	
California Contract Cities Association	3 rd Wed./month -6:00 p.m.	TBA	0	Councilmember Robles Alternate: Mayor Pro Tem Leon	
California Joint Powers Insurance Authority (JPIA)	4 th Wed./month -5:30 p.m.	JPIA Office, La Palma	0	Councilmember Altamirano Alternate: Councilmember Robles	
Central Basin Water Association	1 st Thurs. of Feb., May & Nov.-11:30 a.m.	Rio Hondo Events Center in Downey	0	Councilmember Baca Del Rio Alternate: Mayor Pro Tem Leon	
City Selection Committee	1 st Thurs.of Aug. -outdoor BBQ	TBA	0	Mayor Baca Del Rio (exp. 3/2015) Alternate: Councilmember Altamirano	
Commerce Refuse-to Energy Authority (CREA)	2 nd Thursday/month -12:30 p.m.	Commerce	\$125/per mtg.	Mayor Pro Tem Leon Alternate: Mayor Aguilar	
County Sanitation District 2 of LA County	2 nd & 4 th Wednesday/month-1:30 p.m.	1955 Workman Mill Rd., Whittier CA 90607	\$125/per mtg.	Mayor Baca Del Rio (exp. 3/2015) Alternate: Mayor Pro Tem Leon (exp. 3/2015)	
Employment Task Force	Quarterly -2:00 p.m.	Commerce (EOC)	0	Mayor Pro Tem Leon Delegate: Mayor Aguilar	
Gateway Cities Council of Governments	1 st Wednesday/Month-8:15 a.m.	Paramount, CA 90723	\$125/month	Mayor Aguilar Alternate: Councilmember Altamirano	
Greater Los Angeles County Vector Control District	2 nd Thursday/month -7:00 p.m.	12545 Florence Ave., Santa Fe Springs, CA	\$100/month	Councilmember Baca Del Rio (4 year term, exp. 01/06/18)	
I-5 Consortium	4 th Monday /month -2:00 p.m.	Norwalk City Hall Room 4	0	Mayor Pro Tem Leon Alternate: Mayor Aguilar	
I-710 EIR/EIS Project Committee	Quarterly -6:30 p.m.	Paramount, CA 90723	\$100/mtg	Councilmember Robles Alternate: Councilmember Altamirano	
League of California Cities	1 st Thurs./month -6:30 p.m.	Luminaras Restaurant 3500 Ramona Blvd., Monterey Park, CA 91754	0	Mayor Pro Tem Leon Alternate: Councilmember Baca Del Rio	
Southeast Water Coalition JPA	1 st Thurs/every even month-7:00 p.m.	Town Center Hall –Social Hall, 11740 Telegraph Rd Santa Fe Springs, CA	0	Councilmember Altamirano Alternate: Councilmember Robles	
Southern California Association of Governments (SCAG)	TBA –once a year	TBA	0	Councilmember Robles Alternate: Councilmember Baca Del Rio	



AGENDA REPORT

MEETING DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ESTABLISHING FEES AND PROCEDURES FOR PUBLIC INSPECTION AND EXAMINATION OF PUBLIC RECORDS, AND FOR OBTAINING COPIES OF PUBLIC RECORDS OF THE CITY OF COMMERCE

RECOMMENDATION:

Approve the Resolution and assign the number next in order.

MOTION:

Move to approve recommendation.

BACKGROUND/ANALYSIS:

The California Public Records Act (Government Code Section 6250, et seq.) provides that public records that are not exempt from disclosure shall be made available for inspection and copying by citizens. The City Clerk's Department and other City departments maintain certain records that are defined as "public records" pursuant to the Public Records Act. The Public Records Act requires that such records be open for inspection and copying by the public during normal office hours.

The City Clerk's Office and the City Attorney's Office have reviewed both the fees charged by other cities and recent case law interpreting the legal requirements under the Public Records Act and have recommended that the City maintain and document the fees that it currently charges for such records. Government Code Section 6253 provides that the City may adopt regulations setting forth procedures to be followed when making records available for inspection. Government Code Section 6253 authorizes the City of Commerce to recover direct costs of duplication. The proposed resolution establishes regulations regarding the processing of Public Records Act requests by the City, and the recovery of costs for the duplication of such records.

FISCAL IMPACT:

None.

Reviewed by,


Vilko Domic
Finance Director

Respectfully submitted,


Jorge Rifa
City Administrator

Approved as to form,

A handwritten signature in black ink, appearing to read "Eduardo Olivo". The signature is fluid and cursive, with a large initial "E" and "O".

Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ESTABLISHING FEES AND PROCEDURES FOR PUBLIC INSPECTION AND EXAMINATION OF PUBLIC RECORDS, AND FOR OBTAINING COPIES OF PUBLIC RECORDS OF THE CITY OF COMMERCE

WHEREAS, the California Public Records Act (Government Code Section 6250, et seq.) provides that public records that are not exempt from disclosure shall be made available for inspection and copying by citizens; and

WHEREAS, the City Clerk's Department and other City departments maintain certain records that are defined as "public records" pursuant to the Public Records Act; and

WHEREAS, the Public Records Act requires that such records be open for inspection and copying by the public during normal office hours; and

WHEREAS, City Clerk's Office and the City Attorney's Office have reviewed both the fees charged by other cities and recent case law interpreting the legal requirements under the Public Records Act and have recommended that the City maintain and document the fees that it currently charges for such records; and

WHEREAS, Government Code Section 6253 provides that the City may adopt regulations setting forth procedures to be followed when making records available for inspection, and Government Code Section 6253 authorizes the City of Commerce to recover direct costs of duplication; and

WHEREAS, the City Council hereby finds and determines that although the City incurs costs and expenses to locate, retrieve, inspect, and reproduce records, and to maintain the integrity of records while allowing the inspection and reproduction of said records at the request of citizens, case law has concluded that the imposition of fees and costs related thereto is inappropriate under the Public Records Act; and

WHEREAS, the City desires to assure that it recovers the direct costs for duplication that are allowed by law; and

WHEREAS, Evidence Code Section 1563 establishes statutory fees for making records available.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The City Council of the City of Commerce hereby finds and determines that the recitals contained hereinabove are true and correct.

Section 2. All public records of the City of Commerce shall be open to public inspection and examination, except those records identified as exempt from disclosure requirements by Government Code Section 6254 or by other California statutes, and members of the public may obtain copies of such records in accordance with the following rules, regulations and procedures:

- (A) Any person who desires a copy of a public record shall deliver to the office of the City Clerk a written or oral request therefor. Said request shall supply sufficient information to enable the City Clerk to identify and locate the requested record. The City Clerk shall provide the person making the request with a copy of the "Request

for Public Records” form, which is attached hereto as Exhibit A and request that such form be provided by the person making the request; the City Clerk shall nevertheless accept any writing or oral request that sufficiently identifies the public record being sought.

- (B) Within ten (10) days after receiving said written request, the City Clerk shall notify the requesting party if said document exists, if it is a public record open to inspection or copying, the location of said document, and the estimated costs for copying thereof.
- (C) Upon being advised of the estimated costs, the City Clerk shall arrange for the copying of said document and shall notify the requesting party in a timely fashion.
- (D) If the estimated cost for copying exceeds Ten Dollars (\$10.00), the City Clerk shall require that the person making the request pay the amount in advance of any copies being made. If the actual cost of duplication is less than the amount deposited, the City Clerk shall cause the remaining amount to be returned to the person making the request. If the actual cost of duplication exceeds the amount deposited, the person requesting the copies shall be required to pay the balance of the amount due before any of the records are provided.
- (E) Upon receiving payment of said estimated costs, the City Clerk shall arrange for the copying of said document and shall notify the requesting party in a timely fashion.
- (F) The costs charged by the City for the copying of any document mentioned herein shall be direct costs incurred by the City of Commerce therefore, in the sum of Ten Cents (\$0.10) for each page of legal size or smaller. Any mailing costs shall be in addition thereto.
- (G) In the event that the requesting party shall require said document to be certified, the City Clerk shall certify the same upon the payment of an additional One Dollar and Seventy-five Cents (\$1.75) for each certification thereof.
- (H) Any copies of public records requested pursuant to Government Code Section 81008, or any other statute which establishes a specific statutory charge for copies of certain public records, shall be reproduced at the charge set forth therein.

Section 3. The City Clerk of the City of Commerce shall certify to the passage of this resolution, and thereupon and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 1st day of April, 2014.

Tina Baca Del Rio, Mayor

ATTEST:

Lena Shumway,
City Clerk



AGENDA REPORT

MEETING DATE: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF COMMERCE AND INTELLIBRIDGE PARTNERS

RECOMMENDATION:

Approve and adopt and assign the number next in order.

