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**AGENDA FOR THE CONCURRENT ADJOURNED REGULAR MEETINGS OF
THE CITY COUNCIL OF THE CITY OF COMMERCE AND
THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION
COUNCIL CHAMBERS
5655 JILLSON STREET, COMMERCE, CALIFORNIA**

MONDAY, AUGUST 1, 2011 – 6:30 P.M.

CALL TO ORDER

Mayor/Chairperson Aguilar

PLEDGE OF ALLEGIANCE

Alex Hamilton
Assistant Director of Community Development

INVOCATION

Councilmember/Commission Fierro

ROLL CALL

City Clerk/Assistant Secretary Olivieri

APPEARANCES AND PRESENTATIONS

PUBLIC COMMENT

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

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

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

CONSENT CALENDAR

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

1. Approval of Minutes

The **City Council and Commission** will consider for approval, respectively, the minutes of the Concurrent Regular Meetings of Tuesday, July 5, 2011, held at 6:30 p.m.; Concurrent Adjourned Regular Meetings of Tuesday, July 12, 2011, held at 3:30 p.m.; Concurrent Adjourned Regular Meetings of Wednesday, July 13, 2011, held at 3:30 p.m. and Concurrent Regular Meetings of Tuesday, July 19, 2011, held at 6:30 p.m.

2. Approval of Warrant Registers No. 23 and No. 3

The **City Council and Commission** will consider for approval, respectively, the bills and claims set forth in Warrant Register No. 23A, dated August 1, 2011; No. 3A, dated August 2, 2011, and No. 3B, for the period July 20, 2011, to July 28, 2011.

3. Commendation – Honoring Henry Harkema, Former City of Paramount Councilmember and Former Greater Los Angeles County Vector Control District Board Member, on the Occasion of His 100th Birthday

At the request of Mayor Aguilar and Mayor Pro Tempore Baca Del Rio, the **City Council** will consider for approval a Commendation honoring Henry Harkema on the occasion of his 100th Birthday. Mr. Harkema is a former Councilmember for the City of Paramount and former Board Member of the Greater Los Angeles County Vector Control District. The Commendation will be presented to Mr. Harkema at the August 11, 2011, Vector Control District Board meeting.

4. Request for Proposal (RFP) for Consultant Services for Development of Mixed-Use and Affordable Housing Overlay Zoning Guidelines and Zoning Ordinance Update

The **City Council** will consider authorizing staff to proceed with the issuance of a Request for Proposal (RFP) for consultant services for the development of Affordable Housing Guidelines including the Atlantic Boulevard Mixed-Use Zone, Affordable Housing Opportunity Overlay Zone along Eastern Avenue and Affordable Housing Development Lot Consolidation Programs and review of components of the City's Zoning Ordinance and related Municipal Code text amendments to facilitate the construction of affordable housing.

5. Request for Proposals (RFP) for Consultant Services to Conduct Technical Assistance with New Case Tracking Software and Data for City's Code Enforcement Program

The **City Council** will consider authorizing staff to proceed with the issuance of a Request for Proposals (RFP) for consultant services to conduct technical assistance with the new case tracking software and data for the City's Code Enforcement Program, with \$30,000 in Community Development Block Grant (CDBG) Funds to be programmed towards the project and \$6,000 in General Funds available for the required CDBG matching funds.

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6. A Resolution of the Commerce Community Development Commission Adopting the Updated Guidelines and Program Application for the City's Neighborhood Fix-up Grant Program

The **Commission** will consider for approval and adoption a proposed Resolution adopting the updated guidelines and program application for the City's Neighborhood Fix-up Grant Program, which are aimed at providing assistance to qualified residents with necessary exterior repairs and ensuring the most efficient expenditure of Housing Funds and the preservation of the City's housing stock.

7. A Resolution of the City Council of the City of Commerce, California, Accepting the Work Performed by Judge Netting Inc. of Costa Mesa, California, Under the City of Commerce Standard Contract Agreement to Replace the Safety Netting at Veterans Memorial Park Stadium

The **City Council** will consider for approval and adoption a proposed Resolution accepting the work performed by Judge Netting, Inc., of Costa Mesa, California, under the City of Commerce Standard Contract Agreement to replace the safety netting at the Veterans Memorial Park Stadium as being satisfactory and complete and authorizing staff to file the "Notice of Completion" for the project with the Los Angeles County Registrar Recorder/County Clerk's Office and, thirty (30) days thereafter, make the final payment.

8. A Resolution of the City Council of the City of Commerce, California, Approving the Adoption of the Disadvantaged Business Enterprise (DBE) Program Participation Goals for Federal Fiscal Year (FFY) 2009-2010 Through 2011-2012, for Submission to the Federal Transit Administration (FTA)

The **City Council** will consider for approval and adoption a proposed Resolution approving the adoption of the Disadvantaged Business Enterprise (DBE) Program Participation Goals for Federal Fiscal Year (FFY) 2009-2010 through 2011-2012, for submission to the Federal Transit Administration (FTA).

The City of Commerce Transit is required to develop and submit an Overall Annual Goal for DBE participation on U.S. Department of Transportation Federal Transit Administration assisted contracts, as a condition of federal financial assistance pursuant to recently revised regulations set forth under Title 49 CFR Part 26.

SCHEDULED MATTERS

9. I-710 Corridor Project – City Council Recommendation to Metropolitan Transportation Authority (Metro) on Alternative Option(s) to be Studied in the Environmental Documents (DEIR/DEIS) for North End of Segment 7

The **City Council** will receive, and consider appropriate action as deemed necessary with respect to, a report from the I-710 Corridor Project Team including a review of the I-710 Local Advisory Committee (LAC) recommendation on Alternative M to be studied for the project and make a recommendation to Metro on Alternative Option(s) to be studied in the DEIS/DEIR for the North End of Segment 7 to insure that issues and concerns of the industrial/business community and residents are addressed.

10. Digital Electronic Sign Displays

At the request of Councilmember Robles, the **City Council** will consider for approval, and take the appropriate action as deemed necessary with

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respect to, scheduling a workshop on digital electronic sign displays in the community.

11. Upcoming City Council Code Enforcement Workshop

The **City Council** will consider for receipt and filing a report regarding the upcoming Code Enforcement Workshop scheduled for Wednesday, August 3, 2011, at 1:30 p.m.

12. Award of Cash Contract No. 1102 – Street Sweeping Services and Other Matters Related Thereto

The **City Council** will consider, and take the appropriate action as deemed necessary with respect to, the award of Cash Contract No. 1102 – Street Sweeping Services and other matters related thereto.

13. Amendment to City’s 3-Tier Resident Card Program and Proposed Amendment to Resolution No. 10-49, Separating Camp Commerce Senior Citizens Weekend Sessions from Camp Commerce Family Weekend Sessions Fee Schedule and Capping Senior Citizens Weekend Sessions Fee at \$6.00, Effective July 1, 2011

The **City Council** will consider for approval an amendment to the 3-Tier Resident Card Program to allow authorized individuals the option of purchasing a Basic Resident Card and “pay-as-you-go” for programs and activities.

Further, the **City Council** will consider authorizing an amendment to Resolution No. 10-49, adopting a City of Commerce Fee Schedule, and separating the Camp Commerce Senior Citizens Weekend session from the Camp Commerce Family Weekend session fee schedule **and** capping the Senior Citizens Weekend session fee at \$6.00, effective July 1, 2011.

If these items are approved, the appropriate amendment to Resolution No. 10-49 will be presented to the City Council for consideration at a future meeting.

14. City Committee Appointments

The **City Council** will make the appropriate appointments to the following City Committees: Beautification Committee and Housing Committee.

ORDINANCES AND RESOLUTIONS

15. An Ordinance of the City Council of the City of Commerce, California, Determining That It Will Comply With the “Voluntary Alternative Redevelopment Program” Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Commerce Community Development Commission – First Reading

The **City Council** will consider for first reading a proposed Ordinance determining that it will comply with the “Voluntary Alternative Redevelopment Program”, pursuant to Part 1.9 of Division 24 of the California Health and Safety Code, in order to permit the continued existence and operation of the Commerce Community Development Commission.

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16. A Resolution of the City Council of the City of Commerce, California, Authorizing the Approval of the Purchase and Sale Agreement for the Portion of Boxford Avenue (to be Vacated) North of Slauson Avenue and Joint Escrow Instructions with the Vons Companies, Inc. (Safeway/Vons)

The City received a request from Safeway/Vons for the vacation of a portion of Boxford Avenue north of Slauson Avenue, which lies completely within Safeway/Vons site and the vacation will add land areas to the said site thereby facilitating the company's master plan improvements. The proposed vacation is being processed in accordance with Streets and Highways Code Section 8300 et seq. as well as applicable sections of Government Code Section 6400 et seq. The

The **City Council** will consider for approval and adoption a proposed Resolution authorizing the approval of the Purchase and Sale Agreement for the portion of Boxford Avenue (to be vacated) north of Slauson Avenue and Joint Escrow Instructions with the Vons Companies, Inc. (Safeway/Vons).

PUBLIC HEARINGS

LEGISLATIVE UPDATE

I-710 LOCAL ADVISORY COMMITTEE UPDATE

CITY COUNCIL/COMMISSION REPORTS

RECESS TO CLOSED SESSION

17. Pursuant to Government Code §54956.9(b),
- A. The **City Council** will confer with its legal counsel, and take the appropriate action, with respect to significant exposure to litigation in three potential cases.
 - B. The **Commission** will confer with its legal counsel, and take the appropriate action, with respect to significant exposure to litigation in one potential case.
18. Pursuant to Government Code §54957.6,
- A. The **City Council** will confer with its labor negotiator, Jorge Rifa, with respect to labor negotiations pertaining to the Memoranda of Understanding between the City and the City of Commerce Employees Association on behalf of the mid-management and non-management full-time employees and part-time employees.

ADJOURNMENT

Adjourn in memory of Guadalupe Ortega, mother of City employee Marco Ortega and Reggie Rodriguez, son of City employee Maryanne Perez, brother in law of City employee Marie Rodriguez and cousin of City employee Anthony Aguilar.

**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.**



AGENDA REPORT

Meeting date: 08/01/2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: Commendation – Acknowledging Former Councilmember Henry Harkema of the city of Paramount on his 100th Birthday

RECOMMENDATION:

Adopt the commendation.

MOTION:

Move to approve recommendation.

BACKGROUND:

At the request of Mayor Aguilar and Mayor Pro Tem Baca Del Rio, the City Council will consider adopting a commendation to acknowledge Henry Harkema, former councilmember of the city of Paramount and past Greater Los Angeles County Vector Control District trustee, on his 100th birthday. The commendation will be presented to Mr. Harkema by Mayor Pro Tem Baca Del Rio at the LACVCD's board meeting on Aug. 11.


FISCAL IMPACT:

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

RELATIONSHIP TO STRATEGIC GOALS:

This item does not relate to a specific goal.