MOTION:

Move to approve the recommendation.

ANALYSIS:


Despite economic issues throughout the country, the number of development proposals and applications submitted to the City has not slowed down. Over the last few years, the Public Works and Development Services Department has lost key staff members due to the elimination of Redevelopment and new employment opportunities in other cities. The recent departure of the Assistant Director of Development Services further compounded this problem. The City's Planning Division is made up of 2 full-time employees (City Planner and Associate Planner) and one part-time staff member (Community Development Assistant). Since the Assistant Director's departure, the City Planner has assumed some of the duties once handled by the Assistant, including supervising Building & Safety and Code Enforcement. Furthermore, prior to the Assistant Director leaving, the Division's workload was a heavy one, making it difficult for staff to meet all necessary deadlines. Given the additional workload, maintaining an efficient workflow while still providing high quality customer service has become even more difficult. With the Department's organizational study still underway and no permanent solutions in place, Planning staff is in need of immediate assistance. Therefore, it is recommended that the Council authorize an agreement with IntelliBridge Partners to provide Planning related services on a part-time basis.

IntelliBridge Partners is a highly respected professional services firm that specializes in providing both temporary and permanent public sector personnel. Staff has identified an individual to fill this need on a temporary basis and would work approximately 24 to 32 hours per week.

FISCAL IMPACT/ALTERNATIVES:

The billing rate for these services is \$55.00 per hour. Premised upon the need for the remainder of this fiscal year, staff is estimating that \$13,700 should cover the costs. With that said, the existing budget should be able to absorb the aforementioned amount.

Prepared by:


Michael A. Casalou
Director of Human Resources

Respectfully submitted by,


Jorge Rifá
City Administrator

Fiscal Impact Reviewed by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF COMMERCE AND INTELLIBRIDGE PARTNERS

WHEREAS, over the last few years, the Public Works and Development Services Department has lost key staff members due to the elimination of Redevelopment and new employment opportunities in other cities. The recent departure of the Assistant Director of Development Services further compounded this problem; and

WHEREAS, the City's Planning Division is made up of 2 full-time employees (City Planner and Associate Planner) and one part-time staff member (Community Development Assistant). Since the Assistant Director's departure, the City Planner has assumed some of the duties once handled by the Assistant, including supervising Building & Safety and Code Enforcement. Furthermore, prior to the Assistant Director leaving, the Division's workload was a heavy one, making it difficult for staff to meet all necessary deadlines. Given the additional workload, maintaining an efficient workflow while still providing high quality customer service has become even more difficult; and

WHEREAS, the City requires the services of an Interim Planner to assist in conducting technical reviews of development and land use applications and zoning matters; provide professional advice and information to others on urban planning, community development, zoning and environmental review; prepare staff reports for plan review and site development; assist with preparing and reviewing City ordinances; and related work as assigned; and

WHEREAS, the City has obtained a proposal for the provision of such services from IntelliBridge Partners, a highly respected professional services firm that specializes in providing both temporary and permanent public sector personnel. Staff has identified an individual to fill this need on a temporary basis and would work approximately 24 to 32 hours per week.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The Agreement between the City of Commerce and IntelliBridge Partners for Personnel Services is hereby approved. The Mayor is hereby authorized to execute the Agreement for and on behalf of the City of Commerce.

PASSED, APPROVED and ADOPTED this 1ST day of April, 2014.

Tina Baca Del Rio, Mayor

ATTEST:

Leena Shumway
City Clerk



One Firm. All Angles.

March 25, 2013

Michael A Casalou
Director of Human Resources
City of Commerce
2535 Commerce Way
Commerce, CA 90040

Dear Mr. Casalou:

In accordance with your request, we are presenting this proposal to provide consulting services to City of Commerce. You have indicated you will require the services of an Interim Planner to conduct technical reviews of development and land use applications and zoning matters; provide professional advice and information to others on urban planning, community development, zoning and environmental review; prepare staff reports for plan review and site development; assist with preparing and reviewing City ordinances; and related work as assigned.

Following is some important information about our services:

1. **RESPONSIBILITY:** Consulting staff shall report directly to you during this assignment. It is understood that the management of your organization is responsible for the substantive outcome of the work and, therefore, has a responsibility to be in a position in fact and appearance to make an informed judgment on the results of these services.
2. **EMPLOYEE:** Consulting staff at all times will be an employee of IntelliBridge Partners.
3. **INSURANCE:** IntelliBridge Partners maintains general liability, automobile liability, excess liability, workers compensation and employers' liability, and professional liability insurance. Certificates of Insurance are available upon request.
4. **RATES:** The billing rate for these services is \$55.00 per hour. Overtime, considered work in excess of 8 hours a day, will be billed at time and a half. Any work performed in excess of 12 hours per day will be billed at double time. The base billing rate will increase 5 percent on the annual commencement date of employment (e.g. every 12 months).
5. **BILLING:** Services will be billed once a month on approximately the first day of the month.

3000 S Street, Ste. 300
Sacramento, CA 95816
916.642.7026

2121 N. California Blvd., Ste. 750
Walnut Creek, CA 94596
925.274.0190

2029 Century Park East, Ste. 500
Los Angeles, CA 90067
310.277.3373

4675 MacArthur Court, Ste. 600
Newport Beach, CA 92660
949.296.4364

225 Broadway, Ste. 1750
San Diego, CA 92101
619.573.1113

701 Fifth Avenue, Ste. 4256
Seattle, WA 98104
206.262.7850

intellibrIDGEpartners.com

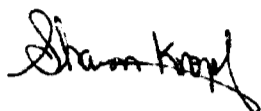
6. EXTENSION: These services may be extended by our mutual agreement.
7. NOTICE: At any time during the performance of these services, you may terminate or significantly reduce these services for any reason with two weeks notice. Although you will have day-to-day contact with our consultant, please provide information about any changes or termination directly to Sharon Kropf at skropf@intellibridgepartners.com or 916-642-7116.
8. GUARANTEE: If, for any reason you are not satisfied with the consultant provided to you, IntelliBridge will not charge for the first eight hours worked, provided that IntelliBridge replaces the consultant assigned. Unless you contact us before the end of the first eight hours guarantee period, you agree that our professional assigned is satisfactory.
9. TIME SHEET: Our consultant will submit for your signature either a time sheet or an electronic time record for verification and approval at the end of each week. Your approval indicates your acknowledgement of the consultant hours worked and the agreed terms of payment.
10. CONTRACTING: During this interim assignment and for twelve months after termination of the assignment, you are prohibited from contracting directly with our consultants or referring them to another employer for the same or other contract assignments.
11. CONVERSION FEE: After you evaluate the performance and potential of our consultant on the job, you may wish to employ this person directly. Our consultants represent our inventory of skilled employees and to convert them to your employ or another employer to whom you refer them, you agree to pay a conversion fee. The conversion fee is payable if you hire the consultant assigned to you, regardless of employment classification, on either a full-time or part-time basis within twelve months after the last day of the assignment. You also agree to pay a conversion fee if our consultant is hired by a subsidiary or other related entity as a result of your referral of our consultant to that entity. The conversion fee will be owed and invoiced upon the hiring of our consultant, and payment is due upon receipt of this invoice. The conversion fee is 20% of the aggregate annual compensation including bonuses.
12. WAIVER OF CONVERSION FEE: A conversion fee waiver may be granted if all the following criteria are met:
 - a. The consultant has provided service under the terms of this agreement for a minimum of 1000 hours.
 - b. The position is included on your regular payroll. Contract positions are not eligible for waiver.
 - c. You provide us with notice at least five business days prior to the conversion date.

Michael A Casalou
City of Commerce
Page 3

Thank you for the opportunity to provide this proposal. Please call if you would like to discuss our proposal in more detail. Please acknowledge acceptance of our proposal by signing and returning one copy of this letter for our files.

Very truly yours,

INTELLIBRIDGE PARTNERS



Sharon Kropf, Director

ACCEPTANCE:

Signature: _____

Print Name: _____

Title: _____

Date: _____



AGENDA REPORT

MEETING DATE: 04/01/2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY OF COMMERCE, CALIFORNIA, IN OPPOSITION OF AB 2189 (GARCIA) RELATED TO WATER REPLENISHMENT DISTRICTS: REPLENISHMENT ASSESSMENT

RECOMMENDATION:

The City Council will consider:

1. Approving a Resolution in opposition of AB 2189 introduced by Assemblymember Cristina Garcia, and
2. Move to approve and authorize the Mayor to sign a letter on behalf of the City of Commerce in opposition to AB 2189, related to water replenishment districts: replenishment assessment.

MOTION:

Move to approve the recommendation.

BACKGROUND / ANALYSIS:

AB 2189 purports to clarify and amend the Water Replenishment District Act to conform to Article XIII D of the California Constitution. Specifically, it would require the Replenishment Assessment (RA) that the Water Replenishment District of Southern California (WRD) levies on groundwater pumpers in the Central and West Coast basins to comply with certain provisions that were implemented with the passage of Proposition 218 (1996).

Unfortunately the bill confuses the issue even more by attempting to meld a service fee into a parcel related charge. Regardless of property owned or water producing facility constructed, no RA is charged if that facility does not extract water. The RA is only charged based on the quantity of water extracted and nothing else.

To date, the City of Lakewood has formally opposed the bill because it would require the replenishment assessment to be based upon the costs incurred by the groundwater producer instead of the costs associated with replenishing and maintaining water quality in the basins. Lakewood believes that it is not prudent to link groundwater replenishment assessment to the production facility parcels, because in doing so it treats the replenishment assessment as real property instead of a charge imposed on groundwater production.

According to Lakewood, the legality of WRD's RA is the subject of ongoing litigation, which makes it inappropriate for the Legislature to intervene until a final court decision is rendered. Also, AB 2189 would impose significant additional financial burden on WRD to calculate multiple RAs, which would likely be passed on to the groundwater producers in the WRD service area.

Finally, a voting system that provides each "water producing facility" with an equal vote is fundamentally unfair and will discourage groundwater producers from

properly abandoning obsolete wells in violation of California Health and Safety Code 115700 designed to minimize groundwater contamination.

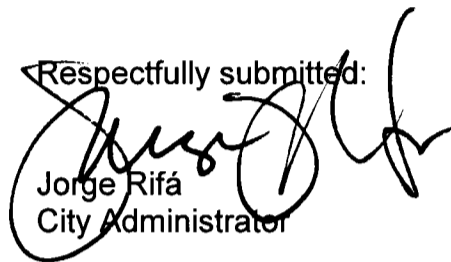
City staff recommends the City Council oppose AB 2189 unless amended and direct staff to continue to monitor the bill.

FISCAL IMPACT:

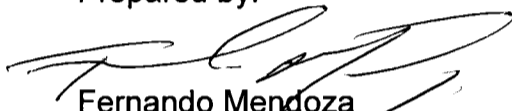
There is no fiscal impact associated with this agenda item report.

RELATIONSHIP TO 2012 STRATEGIC GOALS:

This agenda report before Council has no relation to a specific strategic objective.

Respectfully submitted:

Jorge Rifá
City Administrator

Prepared by:


Fernando Mendoza
Deputy City Administrator

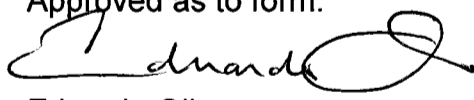
Reviewed and recommended by:


Wendell Johnson
Assistant Director of Public Works &
Development Services

Fiscal impact reviewed by:


Vilko Domic
Finance Director

Approved as to form:


Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA,
IN OPPOSITION OF AB 2189 (GARCIA) RELATED TO WATER REPLENISHMENT
DISTRICTS: REPLENISHMENT ASSESSMENT

WHEREAS, AB 2189 would require the Replenishment Assessment (RA) that the Water Replenishment District of Southern California (WRD) levies on groundwater pumpers in the Central and West Coast basins to comply with certain provisions that were implemented with the passage of Proposition 218 (1996);

WHEREAS, the bill confuses the issue even more by attempting to meld a service fee into a parcel related charge;

WHEREAS, the bill would require the replenishment assessment to be based upon the costs incurred by the groundwater producer instead of the costs associated with replenishing and maintaining water quality in the basins;

WHEREAS, the legality of WRD's RA is the subject of ongoing litigation, which makes it inappropriate for the Legislature to intervene until a final court decision is rendered;

WHEREAS, AB 2189 would impose significant additional financial burden on WRD to calculate multiple RAs, which would likely be passed on to the groundwater producers in the WRD service area;

WHEREAS, AB 2189 would require a voting system that provides each "water producing facility" with an equal vote is fundamentally unfair and will discourage groundwater producers from properly abandoning obsolete wells in violation of California Health and Safety Code 115700 designed to minimize groundwater contamination;

NOW, THEREFORE BE IT RESOLVED, that the City of Commerce, opposes AB 2189 that appears to be a legislative attempt at requiring WRDs to set different RAs for each basin while changing the WRD Act to conform to Proposition 218 requirements.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2014.

Tina Baca Del Rio
Mayor

ATTEST:

Lena Shumway
City Clerk



CITY OF COMMERCE

April 1, 2014

The Honorable Cristina Garcia
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 942849-0058

Re: AB 2189 (Garcia) - Related to Water Replenishment Districts: Replenishment Assessment-Opposition Letter

Dear Assemblymember Garcia:

The City of Commerce opposes AB 2189, which is currently in the Assembly Committee on Local Government.

AB 2189 purports to clarify and amend the Water Replenishment District Act to conform to Article XIII D of the California Constitution. Specifically, it would require the Replenishment Assessment (RA) that the Water Replenishment District of Southern California (WRD) levies on groundwater pumpers in the Central and West Coast basins to comply with certain provisions that were implemented with the passage of Proposition 218 (1996).

Unfortunately, the bill confuses the issue even more by attempting to meld a service fee into a parcel related charge. Regardless of property owned or water producing facility constructed, no RA is charged if that facility does not extract water. The RA is only charged based on the quantity of water extracted and nothing else.

We oppose this bill because it would require the replenishment assessment to be based upon the costs incurred by the groundwater producer instead of the costs associated with replenishing and maintaining water quality in the basins. The City feels that it is not prudent to link groundwater replenishment assessment to the production facility parcels, because in doing so it treats the replenishment assessment as real property instead of a charge imposed on groundwater production.

In addition, the legality of WRD's RA is the subject of ongoing litigation, which makes it inappropriate for the Legislature to intervene until a final court decision is rendered. Also, AB 2189 would impose significant additional financial burden on WRD to calculate multiple RAs, which would likely be passed on to the groundwater producers in the WRD service area.

Finally, a voting system that provides each "water producing facility" with an equal vote is fundamentally unfair and will discourage groundwater producers from properly abandoning obsolete wells in violation California Health and Safety Code 115700 designed to minimize groundwater contamination.

Due to the above reasons, the City of Commerce opposes AB 2189.

Sincerely,

Tina Baca Del Rio
Mayor
City of Commerce

Introduced by Assembly Member Garcia

February 20, 2014

An act to amend Sections 60305, 60306, 60307, 60315, and 60317 of, and to add Section 60306.5 to, the Water Code, relating to water replenishment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2189, as introduced, Garcia. Water replenishment districts: replenishment assessment.

Article XIII D of the California Constitution generally requires that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Article XIII D of the California Constitution. Existing law provides notice, protest, and hearing procedures for the levying of new or increased fees and charges by local government agencies pursuant to Article XIII D of the California Constitution.

Existing law, the Water Replenishment District Act, provides for the formation of water replenishment districts and grants authority to a water replenishment district relating to the replenishment, protection, and preservation of groundwater supplies within that district. The act requires the governing board of each district to follow specified procedural processes when determining whether to assess, and the amount of, a replenishment assessment. The act requires the board to hold a public hearing to determine whether and to what extent a

replenishment assessment should be levied and for the board to provide public notice of the hearing in each affected county, as specified. The act requires the board, after completing the hearing, to make certain findings and determinations. If the board determines that a replenishment assessment should be levied upon the production of groundwater from groundwater supplies, the act requires the board to fix the replenishment assessment at a uniform rate per acre-foot of groundwater produced.