Prepared by:


Brian Wolfson
Public Information Officer

Respectfully Submitted,


Jorge Rifa
City Administrator

Fiscal Impact Reviewed by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

**COMMENDATION OF THE CITY COUNCIL
OF THE CITY OF COMMERCE
HONORING
HENRY HARKEMA
ON THE OCCASION OF HIS 100TH BIRTHDAY**

Whereas, Henry Harkema celebrates his 100th birthday on August 9; and

Whereas, Henry Harkema, has been a community leader in the city of Paramount for decades, earning the city an All-American City award in 1988 and numerous other honors during his public service career; and

Whereas, Henry Harkema as a member of the Paramount City Council from 1986 to 2003, has helped transform Paramount into an attractive and dynamic community of more than 54,000 residents; and

Whereas, Henry Harkema has earned a well-deserved reputation for integrity and professionalism as a member of the Paramount City Council; and

Whereas, Henry Harkema has served as a member of the Paramount Redevelopment Agency and as a board member of the Greater Los Angeles County Vector Control District, the Tri-City Housing Financing Agency and many other important community organizations; and

Whereas, Henry Harkema, as the vice chairman of the Paramount Senior Services Commission, continues to serve the city and inspire the community; and

Whereas, Henry Harkema is greatly admired for his dedication and character by all those who have known and worked with him throughout his career:

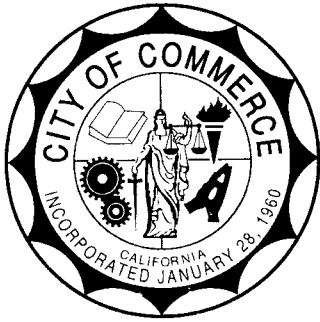
NOW, THEREFORE, THE CITY OF COMMERCE CITY COUNCIL IS HONORED TO COMMEND HENRY HARKEMA FOR DEDICATED SERVICE AS A RESIDENT OF THE CITY OF PARAMOUNT AND FOR DISTINGUISHED SERVICE AS A MEMBER OF THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT. HIS EXCEPTIONAL EFFORTS ARE OUTSTANDING AND INSPIRATIONAL. WE ARE DELIGHTED TO HAVE THE OPPORTUNITY TO RECOGNIZE HIS MANY ACCOMPLISHMENTS AND TO WISH HIM THE VERY BEST ON THE OCCASION OF HIS 100TH BIRTHDAY.

Signed this 1st day of August, 2011

ATTEST:

Joe Aguilar
Mayor

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

DATE: August 1, 2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: REQUEST FOR PROPOSAL (RFP) FOR CONSULTANT SERVICES FOR THE DEVELOPMENT OF AFFORDABLE HOUSING GUIDELINES INCLUDING THE ATLANTIC BOULEVARD MIXED-USE ZONE AND HOUSING OPPORTUNITY OVERLAY ZONE ALONG EASTERN AVENUE

RECOMMENDATION:

That the City Council authorize staff to proceed with the issuance of a Request for Proposal (RFP) for consultant services for the development of affordable housing guidelines including the Atlantic Boulevard mixed-use zone and housing opportunity overlay zone along Eastern Avenue.

MOTION:

Move to approve the recommendation.

BACKGROUND:

At the April 6, 2010 Council Meeting, the City Council adopted the City's final 2009-2014 updated Housing Element which included recommendations, as required by the State Department of Housing and Community Development (HCD) to initiate a Zoning Ordinance update to include establishment of incentives and streamlining the application process for developers to create Affordable Housing.

Given, the specific nature of the City's proposed Zoning Ordinance Update, the HCD staff is recommending that an expert in land-use and planning be retained to develop the advanced zoning standards. Pursuant to the HCD recommendations, the RFP is designed to assist the City Planning and Housing Staff with obtaining consultant services to review relevant municipal codes, recommend text amendments and establish guidelines for the development of affordable housing guidelines including the Atlantic Boulevard mixed-use zone and housing opportunity overlay zone along Eastern Avenue. Staff expects to return to Council by October, 2011, to recommend adopting a service agreement and funding for the lowest most-reasonable proposal received.

ANALYSIS:

The selected firm will bid to provide consultant services to review components of the zoning ordinance that will include, but not be limited to the following tasks and Programs:

- 1) Housing Opportunity Overlay Zoning Program along Eastern Avenue between Jillson & Harbor
- 2) Atlantic Boulevard Mixed-Use; and
- 3) Atlantic Boulevard Lot Consolidation Program.

The two phases of the study will be funded under the Community Development Block Grant (CDBG) FY 2011/2012 and 2012/2013, General Administration component for the Atlantic Boulevard Mixed-Use Housing Programs (Phase 1) and Housing Opportunity Overlay Zone (Phase 2) to address the following:

- The potential to increase the density of multi-family housing and reduce setbacks;
- Establish flexibility to be added to the zoning ordinance to allow for mixed-use development;
- Establish minimum parcel size for multi-family uses;
- Create design guidelines for the housing developments in these zoned areas;

- Determine special regulations for the conversion of existing non-residential buildings to residential use;
- Determine parking requirements for these areas;
- Evaluate open space elements required for higher density residential; and
- Establish development standards consistent with the redevelopment plan within the area designated as mixed-use along Atlantic Boulevard and consistent with converting commercial/industrial sites for the affordable housing in the Housing Opportunity Overlay Zone area and any future amended areas.

The consultant will also review related municipal codes and recommend text amendments to the zoning ordinance to help facilitate the construction of affordable housing. Components of the zoning ordinance that will be reviewed include, but may not be limited to the following:

- 1) Residential Development Standards;
- 2) Planned Unit Development standards;
- 3) Density Bonus standards and Second Unit Ordinance;
- 4) Reasonable Accommodations Program for the disabled; and
- 5) Extremely low-income and special needs housing standards as required by Senate Bill 2 (SB2) within Heavy Industrial (M-2) Zones.

FISCAL IMPACT:

On February 1, 2011, the City Council authorized \$9,000 in CDBG funding towards the tasks authorized in this report. Since then, an adjusted CDBG funding amount of \$11,901 was recently processed towards this zoning project. Staff estimates that an entire budget of \$32,000 will be needed to complete both Phase 1 this Fiscal Year and Phase 2 next Fiscal Year, as outlined in the RFP. A maximum cap of 10% (\$16,000) in CDBG General Administration funding is eligible towards this project each Fiscal Year.

CDBG funds are restricted funds and their use will not impact the City's General Funds. There is sufficient funding to initiate this project in the Account #29-2920-54043.10702 of \$11,901 in CDBG funds and additional CDBG funds will be transferred to this account for a total budget of up to \$32,000 to complete both phases of the project.

RELATIONSHIP TO THE 2009 STRATEGIC GOALS:

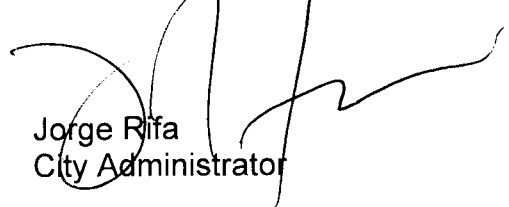
The proposed housing program activities are consistent with goals and objectives to alleviate physical blight and enhance the Quality of Life in the City of Commerce.

Recommended by:



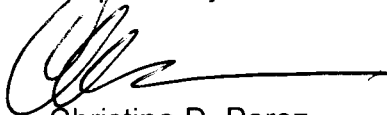
Bob Zarrilli
Director of Community Development

Respectfully submitted,



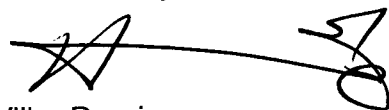
Jorge Rifa
City Administrator

Prepared by:



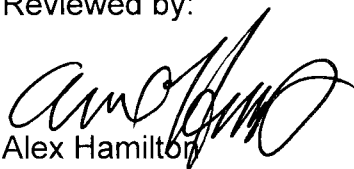
Christina D. Perez
RDA Project and Housing Manager

Reviewed by:



Vilko Domic
Director of Finance

Reviewed by:



Alex Hamilton
Assistant Director of Community Development

Approved As To Form:



Eduardo Olivo
City Attorney

**CITY OF COMMERCE
REQUEST FOR PROPOSAL
MIXED-USE AND AFFORDABLE HOUSING OVERLAY ZONING
GUIDELINES AND ZONING ORDINANCE UPDATE
AUGUST 4, 2011**

PREPARE GUIDELINES FOR THE ATLANTIC BOULEVARD MIXED-USE DISTRICT, AFFORDABLE HOUSING OPPORTUNITY OVERLAY ZONE AND AFFORDABLE HOUSING DEVELOPMENT LOT CONSOLIDATION PROGRAMS AND REVIEW COMPONENTS OF THE CITY'S ZONING ORDINANCE AND RELATED MUNICIPAL CODE TEXT AMENDMENTS TO FACILITATE THE CONSTRUCTION OF AFFORDABLE HOUSING.

I. INTRODUCTION

In 2010, the City of Commerce adopted its 2008-2014 Housing Element. The Element calls for a number of new programs and a review of the City's existing housing related policies contained in the City's zoning ordinance. The City of Commerce is now seeking the services of a qualified consultant to assist with establishing development standards and guidelines for the following programs:

- 1) Housing Opportunity Overlay Zoning Program;
- 2) Atlantic Boulevard Mixed-Use and Affordable Housing Program; and
- 3) Atlantic Boulevard Lot Consolidation Program

The consultant will also review the City's existing policies and standards and process related text amendments to the zoning ordinance to help facilitate the construction of affordable housing. A Development Application, as well as its process and procedures would also be created. Components of the zoning ordinance that would be reviewed include, but may not be limited to the following:

- 1) Residential Development Standards;
- 2) Planned Unit Development standards;
- 3) Density Bonus standards and Second Unit Ordinance;
- 4) Reasonable Accommodations Program for disabled; and
- 5) Extremely low income and special needs housing standards as required by Senate Bill 2 (SB2) within Heavy Industrial (M-2) Zones.

At a minimum, the new zoning district programs must be integrated into the existing Zoning Ordinance, with the uses and development regulations clearly articulated using text and graphics. The same format and layout as the current Zoning Ordinance will be utilized, including a list of the allowed land uses and development standards (e.g. setbacks, height, floor area ratio, density, etc.). These standards will define the desired form of the building envelope, site layout and desired development character. At a minimum, the following items will be addressed:

- a) Permitted and conditionally permitted uses;
- b) Setbacks and allowed encroachments;
- c) Buildable height;
- d) Parking ratios, parking lot and loading area design, including parking structures;
- e) Landscaping (reference as appropriate);
- f) Signs (reference as appropriate);

- g) Open Space Requirements for residential and nonresidential;
- h) Performance and operational standards (noise, hours of operation, location of trash containers, mechanical equipment, and storage areas); and
- i) Basic building design criteria.

The consultant should be familiar with the development process for affordable housing units and densities that are appropriate for a creating/maintaining a small town atmosphere. The primary financial support for this project is Community Development Block Grant (CDBG) Program Funding.

II. DISCUSSION OF PROGRAMS TO ESTABLISH IN PHASE 1 AND 2

PHASE I – ATLANTIC BOULEVARD MIXED-USE OVERLAY ZONING PROGRAMS:

A. The Atlantic Boulevard Housing Program

In the 2020 Commerce General Plan, a mixed-use designation along the Atlantic Boulevard corridor between the Mixmaster (on the north) and Washington Boulevard (on the south) was created. This land use designation provides for both residential development and commercial development. A new overlay zone was prepared for this area along with design guidelines for new development. Development intensity for commercial uses are defined using a floor area ratio (FAR), which simply refers to the ratio of the building's gross floor area to the total area of the parcel. The General Plan allows development of a maximum floor area of 0.5:1 under this designation, which corresponds to the maximum allowable lot coverage for the CM-1 zone district. The General Plan also permits residential development densities ranging from 0 to 27 units per acre. The zone permits stand-alone residential and/or residential units located on the upper levels of a multi-story building containing commercial uses on the ground floor. The City would now like to develop standards for mixed-use development in its zoning ordinance. A map of the Atlantic Boulevard Mixed-Use Zoned area (Redevelopment Project Area III) is also included in Attachment 1.

B. Atlantic Boulevard Lot Consolidation Program

Parcels located along Atlantic Boulevard tend to be narrow and shallow in size, adding an additional constraint to the development of housing. In order to encourage the development of residential and mixed-use projects, the City will establish a lot consolidation program which offers incentives such as a reduction in development standards (i.e. lot size, parking, and open space requirements) and with assistance from the RDA, subsidize a portion of development fees to encourage lot consolidation and to promote more intense residential and mixed use development on vacant and underutilized sites along Atlantic Boulevard.

PHASE II – HOUSING OPPORTUNITY OVERLAY ZONE AND POTENTIAL SITES:

A. Housing Opportunity Overlay Zoning Program

The Housing Opportunity Overlay Zoning Program was adopted to facilitate the transition from existing non-residential uses to new residential development. The City will address the development process required for this overlay area by updating the zoning ordinance. As part of the planned Zoning Ordinance update, the City will also establish development standards and design guidelines for the Housing

Opportunity Overlay Zone. The consultant will assist the City in developing guidelines and standards to increase density in the Housing Opportunity Overlay zone from medium residential to high density residential. The General Plan calls for a maximum of 27 dwelling units per acre in this area. The entire area consists of approximately 42.25 acres and the boundaries are Harbor Street to the North, Jillson Street to the South, Strong Ave to the West and up to the existing Public Facilities to the East along Commerce Way. Other housing opportunity sites were also recommended in the City's recently published Housing Element to be evaluated for the inclusion into the Housing Opportunity Overlay Zone.

The City's Housing Opportunity Overlay Zone is defined in the City's General Plan as the area located between and the Planning Department requires the approval of a Conditional Use Permit (CUP) in order to develop affordable housing. The consultant will assist the City with replacing the CUP requirement with a site plan review process. The City will monitor the development of these sites to ensure sufficient residential capacity is maintained. The City will evaluate the CUP requirement and thereafter, establish specific development standards and guidelines for the overlay area. Should the CUP process pose a constraint to the development of affordable housing, the City will update the zoning ordinance to replace the CUP process. A map of the Housing Opportunity Overlay Zoned area from the City's 2020 General Plan is included in Attachment 1.

RESIDENTIAL DEVELOPMENT STANDARDS:

Both Phases of the study related to the Atlantic Boulevard Mixed-Use Housing and Affordable Housing Opportunity Overlay Zones and Programs must at minimum address the following:

- a) The potential to increase the density of multi-family housing and reduce setbacks;
- b) Establish flexibility to be added to the zoning ordinance to allow for mixed-use development;
- c) Establish minimum parcel size for multi-family uses;
- d) Create design guidelines in the immediate for the housing developments in these areas;
- e) Determine special regulations for the conversion of existing buildings to residential use;
- f) Determine parking requirements for these areas;
- g) Evaluate open space elements required for higher density residential; and
- h) Establish development standards consistent with the redevelopment plan within the area designated as mixed-use along Atlantic Boulevard and consistent with converting commercial/industrial sites for the affordable housing in the Housing Opportunity Overlay Zone area and any future amended areas.

A review of the development standards for the R-1, R-2, and R-3 zones to identify standards that may constrain the development of affordable housing and housing for disabled individuals is necessary. Requirements such as the minimum unit size, property line setbacks, parking requirements, height restrictions, etc. should be reviewed to ensure that they are necessary and pertinent. The City is committed to addressing any constraints identified in Section 4.11, *Housing Constraints*, of the 2008-2014 Housing Element.

The consultant will review the following existing policies and procedures, plus prepare any required Commerce Municipal Code text amendments to meet the goals, policies and objectives of the City's 2008-2014 Housing Element:

1. **Planned Unit Development (PUD):** Review and identify standards that may constrain the development of affordable housing.
2. **Density Bonus:** Review and update, to ensure conformity with current State requirements.
3. **Second Unit Ordinance:** Review and update, to ensure conformity with current State requirements.
4. **Reasonable Accommodations Program for Disabled:** Review the current zoning ordinance to determine the nature and extent of modifications to ensure that reasonable accommodation provisions are included. Procedures for reasonable accommodations shall be in accordance with fair housing and disability laws. Amendments to the CMC shall provide for clear rules, policies, procedures, and fees for reasonable accommodation in order to promote equal access to housing.
5. **Extremely Low-Income and Special Needs Housing to address Senate Bill 2:** Extremely low-income households and households with special needs have limited housing options in Commerce. Housing types appropriate for these groups include: emergency shelters, transitional housing, supportive housing, and single-room occupancy (SRO) units. To accommodate this population group the City will amend the zoning ordinance so that the Heavy Industrial (M-2) zone will allow emergency housing by right. The M-2 zone was selected as it is overwhelmingly the City's most prevalent land use and allows for a significant number of opportunities for emergency housing in almost any area of the City. Specific development standards and conditions for approval will be developed to better facilitate the provision of emergency housing. Additionally, the City will amend the language of the residential zones to permit transitional and supportive housing, including SRO units as a residential use, subject only to those regulations that apply to other residential dwelling units of the same type in the same zoning.

The specific development standards and conditions for approval will address:

- Number of Beds
- Off-Street Parking
- Client Intake Areas
- On-site management
- Proximity of shelters to one another
- Length of Stay
- Lighting
- Security

III. SCOPE OF WORK

The scope of work is separated by the following Phases and noted below to focus on each of the two zoning areas:

A. Phase 1 – Mixed-Use Housing Overlay Zone

- 1) Assess the infrastructure capacity in the study area to identify the adequacy of existing infrastructure and identify system deficiencies.

- 2) Undertake a detailed evaluation of the study areas including consideration related to the potential to increase the density of multi-family housing as described in the discussion.
- 3) Flexibility will be added to the zoning ordinance to allow for mixed-use development.
- 4) Second unit ordinance guidelines.
- 5) Amendment to CUP process and PUD Guidelines
- 6) The consultant may suggest modifications to the scope of work in coordination with the City's Redevelopment, Planning and Housing Division Staff during the course of the project in order to accomplish the project as described.
- 7) Prepare a report with the finding of items 1-6 above and a consideration of alternative for the Planning Commission to consider concerning zoning text and map amendments to facilitate the development of affordable housing as described in the discussion.

B. Phase 2 – Affordable Housing Overlay Zone and Potential Housing Sites

- 1) Assess the infrastructure capacity in the study area to identify the adequacy of existing infrastructure and identify system deficiencies.
- 2) Undertake a detailed evaluation of the study areas including consideration related to the potential to increase the density of multi-family housing as described in the discussion.
- 3) Flexibility will be added to the zoning ordinance to allow for mixed-use development.
- 4) Second unit ordinance guidelines.
- 5) Amendment to CUP process and PUD Guidelines
- 6) The consultant may suggest modifications to the scope of work in coordination with the City's Redevelopment, Planning and Housing Division Staff during the course of the project in order to accomplish the project as described.
- 7) Prepare a report with the finding of items 1-6 above and a consideration of alternative for the Planning Commission to consider concerning zoning text and map amendments to facilitate the development of affordable housing as described in the discussion.

Note: For completion of both Phases, the consultant will also attend Planning Commission and City Council meetings and hearings concerning the adoption of the design and development standards; Create and print revised regulations, maps and guidelines as applicable.

IV. SUBMISSION OF PROPOSALS

In order to be considered for consulting work pursuant to this request for proposals, firm must return 3 copies of the following prior to 6:00pm, on September 2, 2011 to the attention of Matt Marquez, City Planner, City of Commerce, 2535 Commerce Way, Commerce, CA 90040.

1. General Statement of Qualifications
2. Information on specific experience with similar Mixed-Use and Affordable Housing Zoning projects.
3. Demonstration of experience working with the State and local planning framework in California.
4. A list of specific staff and hourly rates proposed to be assigned to the project.
5. A list of Key Tasks to be performed by Phase 1 and 2 including an estimated number of hours and total cost for each Phase 1 and 2.
6. A Timeline for Phase 1 and Phase 2, showing key tasks to be accomplished.
7. A list of references.
8. A separate fee proposal and a schedule of hourly rates for any additional services.

V. SELECTION CRITERIA

1. Qualifications and relevant experience of the firm and any proposed sub-consultants.
2. Qualifications of key personnel, inclusive of any outside consultants to be assigned to the project.
3. Demonstrated ability to outline Key Tasks and meet schedules and deadlines for Phase 1 and 2.
4. Price and scope of services proposed.

Note: The selected firm will be required to provide a certificate of insurance naming the City of Commerce, and the City of Commerce Community Development Commission as additional insured with coverage conforming to the City of Commerce requirements. The contract will also include all provisions required by the CDBG Program and affirmative action and equal opportunity employment practices.

VI. TIMELINE

The consultant selected is expected to enter into contract with the City of Commerce by October 1, 2011 and the completion of Phase 1 is expected to be finalized by June 30, 2012, with Phase 2 of the Study to be initiated on July 1, 2012 and completed before June 30, 2013.

VII. DELIVERABLES FOR PHASE 1 AND 2

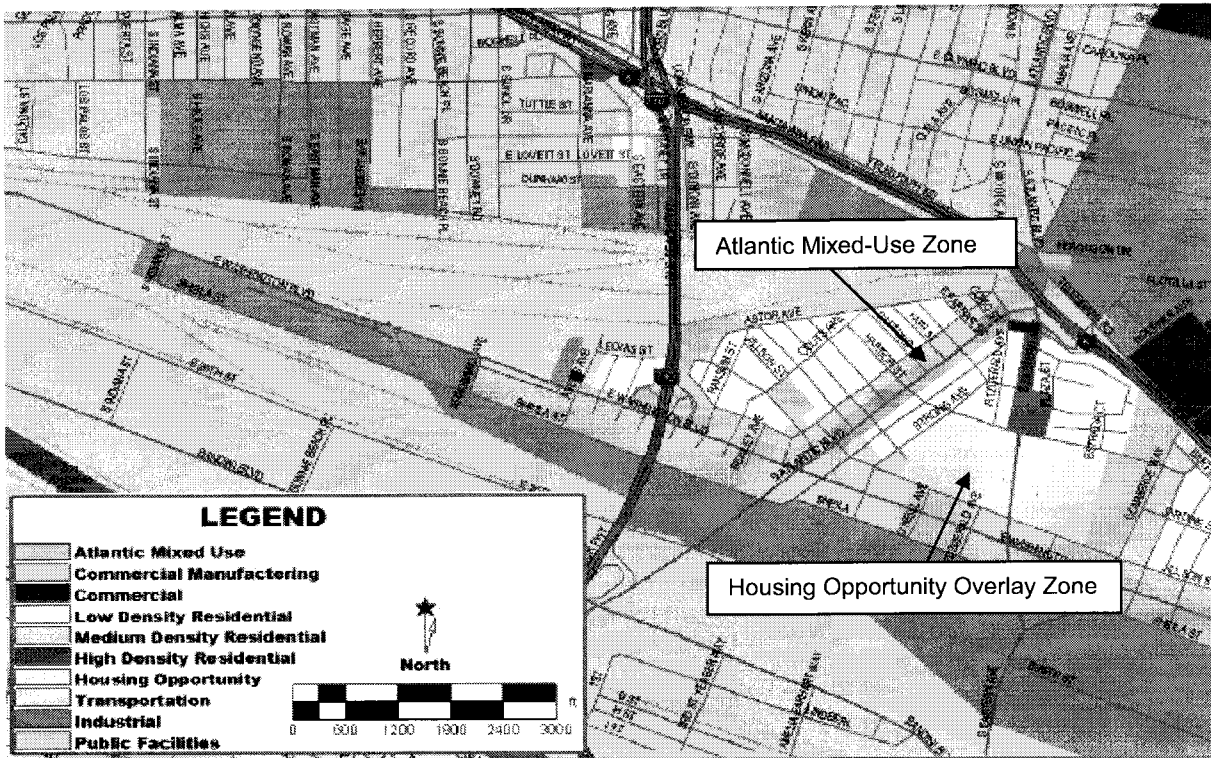
- 1) A report on the study area considering infrastructure and other issues identified in the scope of work;
- 2) Alternatives for the City Council and Planning Commission to consider concerning zoning text and map amendments for the study area;
- 3) Draft regulations, design standards, subdivision regulations, a zone change map and project applications for the proposed changes to facilitate the creation of affordable housing in the study areas. Design standards and land use regulation recommendations in draft and final documents, and any proposed changes to zoning and/or subdivision regulations;
- 4) Final revised zoning and subdivision regulations, Zoning Map and design guidelines as applicable; and
- 5) All items shall be presented in both written/hard copy and electronic formats.