This bill would revise and recast these provisions to conform the act to Article XIII D of the California Constitution. The bill would require the board to make the specified findings and determinations before holding the public hearing and would require the board to give written notice by mail to operators of water-producing facilities within the district that would be subject to the proposed replenishment assessment, as specified. By requiring the board to make the specified findings and determinations at an earlier date, this bill would increase the duties of local officials and would impose a state-mandated local program. The bill would require the replenishment assessment be based upon the proportion of the costs actually incurred by the assessed operator of a water-producing facility. The bill would authorize an operator of a water-producing facility to submit a written protest opposing the replenishment assessment and would prohibit the board from imposing the replenishment assessment if a majority protest exists, as specified. The bill would prohibit a replenishment assessment from being extended, imposed, or increased under certain conditions.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 60305 of the Water Code is amended to
- 2 read:
- 3 60305. On or before the second Tuesday in March of each year,
- 4 and provided the survey and report called for by Section 60300

1 has been made, the board, by resolution, shall declare *board shall*
2 *do all of the following:*

3 (a) *Declare, by resolution,* whether funds shall be raised to
4 purchase water for replenishment during the next ensuing fiscal
5 year and whether the funds shall be raised either by (a) a water
6 charge, as provided in Chapter 2 (commencing with Section 60245)
7 of Part 5, (b) a general assessment, as provided in Chapter 3
8 (commencing with Section 60250) of Part 5, (c) a replenishment
9 assessment as provided in this chapter, or (d) a combination of
10 any two or more of the foregoing, and whether the funds ~~are~~ to be
11 raised, whether by a water charge, a general assessment, a
12 replenishment ~~assessment~~ *assessment*, or a combination of those
13 means, will benefit, directly or indirectly, all of the persons or real
14 property and improvements within the district. The resolution shall
15 also declare whether funds shall be raised to remove contaminants
16 from groundwater supplies during the next ensuing fiscal year or
17 to exercise any other power under Section 60224, and whether
18 funds for that purpose shall be raised by a replenishment
19 assessment as provided in this chapter, with a like statement of
20 benefit.

21 (b) *Comply with the requirements of Section 60315.*

22 (c) *Comply with the requirements of Section 60316.*

23 SEC. 2. Section 60306 of the Water Code is amended to read:

24 60306. (a) If the board, by resolution, determines that all or
25 a portion of the funds needed to purchase replenishment water, or
26 to remove contaminants from the groundwater supplies of the
27 district, or to exercise any other power under Section 60224, shall
28 be raised by the levy of a replenishment assessment, ~~then~~ *and after*
29 *the board makes the findings and determinations required by*
30 *Sections 60315 and 60316,* the board shall immediately publish a
31 notice that a public hearing will be held on the ~~second Tuesday of~~
32 ~~April~~ *fourth Tuesday of May* for the purpose of ~~determining~~
33 *considering the board's determination regarding* whether and to
34 what extent the estimated costs ~~thereof of purchasing replenishment~~
35 *water, removing contaminants from the groundwater supplies of*
36 *the district, or exercising any other power under Section 60224*
37 *for the ensuing year shall be paid for by a replenishment*
38 *assessment. The notice shall contain a copy of the board's*
39 *resolution, the time and place of the hearing, and an invitation to*
40 *all interested parties to attend and be heard in support of or*

1 opposition to the proposed assessment, the engineering survey and
2 report, and the board's determination, and shall invite inspection
3 of the engineering survey and report upon which the board acted.
4 The notice shall be published in each affected county pursuant to
5 Section 6061 of the Government Code, at least 10 days before the
6 hearing date.

7 *(b) In addition to the notice requirements of subdivision (a), the*
8 *board shall identify, and give written notice by mail to, operators*
9 *of water-producing facilities within the district that would be*
10 *subject to the proposed replenishment assessment. The notice shall*
11 *be provided at least 45 calendar days before the date of the hearing*
12 *and shall include all of the following:*

13 *(1) The proposed replenishment assessment to be imposed on*
14 *each parcel.*

15 *(2) The basis upon which the replenishment assessment was*
16 *calculated, as determined by the board pursuant to subdivision*
17 *(f).*

18 *(3) The reason for the replenishment assessment.*

19 *(4) The date, time, and location of the public hearing required*
20 *pursuant to this section.*

21 *(c) To fulfill the requirements of subdivision (b), the board may*
22 *send a general notice to all operators of water-producing facilities*
23 *that would be subject to the proposed replenishment assessment*
24 *and may include on the general notice the different applicable*
25 *rates that apply to different areas of the district.*

26 *(d) An operator of a water-producing facility that would be*
27 *subject to the proposed water replenishment assessment may submit*
28 *a written protest to the board opposing the proposed replenishment*
29 *assessment. An operator of a water-producing facility that would*
30 *be subject to the proposed replenishment assessment may submit*
31 *one written protest for each parcel with a water-producing facility*
32 *under the operator's control that would be subject to the proposed*
33 *replenishment assessment.*

34 *(e) At the conclusion of the public hearing, the board shall*
35 *consider all written protests against the proposed replenishment*
36 *assessment and if a majority protest exists, the board shall not*
37 *impose the replenishment assessment. A majority protest exists if*
38 *the submitted written protests against the replenishment assessment*
39 *represent a majority of the number of parcels identified pursuant*
40 *to this subdivision.*

1 (f) *The board shall determine the amount of the proposed*
2 *replenishment assessment that would be imposed upon the*
3 *operators of water-producing facilities within the district. The*
4 *assessment shall be based upon the proportion of the costs actually*
5 *incurred by the assessed operator and may vary depending on the*
6 *location of the parcel.*

7 SEC. 3. Section 60306.5 is added to the Water Code, to read:
8 60306.5. (a) A replenishment assessment shall not be extended,
9 imposed, or increased unless all of the following are met:

10 (1) Revenue derived from the replenishment assessment does
11 not exceed the funds required to purchase the replenishment water,
12 to remove contaminants from the groundwater supplies of the
13 district, or to exercise any other power under Section 60224.

14 (2) Revenue derived from the replenishment assessment is not
15 used for any purpose other than to purchase replenishment water,
16 to remove contaminants from groundwater supplies of the district,
17 or to exercise any other power under Section 60224.

18 (3) The amount of the replenishment assessment imposed upon
19 a parcel with a water-producing facility or any person as an incident
20 of ownership of a water-producing facility does not exceed the
21 proportional costs of the service attributable to the water-producing
22 facility. The proportional cost of the service attributable to the
23 water-producing facility shall be determined either based on the
24 basin the parcel with the water-producing facility overlies or by
25 zones of benefit determined by the board.

26 (b) A replenishment assessment shall not be imposed upon a
27 person for a service unless that service is actually used by, or
28 immediately available to, that person. Replenishment assessments
29 based on potential or future use of a service are not permitted.

30 (c) A replenishment assessment shall not be imposed for general
31 services that are provided to the public, including, but not limited
32 to, conservation and gardening programs, if the service is available
33 to the general public in substantially the same manner as it is
34 available to the operator of a water-producing facility.

35 SEC. 4. Section 60307 of the Water Code is amended to read:
36 60307. ~~Said hearing~~ *The public hearing required pursuant to*
37 *this chapter shall be held before the board and a quorum shall be*
38 *present. The hearing may be adjourned from time to time by the*
39 ~~president or president, presiding officer~~ *officer, or hearing officer*

1 but shall be completed by the ~~first~~ *second* Tuesday in ~~May~~ next of
2 the following *June*.

3 SEC. 5. Section 60315 of the Water Code is amended to read:

4 60315. ~~Upon completing the hearing, but no~~ *No* later than the
5 second Tuesday in ~~May~~ *March*, the board shall, by resolution, find
6 all of the following:

7 (a) The annual overdraft for the preceding water year.

8 (b) The estimated annual overdraft for the current water year.

9 (c) The estimated annual overdraft for the ensuing water year.

10 (d) The accumulated overdraft as of the last day of the preceding
11 water year.

12 (e) The estimated accumulated overdraft as of the last day of
13 the current water year.

14 (f) The total production of groundwater from the groundwater
15 supplies within the district during the preceding water year.

16 (g) The estimated total production of groundwater from the
17 groundwater supplies within the district for the current water year.

18 (h) The estimated total production of groundwater from the
19 groundwater supplies within the district for the ensuing water year.

20 (i) The changes during the preceding water year in the pressure
21 levels or piezometric heights of the groundwater contained within
22 pressure-level areas of the district, and the effects ~~thereof~~ *of the*
23 *changes in the pressure levels or piezometric heights* upon the
24 groundwater supplies within the district.

25 (j) The estimated changes during the current water year in the
26 pressure levels or piezometric heights of the groundwater contained
27 within pressure-level areas of the district, and the estimated effects
28 ~~thereof~~ *of the changes in the pressure levels or piezometric heights*
29 upon the groundwater supplies within the district.

30 (k) The quantity of water that should be purchased for the
31 replenishment of the groundwater supplies of the district during
32 the ensuing water year.

33 (l) The source and estimated cost of water available for the
34 replenishment.

35 (m) The estimated costs of replenishing the groundwater supplies
36 with the water ~~so~~ purchased.

37 (n) The estimated costs of purchasing, in water years succeeding
38 the ensuing water year, that portion of the quantity of water ~~which~~
39 *that* should be purchased for the replenishment of the groundwater
40 supplies of the district during the ensuing water year, but ~~which~~

1 *that* is estimated to be unavailable for purchase during the ensuing
2 water year; estimated costs shall be based on the estimated price
3 of water for replenishment purposes during the ensuing water year.