If you have any questions regarding this RFP, please contact Matt Marquez, City Planner, Community Development Department at (323) 722-4805, Ext. 2248 or mmarquez@ci.commerce.ca.us.

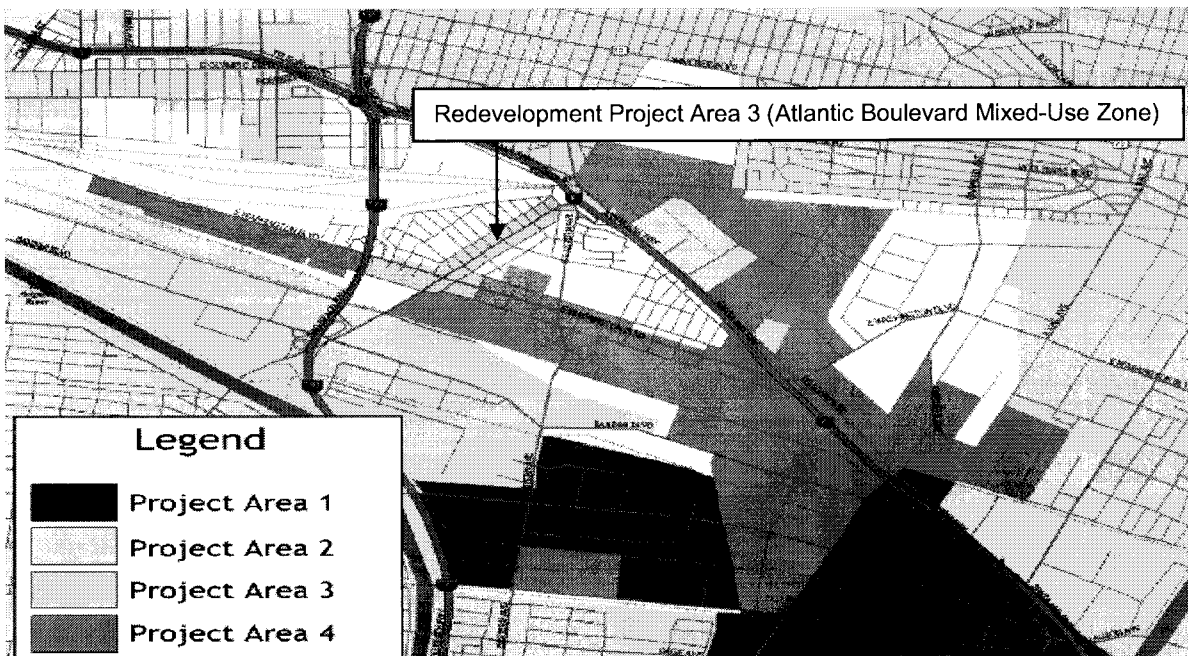
ATTACHMENT 1

RFP FOR AFFORDABLE HOUSING AND MIXED-USE OVERLAY ZONING GUIDELINES

Map 1: Housing Opportunity and Atlantic Boulevard Mixed-Use Zones – City of Commerce 2020 General Plan



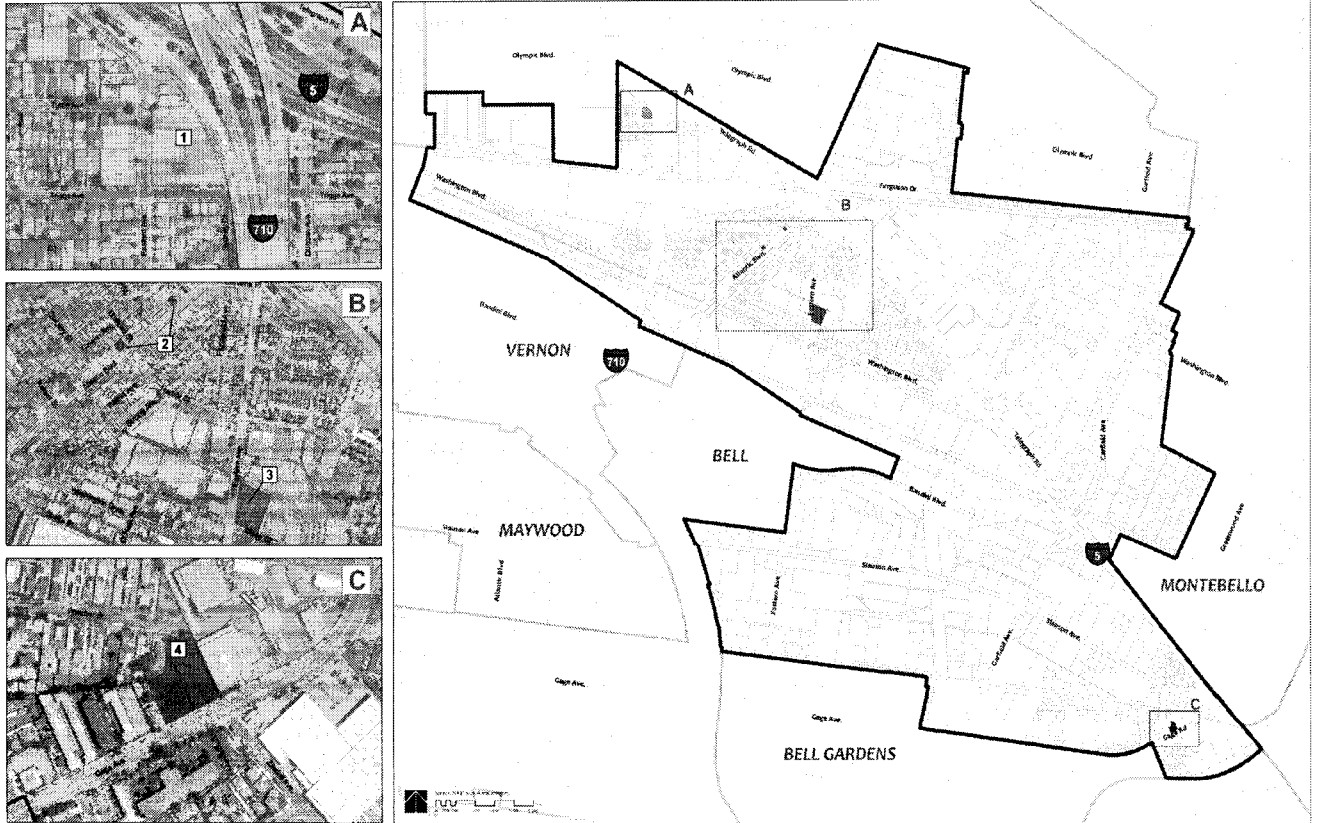
Map 2: Atlantic Boulevard Mixed-Use Zone (Redevelopment Project Area 3) – City of Commerce 2020 General Plan



ATTACHMENT 2

RFP FOR AFFORDABLE HOUSING AND MIXED-USE OVERLAY ZONING GUIDELINES

Map 3: Affordable Housing Development Opportunity Sites – City of Commerce Housing Element 2010



 Affordable Housing Development Opportunity Sites
City of Commerce, CA

Map 3: Affordable Housing Development Opportunity Sites
City of Commerce, CA
Map Date: 10/15/10
Map Scale: 1:10,000
Map Author: GIS
Map Reviewer: GIS



AGENDA REPORT

DATE: August 1, 2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: REQUEST FOR PROPOSALS (RFP) FOR CONSULTANT SERVICES TO CONDUCT TECHNICAL ASSISTANCE WITH NEW CASE TRACKING SOFTWARE AND DATA FOR THE CITY'S CODE ENFORCEMENT PROGRAM.

RECOMMENDATION:

Authorize staff to proceed with the issuance of a Request for Proposal (RFP) for consulting services to conduct technical assistance with the new case tracking software and data for the City's Code Enforcement Program.

MOTION:

Approve the recommendation.

BACKGROUND:

On February 1, 2011, Council adopted a Fiscal Year 2011/2012 CDBG funded Code Enforcement Program totaling \$10,000 for the purpose of purchasing equipment and selecting a consultant to provide technical assistance with the computer upgrades that are necessary to assist the Code Enforcement Staff with collecting and reporting case data by geographic location from the field to the City's network system, thus making it easier to gather, share and report the data to City divisions such as Redevelopment/Housing, Planning and Building Divisions, etc. The Information Technology (IT) Division, Community Development Department, Code Enforcement Division and CDBG Program Staff, are coordinating this new project in order to conduct these activities and obtain technical assistance associated with the completion of the Code Enforcement equipment upgrades, mapping and reporting capabilities to enable the sharing of data between all related Housing, Planning and Building divisions. If authorized by Council, the RFP will be advertised in August 2011. Staff expects to return to Council the following month of September, to recommend approving a service agreement for the lowest most-reasonable proposal for providing technical assistance and the purchase of the lowest priced computer equipment.

ANALYSIS:

The RFP is designed to assist the Code Enforcement and Information Technology Division Staff with the Code Enforcement Division hardware and software upgrades. The benefits of the software automation will include: new case tracking and reporting abilities and mapping of case data on a routine basis. The selected firm will bid on the tasks included in the RFP including, but not be limited to the following software/hardware specifications, installations, reporting, mapping and maintenance components:

I. Hardware:

- 1) The City will purchase hardware similar to an Apple iPad 2 with Wi-Fi connection with the ability to be hosted on-site, as well as offsite, in the field with portable printers to utilize in the field, with the ability to support all government security protocols acceptable to the City.

- 2) The system will be of moderate size and include software licensing appropriate to the City's Code Enforcement staff-size and anticipated use.

II. Consultant Tasks and Hourly Rates:

- 1) Key Tasks will be outlined by consultant completed during an 9 to 10 month Schedule in order to complete the project from October 2011 through June 2012.
- 2) Hourly Rates must be submitted to include number of hours of each Staff that will be working on manipulating the data and Access Database fields that will be accessed and utilized with the iPad in the field, so that all case data will be compatible with the City's Arc View GIS 10 software.
- 3) Number of hours will be submitted for each task to be performed in order to complete an update of the old and current case data using addressing fields to associate with APN and other geographic identifiers (Sheriff quadrants, Census Tract and Block Group Numbers, Neighborhood etc.)
- 4) Old and current case/address data will be manipulated by the consultant to include an updated table in Microsoft Access that will retrieve various historic case data fields (violation type, date of old violations, referral from Council, anonymously reported, etc).
- 5) An Interface Module will be created to run specific reports and used for ease of reporting updated data on reports and updated GIS maps.
- 6) The application should allow internal and authorized Code Enforcement Staff users to select and retrieve summary reports based on data contained in the comprehensive code enforcement and/or permit tracking system.
- 7) Permit data may be instantly accessible in the field by Code Enforcement Division Staff using the new equipment and software to research applicant and/or owner name, case history, permit numbers, address, parcel number, permit type, application and approval dates, and meeting dates, etc. Internal and authorized users should be able to make data queries using tools such as queries-by-example.

III. Reports and Mapping:

- 1) The software must be able to map and code/track the field case data by the CDBG Program required/eligible Census Tract and Block Groups levels in the Northern and Southern Portion of the City, as well as by Sheriff's Reporting Districts throughout the entire City.
- 2) The software should have reporting capabilities to track numbers and types of permits, and other summary-based reporting capabilities. Reports should be designed and controlled by authorized users to allow for customization.
- 3) The software should provide automatic generation of violation letters, public notices, referral letters, meeting agendas, and/or other documents based on information collected by the system.
- 4) The system may be capable of accessing supporting scanned permit records with live fields etc. for data migration and reference material for use in the field.