4 (o) The estimated rate of the replenishment assessment required
5 to be levied upon the production of groundwater from the
6 groundwater supplies within the district during the ensuing fiscal
7 year for the purposes of accomplishing the replenishment and
8 providing a reserve fund to purchase in future years, when
9 available, that portion of the quantity of water ~~which~~ *that* should
10 be purchased for the replenishment of the groundwater supplies
11 of the district during the ensuing water year, but ~~which~~ *that* is
12 estimated to be unavailable for purchase during that ensuing water
13 year.

14 (p) Whether any contaminants should be removed from
15 groundwater supplies during the ensuing fiscal year, and whether
16 any other actions under Section 60224 should be undertaken during
17 the ensuing fiscal year, the estimated costs ~~thereof of removing~~
18 *contaminants from groundwater supplies or other actions under*
19 *Section 60224*, and the estimated additional rate of replenishment
20 assessment required to be levied upon the production of
21 groundwater from the groundwater supplies within the district
22 during the ensuing fiscal year for those purposes.

23 (q) Whether any program for removal of contaminants or other
24 actions under Section 60224 should be a multiyear program or is
25 a continuation of a previously authorized multiyear program.

26 (r) The amount, ~~if any, by which~~ the estimated reserve funds
27 on hand at the end of the current fiscal year ~~will exceed~~ *exceeds*
28 the annual reserve fund limit determined pursuant to Section 60290.

29 SEC. 6. Section 60317 of the Water Code is amended to read:

30 60317. If the board determines that a replenishment assessment
31 shall be levied upon the production of groundwater from
32 groundwater supplies within the district during the ensuing fiscal
33 year, ~~immediately~~ following the making of that determination the
34 board shall levy a replenishment assessment on the production of
35 groundwater from the groundwater supplies within the district
36 during the fiscal year commencing on ~~July 1st next~~ *the following*
37 *July 1*, and the replenishment assessment shall be fixed by the
38 board at a ~~uniform~~ rate per acre-foot of groundwater ~~so~~ produced.
39 ~~The producers of that groundwater shall pay the replenishment~~
40 ~~assessment to the district at the times and in the manner provided~~

1 ~~in this division. That~~ *replenishment assessment shall be imposed*
2 *upon each parcel with a water-producing facility within the district*
3 *and shall be paid by the operator of the water-producing facility*
4 *pursuant to the provisions of Chapter 4 (commencing with Section*
5 *60325). The part of the assessment levied pursuant to the*
6 *determination provided in subdivision (c) of Section 60316,*
7 *exclusive of any part—thereof of the assessment for district*
8 *administrative and overhead expenses, shall not exceed 50 percent*
9 *of the average assessment levied for the current and four preceding*
10 *fiscal years pursuant to determinations under subdivisions (a) and*
11 *(b) of Section 60316, exclusive of any part—thereof of the*
12 *assessment for district administrative and overhead expenses.*

13 SEC. 7. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

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AGENDA REPORT

MEETING DATE: 04/01/2014

TO: HONORABLE CITY COUNCIL
FROM: CITY ADMINISTRATOR
SUBJECT: OPPOSITION TO HR 29 (GOMEZ) – RESTRICTIONS ON OUTSOURCING CITY SERVICES

RECOMMENDATION:

The City Council will consider taking a formal position in opposition to H.R. 29 (Gomez), related to restrictions on outsourcing city services, and authorize the Mayor to sign a letter on behalf of the City of Commerce.

MOTION:

Move to approve the recommendation.

BACKGROUND / ANALYSIS:

Assembly Member Jimmy Gomez has introduced a House Resolution that if adopted would require that the Assembly introduce and advocate for legislation restricting outsourcing of municipal services.

House Resolution 29 (Gomez) calls on the Assembly to oppose “outsourcing of public services and assets.” The resolution is aimed at restricting local government’s ability to contract out for services.

This resolution does not have the force of law, but legislators that are asked to vote on this are committing themselves to a pledge to vote on such future bills. Not only is this resolution harmful in its content but this resolution is designed to frame future votes before legislators know the details of actual legislation and local impacts.

HR 29 will be heard on April 2nd in the Assembly Public Employees, Retirement and Social Security Committee. If this bill passes committee it will be sent to the Assembly Floor.

Our state lobbyist, Joe A. Gonsalves & Son are working with the statewide associations (CCCA, League, etc.) in opposition to this measure.

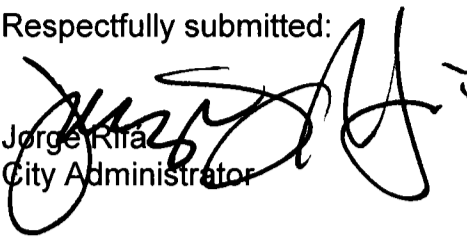
FISCAL IMPACT:

There is no fiscal impact associated with this agenda item report.

RELATIONSHIP TO 2012 STRATEGIC GOALS:

This agenda report before Council has no relation to a specific strategic objective.

Respectfully submitted:



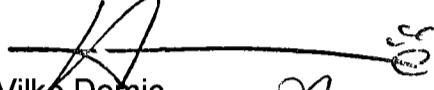
Jorge Rifa
City Administrator

Prepared by:




Fernando Mendoza
Deputy City Administrator

Fiscal impact reviewed by:



Vilko Domic
Finance Director

Approved as to form:



Eduardo Olivo
City Attorney



CITY OF COMMERCE

Tina Baca Del Rio
Mayor

Lilia R. Leon
Mayor Pro Tem

Joe Aguilar
Councilmember

Ivan Altamirano
Councilmember

Denise M. Robles
Councilmember

April 1, 2014

Assembly Member Jimmy Gomez
State Capitol, Room 2176
Sacramento, CA 95814
FAX: (916) 319-2151

RE: **HR 29 (Gomez) Pledges Affecting Future Legislation - Notice of Opposition**

Dear Assembly Member Gomez:

The City of Commerce regrets to inform you that it has reviewed your HR 29 and has taken an **oppose** position on this measure.

We have grave concerns about this resolution considering, in its resolved clauses, it would have legislators take a form of a pledge that would potentially restrict their votes on future legislation consistent with the political agenda of an outside national organization. Such efforts undermine the democratic process and representative government, because legislators lose the opportunity to make an informed decision about the specific impacts of legislation.

Local governments have a long history of addressing service delivery challenges with creativity, self-reliance and innovation. Local elected officials are held accountable for these carefully thought out financial decisions. The City of Commerce is no exception.

Cities continue to face difficult budget conditions, which have been compounded by recent state takeaways including the loss of redevelopment and expanding pension and retiree health care obligations. This builds upon existing constitutional limitations on local agencies to raise additional revenue. Thus, local agencies are in no position to have their flexibility further curtailed.

For the reasons stated above, the City of Commerce respectfully **opposes** this resolution, and urges legislators to preserve their flexibility to make informed decisions on specific legislation.

Sincerely,

Tina Baca Del Rio
Mayor
City of Commerce

cc: Speaker John Perez, Fax: 916-319-2153
Karon Green, Chief Consultant, Assembly Public Employees, Retirement and Social Security;
FAX: 916-319-2956
Cristina Garcia, Assemblymember, Fifty-Eighth District
Kristine Guerrero, League of California Cities, kguerrero@cacities.org

Introduced by Assembly Member Gomez

February 4, 2014

House Resolution No. 29—Relative to outsourcing public services.