IV. Maintenance and Technical Assistance:

- 1) Maintenance and upgrades of the system may also be provided by the selected consultant.
- 2) Thorough first-time training and regular ongoing training for new features for all internal and authorized users should be provided. Preparation of a training manual will be required by the consultant, as part of the service agreement.
- 3) Include a technical assistance and or maintenance component to continue routine tasks to ensure ongoing usage of the data and mapping to be performed and expected number of hours during the next Fiscal Year, in case the project is continued into July 1, 2012 to June 30, 2013 utilizing the CDBG funds to pay for consultant time.

Final work products will include all code enforcement data fields and modules compatible with Microsoft Access, Arc View 10 and the City's Logos software system for uploading and downloading data and a reference manual for assisting Code Enforcement staff with maintaining the new code enforcement database software. A prorated percentage share of CDBG leverage is required to be provided by the City or Redevelopment funds determined by the percentage of code enforcement case data that is collected annually in the eligible CDBG Census Tract and Block Group areas.

FISCAL IMPACT:

Staff estimates that a total of \$36,000, will be needed complete these activities and obtain technical assistance associated with the completion of the Code Enforcement equipment upgrades. Therefore, a total of \$30,000 in CDBG will be programmed towards Account #29-2910-80210.10703 and \$6,000 in General Funds is available in Account #10-1560-60090 to account for the required CDBG matching funds. CDBG funds are restricted funds and their use will not impact the City's General Funds.


RELATIONSHIP TO THE 2009 STRATEGIC GOALS:

The proposed Code Enforcement Program activities are consistent with goals and objectives to alleviate physical blight and enhance the Quality of Life in the City of Commerce.


Recommended by:


Bob Zarrilli
Director of Community Development

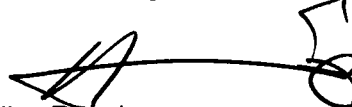
Respectfully submitted,


Jorge Rifa
City Administrator

Prepared by:


Christina D. Perez
RDA Project and Housing Manager


Reviewed by:


Vilko Domic
Director of Finance

Reviewed by:


Alex Hamilton
Assistant Director of Community Development

Approved As To Form:


Eduardo Olivo
City Attorney

**Request for Proposals
Code Enforcement Case Tracking System
Software/Hardware and Technical Assistance**

**CITY OF COMMERCE
August 4, 2011**

I. INTRODUCTION

The City of Commerce seeks the services of a qualified consultant to assist the code enforcement staff with gathering code enforcement case data and preparing reports. The consultant should be familiar with utilizing mapping and/or code enforcement software and experienced with training staff and providing technical assistance. The primary financial support for this project is Community Development Block Grant Program and/or Redevelopment Housing Set Aside funding.

II. PURPOSE

The City of Commerce is requesting proposals from qualified professionals or firms to perform specific tasks associated with utilizing

III. BACKGROUND AND DISCUSSION

The City of Commerce is a relatively small City with approximately 18,000 residents. Code Enforcement Division staff is composed of mainly 3 to 4 positions within the Community Development Department, and interfaces with the Planning, Building, Housing, Business Licensing and Environmental Services Division within the Department. The City currently uses a paper-based and microfiche permit filing system for permit files.

The Number of Housing Units anticipated for Inspection during this coming Fiscal Year 2011/12 is estimated to be 250 of which 100 are expected to be business and about 150 are expected to be residential. Last year there were 238 cases, of which 93 were businesses and 145 were residential.

Case data must be tracked by Census Tract and Block Groups levels in the Northern and Southern Portion of the City, as well as by Sheriff's Reporting Districts. An increase in tracking business district case data may occur during this Fiscal Year. The upgraded software and hardware outlined in this RFP will provide a platform enabling communication across departmental boundaries, while allowing existing systems to remain independent and be maintained by individual departments. These systems are maintained onsite. The City will have wireless capability to perform the tasks associated with this RFP.

A summary of the existing software products is provided below:

| | | | |
|-------------------|-------------|------------|---------|
| GIS: | ESRI ArcGIS | MS Office: | Outlook |
| Code Enforcement: | Access | | Word |
| Financial: | Logos | | Excel |

Web Browser: Internet Explorer
Operating System: Windows

PowerPoint

IV. SCOPE OF SERVICES

The RFP is designed to assist the Code Enforcement and Information Technology Division Staff with obtaining consultant services to provide technical assistance associated with upgrading the Code Enforcement Division hardware and software for collecting case data in the field. The selected firm will prepare a Scope of Work as outlined below to include working with the City's current and/or proposed hardware and completing all tasks (B through D) included in the RFP including, but not be limited to the following software/hardware specifications, timeline, installations reporting, mapping and maintenance components:

A. Hardware:

- 1) The City will purchase hardware similar to an Apple iPad 2 with Wi-Fi connection with the ability to be hosted on-site, as well as offsite, in the field with portable printers to utilize in the field, with the ability to support all government security protocols acceptable to the City.
- 2) The system will be of moderate size and include software licensing appropriate to the City's Code Enforcement staff-size and anticipated use.

B. Consultant Tasks and Hourly Rates:

- 1) Key Tasks will be outlined by consultant completed during a 9 to 10 month Schedule in order to complete the project from October 2011 through June 2012.
- 2) Hourly Rates must be submitted to include number of hours of each Staff that will be working on manipulating the data and Access Database fields that will be accessed and utilized with the iPad in the field, so that all case data will be compatible with the City's Arc View GIS 10 software.
- 3) Number of hours will be submitted for each task to be performed in order to complete an update of the old and current case data using addressing fields to associate with APN and other geographic identifiers (Sheriff quadrants, Census Tract and Block Group Numbers, Neighborhood etc.)
- 4) Old and current case/address data will be manipulated by the consultant to include an updated table in Microsoft Access that will retrieving various historic case data fields (violation type, date of old violations, referral from Council, anonymously reported, etc).
- 5) An Interface Module will be created to run specific reports and used for ease of reporting updated data on reports and updated GIS maps.

- 6) The application should allow internal and authorized Code Enforcement Staff users to select and retrieve summary reports based on data contained in the comprehensive code enforcement and/or permit tracking system.
- 7) Permit data may be instantly accessible in the field by Code Enforcement Division Staff using the new equipment and software to research applicant and/or owner name, case history, permit numbers, address, parcel number, permit type, application and approval dates, and meeting dates, etc. Internal and authorized users should be able to make data queries using tools such as queries-by-example.

C. Reports and Mapping:

- 1) The software must be able to map and code/track the field case data by the CDBG Program required/eligible Census Tract and Block Groups levels in the Northern and Southern Portion of the City, as well as by Sheriff's Reporting Districts throughout the entire City. Attachment 1 of this RFP includes a map for reference to the CDBG Census Tract and Block Group levels.
- 2) The software should have reporting capabilities to track numbers and types of permits, and other summary-based reporting capabilities. Reports should be designed and controlled by authorized users to allow for customization.
- 3) The software should provide automatic generation of violation letters, public notices, referral letters, meeting agendas, and/or other documents based on information collected by the system.
- 4) The system may be capable of accessing supporting scanned permit records with live fields etc. for data migration and reference material for use in the field.

D. Maintenance and Technical Assistance:

- 1) Maintenance and upgrades of the system may also be provided by the selected consultant.
- 2) Thorough first-time training and regular ongoing training for new features for all internal and authorized users should be provided. Preparation of a training manual will be required by the consultant, as part of the service agreement.
- 3) Include a technical assistance and or maintenance component to continue routine tasks to ensure ongoing usage of the data and mapping to be performed and expected number of hours during the next Fiscal Year, in case the project is continued into July 1, 2012 to June 30, 2013 utilizing the CDBG funds to pay for consultant time.

V. PROPOSAL REQUIREMENTS

The proposal shall clearly address all of the information requested herein. To achieve a uniform review process and obtain the maximum degree of comparability, it is required that proposals include all information as specified below, in the order below:

1. Table of Contents: Include a clear identification of the each proposal section with the corresponding page number.
2. Introduction: Summarize the proposal purpose and present an understanding of the scope of services.
3. Tasks and Hourly Rates: The narrative should address the City's RFP tasks and describe the automation that will take place with the new code enforcement case table and tracking system. In addition, an estimation of number hours and average hourly rate associated with completing the tasks include any anticipated license fees, modifications, training, travel and per diem, installation, service charges, upgrades, documentation, taxes, discounts, etc. Costs associated with on-going performing the RFP's tasks. Include a separate Cost Table for the continuation of maintenance hours and staff associated to perform, "as needed" training or technical assistance with mapping and reporting the code enforcement data for continued collection and reporting during the next fiscal year (July 1, 2012 thru June 30, 2013). All cost tables should be sub-totaled and totaled.
4. Timeline: Detail a timeline to implement the scope of services showing expected date to complete each task during October through June 30, 2012. Identify possible obstacles that may arise during system implementation and explain how your firm will overcome them. The description should include time commitment expectations from City staff to facilitate the installation and maintenance process. A separate timeline of key tasks should be submitted for continued data and mapping maintenance and must be submitted as a separate timeline with anticipated number of hours for the next Fiscal Year starting July 1 through June 30, 2012.
5. Work Products: Describe your vision or options for the continuing expandability of the code enforcement case tracking system and briefly describe the final manual or training materials that will be provided to City staff. Explain the affect of any customization on future upgrades and maintenance so that final work products such as customized maps and reports are easily maintained and updated.
6. Technical Specifications: List all anticipated specifications for hardware, operating environment, database, mapping, and security needed to implement and maintain the code enforcement software for systems hosted both on-site and off-site. This includes, but not limited to the following: disk storage and memory requirements, maximum file size, number of records and lengths, etc.
7. Consultant Team: Provide a description of the professional qualifications of the individuals who will be working with the City to set-up and maintain the system. Include the number and type of personnel, time commitment and training content

and format, at each stage, to implement the scope of services. Describe the availability of the individuals who will be assigned to the project.

8. Company Profile and References: Provide a brief company profile and experience. Summarize related work history in developing and preparing similar systems and services. Include a list of office locations. References municipal governments in services similar in nature to those in this RFP in the last five years are required.
9. Other: Any other information which should be considered in evaluating the proposed services.

The Consultant is encouraged to recommend alternative tasks and services that may be appropriate, but to cost them as distinct line items with accompanying narrative as to why these tasks are recommended.

VI. ADDITIONAL CONSULTANT RESPONSIBILITIES

The Consultant shall be responsible for completing the specified services in accordance with the City's Professional Services Agreement.

VII. SUBMITTAL REQUIREMENTS

Three copies of the proposal must be submitted no later than **6:00 pm, Friday, September 2, 2011**. It is the sole responsibility of the proposer to insure that their proposal is received by the deadline. Postmarks and faxes are not acceptable. Proposals must be titled "RFP for Code Enforcement Tracking System". Proposals must be submitted to:

**Al Vela, Information Technology Manager
Planning & Environmental Services Department
City of Commerce
2535 Commerce Way
Commerce, CA 90040**

Questions related to this Request for Proposal may be referred to Al Vela at (323) 722-4805. Proposals not received on or prior to the date and time specified will not be considered.

VIII. SELECTION CRITERIA

Selection of a company to provide this service will be based on:

- Scope of the services to be offered.
- Qualifications of the Consultant and assigned individuals with similar projects.
- Cost of the proposal.
- Proposed vision.

IX. MANDATORY PRE-PROPOSAL MEETING

A mandatory pre-proposal meeting will be held in the Emergency Operations Conference Room at 10:00 am, Thursday, August 18, 2011.

X. TENTATIVE TIMELINE

The following dates are tentative with the goal of initiating the Code Enforcement Program equipment and software upgrade services by September 30, 2011:

Thursday, August 18, 2011, Mandatory Pre-proposal Meeting
Friday, September 2, 2011, Proposal Due Date
Friday, September 20, 2011 Consultant Selection
October 4, 2011 City Council Authorization

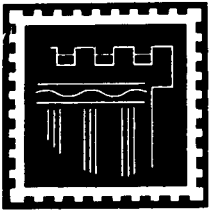
XI. GENERAL INFORMATION

This RFP does not commit the City of Commerce to pay costs incurred in the preparation of a response to this request. Services shall not commence until the Professional Services Agreement is executed by the City. All responses to this RFP shall become the property of the City of Commerce. The method of payment upon negotiation of an agreement shall be monthly payments based upon satisfactory progress and the submission of requests for payments.

The City of Commerce reserves the right to accept or reject any and all proposals, or any portion of any proposal, or to waive any irregularities or informalities in the proposal or in the proposal process, or to make the award on the basis of that item or combination or items which, in its opinion, serves the best interest of the City of Commerce.

Attachment 1 – RFP Code Enforcement Technical Assistance August 4, 2011
City of Commerce – CDBG Funded Code Enforcement Program Target Area





COMMERCE
COMMUNITY
DEVELOPMENT
COMMISSION

AGENDA REPORT

DATE: August 1, 2011

TO: HONORABLE COMMUNITY DEVELOPMENT COMMISSION

FROM: EXECUTIVE DIRECTOR

SUBJECT: A RESOLUTION OF THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION ADOPTING THE UPDATED GUIDELINES AND PROGRAM APPLICATION FOR THE CITY'S NEIGHBORHOOD FIX-UP GRANT PROGRAM

RECOMMENDATION:

Adopt the Resolution approving the updated guidelines and program application for the implementation of the City of Commerce's Neighborhood Fix Up-Grant, and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The Neighborhood Fix-Up Grant Program ("Program") has funded small improvements to the City's housing stock since January 19th, 1999 using Redevelopment Low/Moderate Income Housing Set aside funds. The Program has proven to be successful and has been well received by residents for the preservation and improvement of the community's housing stock. The Program currently assists residents with grants of up to \$1,000 for qualified exterior improvements. The proposed changes to the guidelines are intended to improve the implementation of the Program.

Staff recommends that the Commission approve the amended Program guidelines and Program application aimed at providing assistance to qualified residents of the City with necessary exterior repairs and to ensure the most efficient expenditure of Housing Funds and the preservation of City's housing stock.

ANALYSIS:

I. Overview of Program

Beginning on January 19th, 1999, the Commission offered \$400 grants through the Program to residents for material to paint, and/or small repairs on homes' exteriors. The Program was intended to offer the residents access to a small grant through a simplified application process by requiring a one page application, before and after pictures, and receipts for materials.

Since 1999, the Commission has amended this program several times, each time making improvements to the program to increase its effectiveness.

On September 19, 2000, the Program was amended by the Commission to:

- Increase the grant amount;
- Allow for more repairs; and
- Expand the Program Citywide.

On October 17th, 2006, the Commission approved an amendment to the Program to allow applicants to reapply for a grant every five (5) years. On July 15th, 2008, the Commission approved amendments to the Program to increase the grant amount from \$500 to \$1,000 and allowed residents to apply for the grant every three (3) years.

The Commission has provided approximately 500 grants to residents and has allocated approximately \$450,000 from the Housing Set Aside Funds since Program inception. Currently, the Program is averaging approximately 100 recipients per year and Program demand is expected to increase.

The Fix-Up Grant Program benefits the community by assisting in the preservation of the City's housing stock and is consistent with the intent of the Health and Safety Code ("Redevelopment Law"). Health and Safety Code Sections 33334.2(e)(7), 33334.3(c) and 33334.2 allows the use of the Housing Set Aside for the "rehabilitation of buildings and structures" and to "improve" the supply of low and moderate income housing available within the community.

II. Program Description

The Program provides financial assistance to City of Commerce eligible residents for minor improvements to their homes by funding up to \$1,000 of the cost of materials associated with eligible home exterior repairs and/or upgrades. The Program is intended to preserve the City's housing stock and improve the visual character of the City's residential areas. The Program has been and will continue to be funded with Housing Set Aside Funds and eligible residents may apply for a grant every three years.

Program Requirements

1. Eligible applicants must be owner-occupants or tenants whose gross combined annual household income does not exceed the Moderate Income Limits for Los Angeles County.
2. Applicants must self-certify household income by providing the requested income information on the Application.
3. Single-family and multifamily residential properties located within the City of Commerce.
4. Funds are made available on a reimbursable basis after repairs are completed.
5. Approval of the grant is subject to program funds limitations in effect at the time of application.
6. The grant does not require repayment to the Commission.
7. If Applicant is a tenant, owner consent must be obtained for those projects where building permits are required.
8. All Program funds must be requested by Applicants for reimbursement no later than six months after Award Letter has been issued.
9. Applicants are required to provide all information requested on the Program Application.
10. Applicants must sign the Program Applications. Unsigned Applications will not be processed.
11. Proof of ownership or residency will be required by providing a copy of tax bill and/or utility bill.
12. Only the following items are eligible for reimbursement under the Program:

- a. Roof repair, rain gutters, exterior paint, porch repairs, stucco repairs, landscaping, exterior door, garage door, windows, fence, exterior lights, and handrails.

13. The Director of Community Development will have discretion to approve certain landscape improvements as outlined in the Program Guidelines.

FISCAL IMPACT:

The Commission has allocated \$125,000 to fund the Neighborhood Fix-Up Program as part of the Commissions Fiscal Year 2011-2012 budget approved on July 5th, 2011; no additional funds are requested at this time.

RELATIONSHIP TO THE 2011 STRATEGIC GOALS:

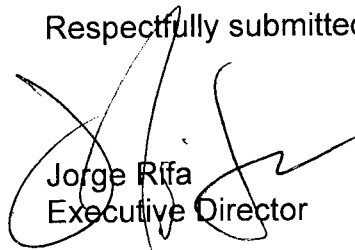
The proposed housing program activities are consistent with goals and objectives to alleviate physical blight and enhance the Quality of Life in the City of Commerce.

Recommended by:



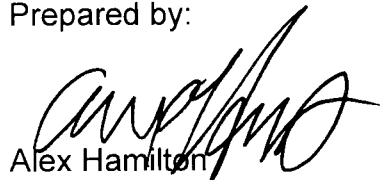
Bob Zarrilli
Director of Community Development

Respectfully submitted,



Jorge Rifa
Executive Director

Prepared by:



Alex Hamilton
Assistant Director of Community Development

Reviewed by:



Vilko Domic
Director of Finance

Approved as to Form



Eduardo Olivo
Commission Counsel

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION
ADOPTING THE UPDATED GUIDELINES AND PROGRAM APPLICATION FOR THE
CITY'S NEIGHBORHOOD FIX-UP GRANT PROGRAM**

WHEREAS, the Commerce Community Development Commission is engaged in the activities necessary to execute and implement the Redevelopment Plans for the City of Commerce; and

WHEREAS, the Commerce Community Development Commission is undertaking certain activities pursuant to the provisions of California Community Redevelopment Law (Health & Safety Code Section 33000 et.seq.)(CRL); and

WHEREAS, The Neighborhood Fix-Up Grant Program has funded small improvements of single family residences since January 19th, 1999 and has proven to be successful and has been well received by residents for the preservation and improvement of the community's housing stock.

WHEREAS, at its meeting of April 6th, 2010, the City Council approved the submission of the City's 2009-2014 Housing Element Update to the General Plan that included recommendations to continue to fund the Neighborhood Fix Up Grant Program to assist in the conservation of the existing housing stock by funding repairs of single family homes or condominiums within the City of Commerce; and

WHEREAS, at its meeting of July 5th, 2011, the Commission authorized the allocation of \$125,000 of Housing Set Aside funds into the Neighborhood Fix Up Grant Program Account No. 85-9500-71710 in the Commission's Fiscal Year 2011-2012 Budget.

NOW, THEREFORE, THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Commission finds and determines that the Neighborhood Fix Up Grant Program, pursuant to CRL and the Redevelopment Plans, will improve and preserve the supply of low- and moderate-income housing and provide for the elimination of the conditions of blight; and

Section 2. That the Program Guidelines and Program Application are hereby approved and staff is authorized to implement the City's Neighborhood Fix Up Grant Program procedures and execute Agreements;

Section 3. That the Community Development Director and his/her designees are hereby authorized and directed on behalf of the City of Commerce to carry out the City's Neighborhood Fix Up Grant Program Guidelines.

PASSED, APPROVED AND ADOPTED this 1st day of August, 2011.

ATTEST:

Jorge J. Rifá, Secretary

Joe Aguilar, Chairperson

**City of Commerce
Community Development Commission**



**Neighborhood Fix Up Grant Program
Guidelines and Procedures
(RDA Funded)**

I. PROGRAM PURPOSE

The Commerce Community Development Commission (“Commission”) established the Neighborhood Fix Up Grant Program (“Program”) to provide financial assistance to City of Commerce eligible residents for minor improvements to their homes. The Program provides funding for the cost of materials associated with eligible home exterior upgrades that are visible from the street. The Program is intended to revitalize the City’s residential areas while making significant visual impact in the City’s neighborhoods.

The Program provides a grant of up to \$1,000 to eligible residents to cover the costs of approved exterior repairs. The Program will be funded with Housing Set Aside Funds and residents may apply for a grant every three years.

II. ELIGIBLE APPLICANTS

Eligible applicants must be owner-occupants or tenants whose gross combined annual household income does not exceed the Moderate Income Limits for Los Angeles County. Income Limits are defined annually by the California Housing and Development Department (HCD) and are adjusted for household size. Please refer to Exhibit A for eligible income levels which shall be replaced annually. Applicants are required to self-certify their income on the Program Application in order to qualify for the grant.

III. ELIGIBLE PROPERTIES

Unit must be a single-family residential and multifamily properties located within the City of Commerce.

IV. GRANT AMOUNT AND TERMS

The maximum grant amount available through the Neighborhood Fix Up Grant Program is \$1,000. It is up to the discretion of the Community Development Department, Redevelopment and Housing Division staff to recommend that other program funds be used should the home need additional funding in order to completely correct outstanding health and safety or code issues.

- Grants are for the cost of repairs or improvements, not to exceed \$1,000.
- Funds are made available on a reimbursable basis after repairs are completed.
- Approval of the grant is subject to program funds limitations in effect at the time of application.
- The grant does not require repayment to the Commission.
- If Applicant is a tenant, owner consent must be obtained for those projects where building permits are required.
- All Program funds must be requested by Applicants for reimbursement no later than six months after Award Approval Letter has been issued.
- Applicants are required to provide all information requested on the Program Application.
- Applicants must sign the Program Applications. Unsigned Applications will not be processed.

- Proof of ownership or residency will be required by providing a copy of tax bill and/or utility bill.

V. ELIGIBLE REHABILITATION ACTIVITIES

Only the following items are eligible for reimbursement under the Program:

- | | |
|-------------------|-----------------|
| - Roof repairs | - Rain gutters |
| - Exterior paint | - Porch repairs |
| - Stucco repairs | - Exterior door |
| - Windows | - Fence |
| - Exterior lights | - Handrails |
| - Garage door | - Landscaping* |

** Applicant to submit a sketch of proposed landscape improvements subject to review and approval of the Community Development Director.*

VI. PROGRAM PROCEDURES*

1. Applicant submits a completed and signed Program Application with tax bill and/or utility bill.
2. Grant Application is reviewed for residency and program eligibility.
3. Pre improvement photographs are taken and kept in Applicant's file.
4. Award Approval Letters are mailed to Applicants notifying them of award and whether proposed improvements are authorized for Program funding.
5. If Applicant is a tenant, then property owner's consent is necessary for projects that require building permits.
6. Applicants secure all necessary building permits from City's Building and Safety Department (if needed).
7. Applicant notifies the Housing Division when the work is completed and submits receipts for the materials purchased for up to \$1,000.
8. Post improvement inspection and photographs are taken by Housing staff and kept in Applicant's file.
9. Receipts are submitted to the Finance Department requesting a reimbursement check for the Applicant.
10. Finance Department mails check to Applicant when reimbursement process is completed. Checks may take from 4 to 6 weeks to be issued.