1 WHEREAS, Public services and assets are the fabric that binds
2 our communities together. They are also a ladder to the middle
3 class; and

4 WHEREAS, Faced with severe budget problems in the wake
5 of the Great Recession, state and local governments across America
6 are handing over control of public services and assets to
7 corporations that promise to operate them better, faster, and
8 cheaper; and

9 WHEREAS, Outsourcing these services and assets often fails
10 to keep these promises, and too often it undermines transparency,
11 accountability, and shared prosperity and competition - the
12 underpinnings of democracy itself; and

13 WHEREAS, Outsourcing means that taxpayers have less say
14 over how future tax dollars are spent and have no ability to vote
15 out executives who make decisions that could harm the public
16 interest; and

17 WHEREAS, Outsourcing means taxpayers are often
18 contractually limited to a single for-profit corporation; and

19 WHEREAS, Outsourcing frequently means that wages and
20 benefits for public service workers fall and the local economy
21 suffers while corporate profits rise. ~~The American Federation of~~
22 ~~State, County and Municipal Employees (AFSCME) The Center~~

1 *for American Progress Action Fund* has found that of the 5.4
2 million people working for federal service contractors in 2008, an
3 estimated 80 percent earned below the living wage for their city
4 or region. For-profit corporations are three times more likely than
5 the public sector to employ workers at poverty-threshold wages;
6 and two million private sector employees working for federal
7 contractors earn less than \$12 an hour - too little to support a
8 family. That is more low wage workers than are employed by
9 McDonald's and WalMart combined; and

10 WHEREAS, Outsourcing means that taxpayers often no longer
11 know how their tax dollars are being spent. Meetings and records
12 that used to be open to the public can become proprietary
13 information when corporations take over; and

14 WHEREAS, The Taxpayer Empowerment Agenda is one model
15 that may help ensure transparency, accountability, shared
16 prosperity, and competition in the operation of public services and
17 assets; and

18 WHEREAS, Planks in the Taxpayer Empowerment Agenda
19 would require governments to post information about their
20 contracts online and require contractors to open their books to the
21 public, ensure that governments have the capacity to adequately
22 oversee contracts, to cancel contracts that fail to deliver on their
23 promises, prohibit law breaking companies from getting
24 government contracts, require contractors to pay their employees
25 living wages and benefits, require competitive bidding on contracts
26 that guarantee company profits at the expense of taxpayers, ~~and~~
27 ~~give public service works the opportunity to develop their own~~
28 ~~plan on how to deliver cost-effective, high-quality services; and~~

29 WHEREAS, Recent polling shows that taxpayers oppose the
30 outsourcing of public services and assets to for-profit companies
31 and support these common sense controls to ensure that their
32 interests are protected; now, therefore, be it

33 *Resolved by the Assembly of the State of California*, That the
34 Assembly opposes outsourcing of public services and assets, which
35 harms transparency, accountability, shared prosperity, and
36 competition, and supports processes that give public service ~~works~~
37 ~~workers~~ the opportunity to develop their own plan on how to
38 deliver cost-effective, high-quality services; and be it further

- 1 *Resolved*, That the Assembly urges local officials to become
- 2 familiar with the provisions of the Taxpayer Empowerment
- 3 Agenda; and be it further
- 4 *Resolved*, That the Assembly intends to introduce and advocate
- 5 for responsible outsourcing legislation; *and be it further*
- 6 *Resolved*, That the Chief Clerk of the Assembly transmit copies
- 7 of this resolution to the author for appropriate distribution.

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AGENDA REPORT

MEETING DATE: April 1, 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:

Address/Project Name	Type of Project	Status
Farmer Boys	2,821 sf restaurant & drive-through	Plan Check
6100 Garfield Avenue	630,000 sf distribution center	Under Construction
6040 Bandini Boulevard	114,000 sf warehouse	Plan Check
5701 Union Pacific Avenue	15,000 sf warehouse	Plan Check
6021 Malt Avenue	140,000 sf warehouse	Plan Check
Citadel Outlets	Logistics Building	Plan Check
Citadel Outlets	32,000 sf of retail stores & parking structure	Operational
6605 Flotilla Street	39,000 sf addition to existing building	Plan Check

- 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 3rd 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-5 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 (26th 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 26th 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 released 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 many 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 Muñoz 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 well, the landscaping looks beautiful.

CITY CLERK'S OFFICE:

City Council Agenda: Updated the format of the City Council Agenda, which is currently being used.

Granicus: In cooperation with the City's Finance Department / IT Division, continued working on the implementation of Granicus for agenda and minutes automation, and agenda preparation workflow. The City-wide implementation of Granicus is currently set for July 1, 2014.

Annual 700 Forms: Filed Statements of Economic Interest, 700 Forms, for City Councilmembers, Planning Commissioners, and City staff members listed under designated positions, as per the City's Conflict of Interest Code. All 700 Forms have been filed prior to the deadline.

Recall Petitions: Received four recall petitions containing the requisite number of signatures, and as the City's Election Official, transmitted the petitions to Los Angeles County for signature verification.

Laserfiche: Obtained a quote from Laserfiche for records management and paperless document solutions.

Public Records Requests: Processed public records requests (31 for last three months), for both election and non-election related materials.

Records Management Needs Assessment: Working with Diane Gladwell, from Gladwell Governmental Services, Inc., who is conducting an on-site analysis of records management for the City; furthermore, Gladwell is currently reorganizing, inventorying, and preparing appropriate records in the City Clerk's vault for destruction. It is envisioned that the needs assessment being initiated by Gladwell will be continued in reviewing and preparing for destruction all appropriate records City-wide, including those housed in off-site storage. Prior to the destruction of any records, the necessary approvals will be obtained from City Council.

Records Retention Policy and Retention Schedules: Initiated a review of the City's records, and began drafting a Records Retention Policy for the City, which in turn will provide guidelines for City Departments regarding legal limitations and associated timeframes for the retention and destruction of City records. Upon completion, the Records Retention Policy, along with associated Retention Schedules will be brought to City Council for discussion and approval.

Municipal Code Update: Updated the City's Municipal Code, and codified the City's Ordinances that were two years outstanding. A new supplement to the Municipal Code will be processed and made available within a month.

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 26th 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 1st Street and Flower Street; L.A. Live Entertainment and neighboring hotels; Metro rail connections at 7th & 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.

- 6) On May 1, 2012, the City Council approved to have the interior and exterior of the Transportation Maintenance Facility (TMF) painted.
- 7) On December 6, 2011, the City Council approved the purchase of transit data management software. The software (TransTrack) is designed to assist the Transportation Department in submitting operating and financial data to the Department of Transportation's National Transit Database (NTD) program. TransTrack's transit performance manager software is used by many transit agencies to consolidate operating and financial data for NTD purposes; and also produces reports that allow transit staff the ability to more effectively manage the City's public transportation system.

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
- The Measure AA Committee recommended \$2.05 million of Measure AA Funding for implementation of the Slauson Avenue Street/Sidewalk Replacement and Tree Planting project.

COMMUNITY SERVICES DEPARTMENT:

Public Safety

- Created new Community Services Officer Program
- Hired and Trained 11 New Community Services Officers, utilizing JAG Grant funds. Due to attrition by CSS's, we currently have 1 CSS and 7 CSO's. We are recruiting to fill 4 CSO vacancies.
- 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
- Achieved a record high 105 Block Captains
- Held 86 Neighborhood Watch Meetings over the past 3 years
- 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
- Received 3 JAG Grants, totaling \$ 38,092. Funds primarily used to train and equip new CSO's.
- Conducted 8 Operation Kid ID events
- Maintained active Business Watch Program
- Celebrated 14th anniversary of the COMCAT Volunteer Program
- 3 Animal Cruelty cases were filed by our Animal Control Officers
- 23 Residents attended the Sheriff's Community Academy
- CSO's obtained Taser Training to serve as backups for Animal Control Officers
- Held 3 National Night Out Events with over 4,000 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 the Bandini Elementary School Principal and Sheriff's Sergeant.
- The City's Urban Search & Rescue Team was certified in Low Angle Rope Rescue Operations (LARRO).
- Upgraded the City's mass notification system Connect 5

- Participated in National Night Out 2013 with four (4) members of USAR Team.
- Obtained new two-way, digital radios to enhance communications during an emergency or disaster.
- The new Emergency Operations Center was constructed and a soft opening was held. A grand opening was eventually held and Congresswoman Lucille Roybal-Allard attended.
- City employees participated in the Great California Shakeout Drill, to drop, cover and hold. This exercise served as a reminder of what to do when an earthquake strikes.
- An update for the City's Hazardous Mitigation Plan is being completed.
- Inventory of all emergency bins located throughout City facilities was completed. Efforts are on-going to restock the bins with up to date supplies.
- Participated in the Los Angeles County's Family Assistance Center (FAC) Exercise "Behind Solace" Drill. Its objective was to provide a place for families of disaster victims to obtain information about their loved ones, and obtain emotional, social and other support services. This drill tested the ability to check-in and assign FAC staff to allow activation of a FAC within two (2) hours of an incident.
- In preparation for rain storms that caused moderate flooding throughout the City, the Assistant EPO and the USAR Team distributed over 1,000 sandbags to City residents and business owners. A total of 128 households took advantage of the sandbag effort.
- In collaboration with the City's Social Service Coordinators, updated the Emergency Special Needs/Homebound residents List by conducting door to door visits.
- Actively recruiting to fill four (4) vacant USAR slots.