NEIGHBORHOOD FIX-UP GRANT PROGRAM

PAGE 1 of 2

APPLICATION

The Neighborhood Fix-Up Grant Program will cover up to \$1,000 of material costs for **exterior repairs that are visible from the street or any other public right of way.** This program may **NOT** be used for any type of interior repairs. **Grant recipients have 6 months from the date printed on their Approval Letter received from the Housing Division staff to request qualified reimbursements.**

The program is available to residents on a first-come, first-served basis. The program requirements are as follows:

- **Income Eligibility** is required. Applicants are required to provide the income information requested in the application. Unsigned applications will not be processed.
- **Proof of residency** (copy of your current gas, water or electric bill) for home being assisted.
- **Property owner consent** is required, if you are a tenant or if repairs require permits.
- **Before and after pictures** of your home will be taken by Housing staff.
- **Landscaping projects** will require a Plot Plan sketch of planned improvements to be submitted to the City's Planning Division for approval.
- **Receipts** must be turned in to the City's Housing Division and must not be older than 6 months from the date printed on your Fix-Up Grant Approval Letter from Housing staff.

Please follow these four (4) easy steps for participation in the program:

- 1) **Completely fill out and turn in your application** with a utility bill (copy of your current gas, water or electric bill). **ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.**
- 2) **Check off all repairs** that apply to your Fix-Up Grant project on the next page of this application.
- 3) **Wait for staff to take a picture of your home before you start your project.** Within two (2) weeks you will receive an Approval Letter from Housing Division to let you know when you may start your project.
- 4) **Submit your receipts to the Housing Division for processing,** when you have completed all applicable repairs. Reimbursement will take approximately 4 to 6 weeks.



NEIGHBORHOOD FIX-UP GRANT PROGRAM

PAGE 2 of 2

I. PROPERTY AND APPLICANT INFORMATION:

| | |
|-----------------------------|---------------|
| Property Address: | Date: |
| Owners Name: | Telephone No: |
| Tenant Name (if applicable) | Telephone No: |

Provide the following information for the family residing in the home where repairs will take place:

During the past 12 months, was the total gross income of your household lower than the income listed below? [Example: if the total number of persons living in your house is four people – 2 adults and 2 children go to the Number in Household line for “4” and check whether your total household income is lower than *any* of the amounts listed below.]

| | | | | | | |
|--------------------------------|------------|------------|------------|------------|------------|------------|
| Household Size: | ___1 | ___2 | ___3 | ___4 | ___5 | ___6 |
| Household Income is Less than: | __\$53,750 | __\$61,450 | __\$69,100 | __\$76,800 | __\$82,950 | __\$89,100 |

II. FIX UP GRANT ELIGIBLE REPAIRS:

Please check all items that apply to your project:

- | | |
|--|--|
| <input type="checkbox"/> Roof repairs | <input type="checkbox"/> Rain gutters |
| <input type="checkbox"/> Exterior painting | <input type="checkbox"/> Porch repairs |
| <input type="checkbox"/> Stucco repairs | <input type="checkbox"/> Landscaping |
| <input type="checkbox"/> Exterior doors | <input type="checkbox"/> Garage door |
| <input type="checkbox"/> Windows | <input type="checkbox"/> Fence |
| <input type="checkbox"/> Exterior lighting | <input type="checkbox"/> Handrails |

NOTE: All repairs must comply with all applicable codes and standards. Please contact the City’s Building and Safety Division at (323) 722-4805, ext. 2290 to verify whether your project will require permits. Should your project require permits, it will be necessary for you to obtain proper permits for them. **Funds will not be released until proper permits are obtained.**

I certify that all ownership/tenant and household income information specified above is true and correct.

| | | |
|----------------------------|---------------------------|---------------|
| _____ Owner’s Signature | _____ Print Owner Name | _____ Date |
|----------------------------|---------------------------|---------------|

| | | |
|-----------------------------|-----------------------------|---------------|
| _____ Tenant’s Signature | _____ Print Tenants Name | _____ Date |
|-----------------------------|-----------------------------|---------------|



AGENDA REPORT

MEETING DATE: August 1, 2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ACCEPTING THE WORK PERFORMED BY JUDGE NETTING INC. OF COSTA MESA, CALIFORNIA, UNDER THE CITY OF COMMERCE STANDARD CONTRACT AGREEMENT TO REPLACE THE SAFETY NETTING AT VETERANS MEMORIAL PARK STADIUM

RECOMMENDATION:

That the City Council:

1. Accept the work performed by Judge Netting Inc., as named above as being satisfactory and complete; and
2. Authorize staff to file the "Notice of Completion" for the project with the County Recorder's Office and thirty (30) days thereafter, make the final payment.
3. Approve the Resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

On June 28, 2011, the City Council authorized the City Administrator to award and execute an agreement to the lowest, responsible, and responsive bidder; and directed that a written contract be entered into and with said Contractor. The City Council appropriated \$15,700.00 for this project.

The project contract was awarded to Judge Netting Inc. in the amount of \$15,700.00 and executed by the City Administrator as approved by the City Attorney. The project was completed on July 7, 2011.

ANALYSIS:

The newly installed safety netting at Veterans Park has improved the safety of the area as well as the appearance.

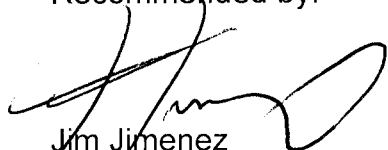
FISCAL IMPACT:

This project was paid out of the approved budget line item 10-8724-80300. This project was completed at the proposed cost of \$15,700.00

RELATIONSHIP TO STRATEGIC GOALS:


This agenda item relates to Strategic Goal #1: Develop Citywide Plan to enhance and maintain the City of Commerce environment and infrastructure to create livability and quality of life for those who life, work and play in the community.

Recommended by:



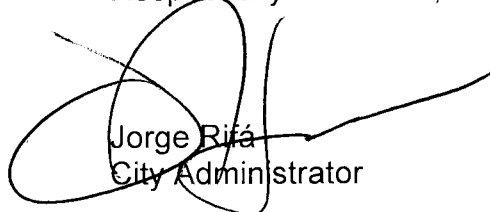
Jim Jimenez
Director of Parks and Recreation

Fiscal Impact reviewed by:



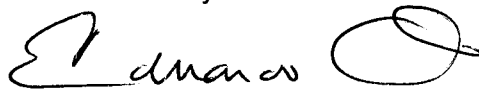
Vilko Domic
Director of Finance

Respectfully submitted,



Jorge Rifa
City Administrator

Reviewed by:



Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ACCEPTING THE WORK PERFORMED BY JUDGE NETTING INC. OF COSTA MESA, CALIFORNIA, UNDER THE CITY OF COMMERCE STANDARD CONTRACT AGREEMENT TO REPLACE THE SAFETY NETTING AT VETERANS MEMORIAL PARK STADIUM

WHEREAS, on April 5, 2011, the City Council authorized the City Administrator to award and execute an agreement to the lowest, responsible and responsive bidder for the Replacement of the Safety Netting at Veterans Memorial Park Stadium Project; and

WHEREAS, the City Council appropriated \$15,700.00 to Judge Netting Inc. of Costa Mesa, California in the amount of \$15,700.00; and

WHEREAS, the work was completed on by July 07, 2011 and performed in accordance with the project plans and specifications;

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

Section 1: That the work performed by Judge Netting Inc. of Costa Mesa, California is accepted as being satisfactory and complete; and

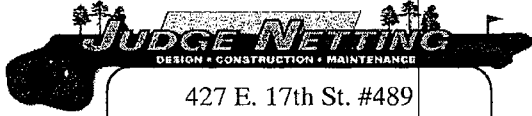
Section 2: That staff is authorized to file the "Notice of Completion" with the Los Angeles County Registrar Recorder/County Clerk's Office and thirty (30) days thereafter, make the final payment.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2011

Joe Aguilar, Mayor

Attest:

Linda Kay Olivieri, MMC
City Clerk



427 E. 17th St. #489
Costa Mesa, CA. 92627

Final Invoice

| | |
|-----------|-----------|
| Date | Invoice # |
| 7/22/2011 | 11077-01F |

City of Commerce
Attn: Frank Garcia
2535 Commerce Way
Commerce, CA 90040

Job Address:
Veterans Memorial Park
6364 Zindell Ave.
Commerce, CA 90040

| | | |
|---------------|--------|------------|
| P.O. | Terms | Job Number |
| City.Contract | Net 30 | 11-077 |

| Description | Contract Price | Amount |
|--|--|-----------|
| Replace all netting on the existing poles at the Veterans Memorial Park Sports Complex in Commerce, CA. Replacement netting will NOT be cut on the square. Price includes Prevailing Wage Work is 100% Complete | 15,700.00 | 15,700.00 |
| Thank you for your business. Your prompt payment is sincerely appreciated. Karlene Schuler, A/R | Payments/Credits \$0.00 | |
| | Balance Due Current Invoice \$15,700.00 | |

| | |
|--------------|--------------|
| Phone # | Fax # |
| 714-265-2200 | 714-265-2400 |

CONDITIONAL WAIVER AND RELEASE UPON FINAL PAYMENT

(Civil Code Section 3262(d)(1))

Upon receipt by the undersigned of a check from City of Commerce in the sum of \$15,700.00 payable to Judge Netting, Inc. and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice, or bond right the undersigned has on the job of City of Commerce located at Veterans Memorial Park Sports Complex, 6364 Zindell Ave., Commerce, California 90040

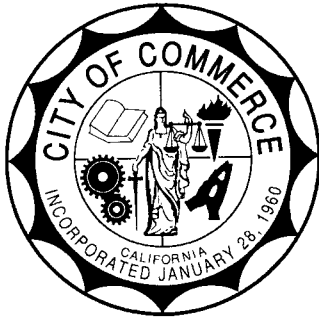
This release covers the final payment to the undersigned for all labor, services, equipment or material furnished on the job, except for disputed claims for additional work in the amount of \$00.0 (zero). Before any recipient of this document relies on it, the party should verify evidence of payment to the undersigned.

DATED: 7/22/2011

Judge Netting, Inc.


(Sign)

By: Karlene Schuler, Office Manager
(Print Name) (Title)



AGENDA REPORT

Meeting Date: August 1, 2011

TO: Honorable City Council

FROM: City Administrator

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PARTICIPATION GOALS FOR FEDERAL FISCAL YEAR (FFY) 2009-2010 THROUGH 2011-2012, FOR SUBMISSION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA)

RECOMMENDATION:

Move to approve and adopt the Resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The City of Commerce Transit is required to develop and submit a Triennial Goal for DBE participation on U.S. Department of Transportation Federal Transit Administration assisted contracts, as a condition of federal financial assistance, pursuant to recently revised regulations set forth under Title 49 CFR Part 26; participation by Disadvantaged Business Enterprises in City of Commerce Programs. In accordance with these DBE regulations, the City of Commerce has established the DBE Goal starting Federal Fiscal Year 2010, to ensure full compliance with relevant regulatory requirements.

The Established Overall DBE Goal of 6.4% for starting FFY 2009-2010, DOT- (FTA) assisted contracts addresses critical components and fulfills specific requirements for narrow tailoring in accordance with Title 49 CFR Part 26. Commerce's Established DBE Goal was developed utilizing the federal prescribed two-step goal setting methodology. Step I included establishing a Base Figure utilizing quantifiable evidence to determine the relative availability of DBEs within specified industries identified as a part of the Agency's DOT- (FTA) assisted contracting projects anticipated to be awarded by the City of Commerce within FFY 2012. The City utilized the Caltrans Calcet Directory of Certified DBE firms and the 2001 U.S. Census Bureau County Business Patterns database to complete this step.