Social Services

- Extended the Holiday Cheer program to include the Easter Holiday Season. 50 families or 3 or more.
- Implemented the Olweus Anti-Bullying Prevention Program in the City of Commerce/Rosewood Park School. This includes assemblies and rallies at the school and parks.
- Started the "paperless" notification system for all Food Distribution participants. This cut down our spending on envelopes and paper by not sending out over 200 notifications on a monthly basis.
- The Monthly Food Distribution Program has increased gradually. Currently there are 252 participants.
- Staff was assigned monitoring and auditing of the Sr. Rent Subsidy Program
- The Division was presented with the Principal's Community Support Award by the Rosewood Park School Principal for dedication to the students and staff of Rosewood Park School.
- The Social Services Division and MUSD Parent Education Program continues its Parenting Classes.
- Began conducting Red Ribbon Rallies at City of Commerce parks and schools. This has allowed staff to communicate on the dangers of drugs and healthier alternatives to using drugs.
- Conducted Community Education Seminars on the following topics Suicide Prevention, Health Reform Care, Drug Awareness, and Housing Rights.
- Held seminars for YES workers, including topics such as drug issues, job preparation, etc.
- The monthly Tokens Distribution Program has increased by 40 %.
- Conducted the Annual Holiday Cheer Program in which families in need received food, food baskets, and toys. Participation has gradually increased each year.

Employment and Business Development Center

- Held several Job Preparation Workshops for 106 Commerce Residents and 69 Non-Residents.
- Assisted Del Taco with a recruitment in which 19 Commerce residents were hired and 22 non-residents were hired.
- The 3rd Annual Job Fair was conducted and hosted by Citadel Outlets. 250 applicants were hired for: Retail, Warehouse, Clerical, Security, Drivers, etc. Of the 250, 100 were Commerce Residents.
- A recruitment was held for the US Census Bureau. 26 Commerce residents were hired and 50 non-residents were hired.

- The 4th Annual Job Fair was conducted and hosted by Citadel Outlet: 300 applicants were hired for: Retail, Warehouse, Clerical, Security, Drivers, etc. Of the 300, 140 were Commerce residents.
- A mini Job Fair was held for Marietta Corporation for Machine Operators. 40 applicants applied –15 Residents and 25 Non-Residents.
- Job Preparation Workshops were held for 65 YES Workers
- Hosted a recruitment for Pathway Group for Warehouse positions. Of the 25 hired, 5 were Commerce residents.
- Hosted a recruitment for Purpose Driven Personnel for Customer Service position. 15 applicants applied and 2 Commerce Residents were hired.
- Hosted a recruitment for Purpose Driven Personnel for Warehouse Workers. 1 Commerce Resident and 1 Non- Resident were hired.
- Hosted a mini Job Fair for Torres Martinez Tribal TANF
- EBDC Job Fair: 5th Annual Community Job Fair hosted by Citadel Outlet: 250 applicants were placed and 100 were Commerce Residents.
- Hosted a recruitment for DSS Staffing: 15 applicants applied and 8 were Commerce Residents.

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

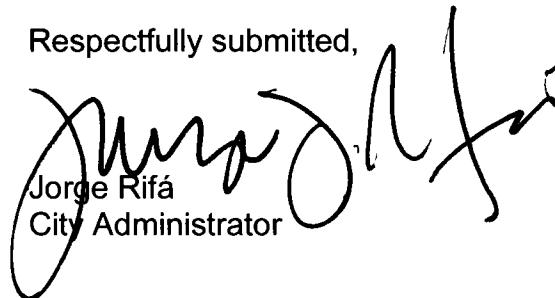
FISCAL IMPACT:

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 Rifá
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: April 1, 2014

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AMENDING SECTIONS 5.48.230 ("POINTHOLDERS-APPLICATIONS FOR SALE OR TRANSFER OF POINTS"), 5.48.240 ("POINTHOLDERS-APPLICATION - INVESTIGATION"); 5.48.250 ("POINTHOLDERS-APPLICATION-GRANTING OR DENIAL"), 5.48.290 ("APPLICATION OF PROVISIONS TO CONTINUING POINTHOLDERS") AND 5.48.290 ("POINTHOLDERS-DIVESTMENT") AND ADDING SECTION 5.48.270 (POINTHOLDERS-DIVESTMENT") TO CHAPTER 5.48 ("CARD CLUBS") OF TITLE 5 ("BUSINESS REGULATIONS AND LICENSING") OF THE COMMERCE MUNICIPAL CODE

RECOMMENDATION:

Read the Ordinance by title only and approve for first reading.

MOTION:

Move to approve the recommendation.

ANALYSIS:

The Commerce Casino contacted the City Administrator late last year and advised that, due to the passage of the California Gambling Control Act, they believed that it was no longer necessary for the City to license Casino point holders, as provided for in Section 5.48.230 *et. seq.* of the Commerce Municipal Code (CMC). Many of the Casino's shareholders have transferred their shares into a trust for estate planning purposes, thus technically creating new point holders. All of these new point holders are licensed by the California Gambling Control Commission (CGCC). Pursuant to the CMC, these new point holders would also be required to proceed with a full investigation and be licensed by the City Council. The Casino believes that this licensing function is now exclusively handled by the CGCC and that the City has largely ceased providing this duplicative function.

The Casino's legal counsel and the City Attorney have discussed these practical licensing issues and have come up with revisions to the CMC that make sense to parties. In order to streamline the City process, the proposed ordinance will require that point holders that desire to transfer their shares submit an application to the City Administrator, as opposed to the City Council. The City Administrator will conduct an initial review of the application. If the proposed transfer is routine, such as the transfer of shares to a living trust for estate planning purposes, the City Administrator may approve it without further review. If the application is not routine and require further investigation or analysis, the City Administrator will be able to require a more thorough and formal process that will require consideration and approval by the City Council. Such changes will address concerns about unnecessary duplication of effort, but also maintain the City's authority to review and approve the transfer of such casino/gaming establishment shares.

The City Administrator and City Attorney recommend that the City Council approve the proposed ordinance.

FISCAL IMPACT:

There will be no fiscal impact as a result of the adoption of this Ordinance.

Respectfully submitted,


Jorge Rifa
City Administrator

Approved as to form,


Eduardo Olivo
City Attorney

Reviewed by,


Vilko Domic
Finance Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AMENDING SECTIONS 5.48.230 ("POINHOLDERS-APPLICATIONS FOR SALE OR TRANSFER OF POINTS"), 5.48.240 ("POINTHOLDERS-APPLICATION-INVESTIGATION"); 5.48.250 ("POINTHOLDERS-APPLICATION-GRANTING OR DENIAL"), 5.48.290 ("APPLICATION OF PROVISIONS TO CONTINUING POINTHOLDERS") AND 5.48.290 ("POINTHOLDERS-DIVESTMENT") AND ADDING SECTION 5.48.270 (POINTHOLDERS-DIVESTMENT") TO CHAPTER 5.48 ("CARD CLUBS") OF TITLE 5 ("BUSINESS REGULATIONS AND LICENSING") OF THE COMMERCE MUNICIPAL CODE

WHEREAS, due to the passage of the California Gambling Control Act it is no longer necessary for the City to license Casino Point Holders, as provided for in Section 5.48.230 *et. seq.* of the Commerce Municipal Code ("CMC"). This is now a function of the California Gambling Control Commission ("CGCC"); and

WHEREAS, all new point holders are licensed by the CGCC. Pursuant to the CMC, these new point holders would also be required to proceed with a full investigation and be licensed by the City Council; and

WHEREAS, revisions to the CMC are needed in order to avoid undue duplication and investigation by the CGCC and the City.

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

SECTION 1. Section 5.48.230 of the Commerce Municipal Code is hereby amended to read as follows:

5.48.230. POINTHOLDERS-APPLICATIONS FOR SALE OR TRANSFER OF POINTS.

(A) Except as otherwise provided in this chapter, it is unlawful for any person having any interest whatsoever or at all in the ownership of a card club, whether legal or equitable, or as trustor or trustee, or of whatsoever kind or character, to transfer such points and/or interest without written notification to and the written consent of the city administrator.

(B) Any person desiring to sell, transfer, assign, or otherwise hypothecate any point or interest in a card club duly licensed pursuant to the provisions of this chapter shall file with the city administrator a written application for permission to transfer such interest pursuant to a form approved by the city administrator and that sets forth the following:

- (1) The date of the application;
- (2) The true name of the applicant and proposed transferee;
- (3) The status of the transferee as being an individual, corporation, association, co-partnership, joint venture, trustor, or trustee;
- (4) The residence and business address of the transferee, if an individual;
- (5) If the transferee is other than an individual, the name, residence, and business address of each of the copartners or members of the firm, co-partnership, trustor, trustee, or joint venture and the names and residence and business addresses of each of the principal officers and directors of the association or corporation applicant;
- (6) The name of the licensed card club for which a transfer of interest or point is sought;
- (7) The number of points and/or nature of interest sought to be sold, transferred, assigned, or otherwise hypothecated;
- (8) Whether the transferee has an ownership or management interest in any other gambling establishment or gambling enterprise that requires licensure by the California Gambling Control Commission or its successor; and

(9) Written confirmation that the California Gambling Control Commission has duly licensed the transferee under the California Gambling Control Act, Business Professions Code sections 19800 et. seq. A copy of the application filed with the California Gambling Control Commission shall be provided along with the application filed with the City Administrator.

(C) If the application is incomplete, the city administrator will advise the applicant of that fact within thirty (30) days of the city administrator's receipt of the application; the applicant will also be advised of the additional information that is required.

SECTION 2. Section 5.48.240 of the Commerce Municipal Code is hereby amended to read as follows:

5.48.240. POINTHOLDERS-APPLICATION-GRANTING OR DENIAL BY CITY ADMINSTRATOR.

(A) Consideration. Whenever an application for a transfer meeting the requirements of Section 5.48.230 is presented, the city administrator shall either provide his written consent to the transfer or refer the application to the city council for its consideration and consent. The city administrator will notify the applicant of his or her written consent, or of his decision to refer the application to the city council, within forty-five days (45) of his receipt of the completed application.

(B) Decision of the Council. The council may in its discretion either approve, conditionally approve, or deny the application. The decision of the council shall be final and conclusive. The city council may also require that the applicant provide more detailed information and proceed with a more thorough investigation by the city, as follows:

- (1) A full and complete investigation of the transferees;
- (2) The transferee shall be fingerprinted by a duly appointed law enforcement agency;
- (3) It shall be the responsibility and duty of the law enforcement agency having governmental jurisdiction to establish the necessary procedures to administer the provisions of this section; and
- (4) The information received by the law enforcement agency having governmental jurisdiction pursuant to the provisions of this section shall be treated as confidential and shall be accessible only to the law enforcement agency having governmental jurisdiction and to city officials having the direct jurisdiction of the provisions of this chapter.

(C) License fees. If the city council requires the thorough investigation pursuant to Section 5.48.240 (b), the applicant shall be required to pay a processing fee, payable in advance, as set by the finance director who shall notify licensee's administrative office annually of the fee amount sufficient to cover the cost of the more thorough investigation. In the event of an extraordinary investigation requirement, an additional amount sufficient to cover the cost of such extraordinary investigation will be charged by the city. The fee set forth in this section shall be the property of and be retained by the city, whether the application for transfer is granted or denied.

SECTION 3. Section 5.48.250 of the Commerce Municipal Code is hereby amended to read as follows:

5.48.250. POINTHOLDERS-APPLICATION-GRANTING OR DENIAL BY CITY COUNCIL.

(A) Consideration by Council. Whenever an application for such a transfer is presented to the council, the council shall consider such application on the same basis and subject to the same hearing procedures as are applicable to a new license application.

(B) Decision of the Council. The council may in its discretion either approve, conditionally approve, or deny the application. The council shall make its decision within ninety (90) days after the city's receipt of a completed action, or if a more thorough investigation is required pursuant to section 5.48.240 (B), within ninety (90) days after the completion of a more thorough investigation by the city. The decision of the council shall be final and conclusive.

(C) Applicant's Acceptance of Council's Decision. The applicant shall agree as part of the application that the sole and exclusive discretion as to the granting or denial of any such application shall be vested in the council.

SECTION 4. Section 5.48.260 of the Commerce Municipal Code is hereby amended to read as follows:

5.48.260. APPLICATION OF PROVISIONS TO CONTINUEING POINTHOLDERS.

(A) Any person having any interest whatsoever or at all in the ownership of a card club, whether legal or equitable, or as a trustor or trustee, or of whatsoever kind or character, who has not previously submitted to the procedure required under Section 5.48.230, shall file within one hundred eighty days (180) after June 1, 2014, as a prerequisite to the continued holding of an ownership interest, the application as provided in Section 5.48.230 for persons applying for new ownership interest. The requirement in the second paragraph of subsection (b) (9) of Section 5.48.230, that the applicant provide a copy of the application filed with the California Gambling Control Commission along with the application filed with the city administrator, shall not apply to an application required by this Section. If the council denies any application, within six months after the receipt of a notice of such denial, the interest owner shall divest himself or herself of such ownership interest.

(B) If the council denies the application and requires, pursuant to Section 5.48.260 (a), that the interest owner divest himself or herself of their ownership interest in the card club, the council may extend the six month time limit required by subsection (a) for such divestiture for a reasonable period of time to allow such person to sell or divest himself or herself of their ownership interest. The applicant shall nevertheless not be entitled to realize or receive any profits, distributions, or payments that might directly or indirectly be due to such person or which arise out of, are attributable to, or are derived from their ownership interest in the subject card club, after the six month time period provided for in Section 5.48.260 (a) has expired.

SECTION 5. Section 5.48.270 is hereby added to Chapter 5.48 of the Commerce Municipal Code to read as follows:

5.48.270. POINTHOLDERS-DIVESTMENT.

(A) Any person having any interest whatsoever or at all in the ownership of a card club, whether legal or equitable, or as trustor or trustee, or of whatsoever kind or character, shall divest himself or herself of such ownership interest within one hundred twenty days after service of a notice of divestiture served on such person by the city pursuant to such person's final conviction of a misdemeanor involving moral turpitude or a felony. A plea or verdict of guilty, or a conviction following a plea of nolo contendere to a misdemeanor involving moral turpitude or a felony shall be deemed to be a final conviction within the meaning of this section, unless the conviction is appealed to a higher court, in which case the judgment and verdict of that court shall constitute the final action pursuant to which notice of divestiture shall be served if the conviction is affirmed.

(B) The city council may decide, in its discretion, to extend the time period required for such divestiture for a reasonable period beyond one hundred and twenty days to allow such person to sell or divest himself or herself of their ownership interest. The person shall nevertheless not be entitled to realize or receive any profits, distributions, or payments that might directly or indirectly be due to such person or which arise out of, are attributable to, or are derived from their ownership interest in the subject card club,

after the one hundred and twenty day time period provided for in Section 5.48.270 (a) has expired.

(C) Within thirty days after the service of a notice of divestiture, the person or persons subject to such notice (appellant) may request in writing a hearing before the council to appeal the notice and request a waiver of the divestiture requirement, including transfer to a trustee. A hearing shall be scheduled before the council within thirty days after the receipt of the appellant's written request. Upon the conclusion of the hearing, the council may disregard the appellant's conviction or take other modifying steps if it is found and determined by the council that mitigating circumstances exist and that the public welfare will be adequately protected. In making such determination, the council shall consider the following factors:

- (1) The type, nature and extent of the point-holder's interest, including the involvement, if any, in the operations of the card club;
- (2) The nature, time, and seriousness of the offense;
- (3) The circumstances surrounding the conviction;
- (4) The age of the person at the time of the conviction;
- (5) The presence or absence of rehabilitation or efforts at rehabilitation;
- (6) Contributing social and environmental conditions;
- (7) The record of the proceedings leading to the conviction;
- (8) The financial stability of the pointholder, including his personal history, reputation for habits, and traits of character and moral background; and
- (9) Such other factors deemed relevant by the council in determining the status of the pointholder.

(D) The decision of the council shall be final and conclusive.

(E) No person required to divest a card club related interest pursuant to an order of divestiture shall transfer the same to his spouse, child, sibling, parent or to his spouse's child, sibling or parent.

(F) Failure to comply with a notice of divestiture shall constitute a misdemeanor punishable by a fine or imprisonment pursuant to this code. Each day of noncompliance shall constitute a separate and complete offense. In addition, the city attorney may invoke appropriate civil remedies available to enforce compliance.

SECTION 6. Section 5.48.280 of the Commerce Municipal Code is hereby amended to read as follows:

5.48.280. CORPORATE POINTHOLDERS.

If any pointholder is a corporation or similar entity, the licensee shall keep on file with the city administrator at all times a current list showing the names and addresses of all officers, directors and shareholders of such corporation or other entity.

SECTION 7. Section 5.48.290 of the Commerce Municipal Code is hereby amended to read as follows:

5.48.290. POINTHOLDERS-MINIMUM INTEREST.

A subdivision of any interest in a card club license to less than one-quarter point is prohibited. Any such subdivision will not be recognized by the city and shall be grounds for disciplinary action pursuant to the provisions of this chapter.

SECTION 8. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have adopted this Chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 9. Effective Date. This ordinance shall become effective thirty (30) calendar days from and after its adoption.

SECTION 10. The City Clerk shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this _____ day of May, 2014.

CITY OF COMMERCE

By: _____
Tina Baca Del Rio, Mayor

ATTEST:

Lena Shumway, City Clerk