Upon establishing the Base Figure, the Agency surveyed and assessed other known relevant evidence to determine what additional adjustments, if any, were needed to narrowly tailor the Base Figure to the City's market area. Factors considered in the adjustment of the Base Figure included the historical and current capacity of DBEs measured by actual attainments on similar projects. Following the Council's approval of Established Overall Triennial Goal starting FFY 2009-2010, staff will submit to FTA for their final review.

The Established Overall DBE Goal starting Federal Fiscal Year 2009-2010 will be updated triennially, to maintain relevancy to local market conditions and factors impacting DBE availability.

ANALYSIS:

The City is required to give public notice and provide a 45-day public comment period prior to Caltrans' final approval of the City's DBE program goals. The 45-day public comment period commences with publication of the public notice of the program goals, and is required before the program goals are submitted to Caltrans for final approval.

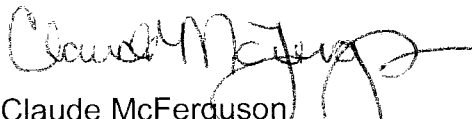
The 45-day public comment period for the City's DBE Program participation goals shall commence August 2, 2011. The required public comment period shall be properly noticed and published in a local newspaper of general circulation, the Commerce Comet published by Eastern Group Publications and Passenger Transport published by the American Public Transportation Association.

The Disadvantaged Business Enterprise Program will be available to be implemented for all future federally funded projects that the City of Commerce undertakes.

FISCAL IMPACT:

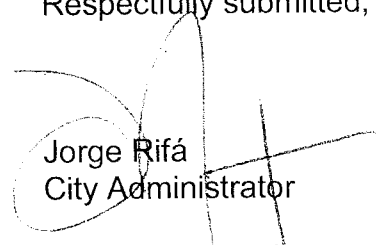
This activity can be carried out without additional impact on the current operating budget. The total cost to run both 45-day public notices is approximately \$700.00 and shall be paid out of Transportation's General Advertising Account (57-8330-54082).

Recommended by:


Claude McFerguson
Acting Director of Transportation


Robert Zarrilli
Director Community Development

Respectfully submitted,


Jorge Rifá
City Administrator

Budget Impact Review by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

**CITY OF COMMERCE PROPOSED FEDERAL
TRANSIT ADMINISTRATION TRIENNIAL DBE GOAL**

I. Executive Summary:

The City of Commerce submits this Triennial goal and methodology to the Federal Transit Administration (FTA) pursuant to 49 Code of Federal Regulation (CFR) section 26.45 for federally assisted highway contracts. For the current Triennial period, the City of Commerce has established an overall Disadvantaged Business Enterprise (DBE) Program goal of 6.4 percent, without any Step Two adjustments. This overall goal is expected to be achieved through 2.5 percent race-neutral and 3.9 percent race-conscious measures.

II. Goal-Setting Methodology – Section 26.45:

The City of Commerce followed a two-step process for setting its overall DBE goal.

- Step One describes the calculation of a base figure for the relative availability of DBEs.
- Step Two is the examination of all evidence available to determine if an adjustment to the base figure is needed to arrive at the overall goal.

A. Step One Base Figure – Section 26.45 (c)

Capital Improvement Projects:

| WORK CATEGORY | NAICS WORK CODES | ESTIMATED DOLLAR VALUE | FEDERAL FUNDING |
|--|----------------------------|------------------------|--------------------|
| Garfield Avenue Street Rehabilitation Project (Telegraph Rd to Malt Ave) | 237310 541330 541380 | \$400,000 | \$122,000 |
| Washington Boulevard Road Widening and Reconstruction Project | 237310 541330 541380 | \$32,000,000 | \$2,702,000 |
| Sheila Street and Commerce Way Rehabilitation Project | 237310 541330 541380 | \$600,000 | \$490,000 |
| Garfield Avenue at Slauson Avenue Intersection Project | 237310 541330 541380 | \$570,000 | \$475,000 |
| Washington Blvd. Median Improvement (HSIP Grant) | 237310 541330 541380 | \$353,100 | \$254,100 |
| Garfield Avenue Street Improvements (Gage Ave to Ferguson Dr) | 237310 541330 541380 | \$600,000 | \$499,915 |
| TOTALS | | \$34,523,100 | \$4,543,015 |

The following represents the City of Commerce Projected federally funded contract and expenditures by NAICS code for the Triennial period.

| NAICS WORK CODE | NAICS DESCRIPTION | ESTIMATED DOLLAR VALUE | % OF FEDERAL FUNDING BY WORK CATEGORY | WEIGHT BY NAICS WORK CODE |
|-----------------|--|------------------------|---------------------------------------|---------------------------|
| 237310 | Highway, Street, and Bridge Construction | \$4,088,713 | 90.00% | 0.900 |
| 541330 | Engineering Services | \$369,302 | 8.13% | 0.081 |
| 541380 | Testing Laboratories | \$85,000 | 1.87% | 0.019 |
| TOTAL | | \$4,543,015 | 100.0% | 1.000 |

DBE Firms (Numerator Calculations):

The next step in the calculation is to determine the total number of DBE's in our market area willing to perform work by each NAICS work category. We looked up the related work code on the California Unified Certification Program (CUCP) website <http://www.dot.ca.gov/ucp/GetLicenseForm.do> using the following query criteria. The number of DBE firms that we're able to perform these projects per NAICS work category are as follows:

NAICS Category: 23 Construction

NAICS Work Category: 237310 Highway, Street, and Bridge Construction

County: Los Angeles, Orange, Riverside, San Bernardino

Licenses: C08 Concrete Contractors, C10 Electrical Contractor, C12 Earthwork and Paving Contractor, C27 Landscaping Contractor, C31 Construction Zone Traffic Control Contractor, C32 Parking and Highway Improvement Contractor, D42 Sign Installation, D63 Construction Cleanup

Firm Type: DBE

The search returned 38 records of DBE's available to do work in this NAICS work category. After, we checked the list to select those located within the Market Area counties, we found 19 companies within our market area.

NAICS Category: 54 Professional, Scientific, and Technical Services

NAICS Work Category: 541330 Engineering Services

County: Los Angeles, Orange, Riverside, San Bernardino

Licenses: EC Civil Engineer

Firm Type: DBE

The search returned 163 records of DBE's available to do work in this NAICS work category. After, we checked the list to select those located within the Market Area counties, we found 85 companies within our market area.

NAICS Category: 54 Professional, Scientific, and Technical Services

NAICS Work Category: 541380 Testing Laboratories

County: Los Angeles, Orange, Riverside, San Bernardino

Work Codes: C8761 Geophysics, C8780 Engineering – Geotechnical, C8836 Geology, I8734 Laboratory Testing and Analysis

Firm Type: DBE

The search returned 44 records of DBE's available to do work in this NAICS work category. After, we checked the list to select those located within the Market Area counties, we found 23 companies within our market area.

Total Number of Firms (Denominator Calculations):

For the NAICS Work Categories identified for the Numerator, we identified the **total firms** by NAICS work category in the same market area (Los Angeles, Orange, Riverside, and San Bernardino Counties) that are willing to perform this work. The information was found by going to the following website <http://censtats.census.gov/cbpnaic/cbpnaic.html> . From here, we obtained a detailed number of companies by Counties in California, by adding up the total of firms by County for the four Counties in our market area. The following is a table with summary information for the NAICS Codes showing the companies by County and total for each NAICS work code.

| NAICS Work Code | Los Angeles | Orange | Riverside | San Bernardino | Total Companies for NAICS Work Code |
|-----------------|-------------|--------|-----------|----------------|-------------------------------------|
| 237310 | 103 | 70 | 51 | 57 | 281 |
| 541330 | 1,534 | 1,139 | 264 | 248 | 3,185 |
| 541380 | 177 | 120 | 30 | 30 | 357 |

From previous calculations, the following is a summary table showing the DBE firms (numerator), total firms (denominator), and % of total contract funding in the NAICS work category (weight).

| NAICS Work Code | No. of DBE Firms | Market Area Total Firms | % of Total Contract Funding by NAICS (weight) |
|-----------------|------------------|-------------------------|---|
| 237310 | 19 | 281 | 0.900 |
| 541330 | 85 | 3,185 | 0.081 |
| 541380 | 23 | 357 | 0.019 |

AADPL Calculation:

$$\text{AADPL (Base Figure)} = \left(\frac{\text{No. of DBE's in 237310}}{\text{No. of all firms in 237310}} \times \text{Weight} \right) +$$

$$\left(\frac{\text{No. of DBE's in 541330}}{\text{No. of all firms in 541330}} \times \text{Weight} \right) + \left(\frac{\text{No. of DBE's in 541380}}{\text{No. of all firms in 541380}} \times \text{Weight} \right) \times 100$$

$$\text{AADPL (Base Figure)} = \left(\frac{19 \times 0.900}{281} + \frac{85 \times 0.081}{3,185} + \frac{23 \times 0.019}{357} \right) \times 100 = 6.4$$

AADPL= 6.4%

Race Conscious Portion of AADPL (Using UDBE's):

To determine the total number of UDBE's in our Agency market area that are willing to perform the identified NAICS coded work types, we identified those DBE's that are : African Americans, Native Americans, Asian Pacific Islanders, and all Women owned business per NAICS work code. The following is a table showing the number of UDBE firms, number of total firms, and work category weights.

| NAICS Work Code | No. of UDBE Firms | Market Area Total Firms | % of Total Contract Funding by NAICS (weight) |
|-----------------|-------------------|-------------------------|---|
| 237310 | 10 | 281 | 0.900 |
| 541330 | 54 | 3,185 | 0.081 |
| 541380 | 11 | 357 | 0.019 |

$$RC\ AADPL\ (Base\ Figure) = \left(\left(\frac{No.\ of\ UDBE's\ in\ 237310}{No.\ of\ all\ firms\ in\ 237310} \times Weight \right) + \right.$$

$$\left. \left(\frac{No.\ of\ UDBE's\ in\ 541330}{No.\ of\ all\ firms\ in\ 541330} \times Weight \right) + \left(\frac{No.\ of\ UDBE's\ in\ 541380}{No.\ of\ all\ firms\ in\ 541380} \times Weight \right) \right) \times 100$$

$$RC\ AADPL\ (Base\ Figure) = \left(\frac{10 \times 0.900}{281} + \frac{54 \times 0.081}{3,185} + \frac{11 \times 0.019}{357} \right) \times 100 = 3.9$$

RC AADPL = 3.9%

Race Neutral portion of the AADPL:

The Race Neutral portion of the AADPL is the overall AADPL minus the Race Conscious portion.

$$RN\ AADPL = AADPL - RC\ AADPL$$

$$RN\ AADPL = 6.4\% - 3.9\% = 2.5\%$$

RN AADPL = 2.5%

B. Step Two Adjustments – Section 26.45 (d)

Upon establishing the Base Figure, the City reviewed and assessed other known relevant evidence to determine what additional adjustments, if any, were needed to narrowly tailor the Base Figure to the City's marketplace. Factors considered in determining the City DBE participating that can be expected, absent discrimination included the following:

1. Current Capacity of DBEs Measured by Actual Attainments from FFYs 2004/2005 to 2010/2011:

| Project | Fiscal Year* | \$ Total Contract Amount | \$ Paid to DBE Firms | DBE Goal Attainment |
|---|--------------|--------------------------|----------------------|---------------------|
| Citywide Pedestrian Safety Program | 2004/2005 | \$242,338 | \$0 | 0.00% |
| Slauson Avenue Improvements | 2004/2005 | \$393,430 | \$32,072 | 8.15% |
| Washington Boulevard Rehabilitation Project | 2009/2010 | \$495,760 | \$0 | 0.00% |
| Garfield-Slauson Intersection Improvements | 2009/2010 | \$516,847 | \$39,955 | 7.73% |
| CNG Fueling Station | 2010/2011 | \$3,197,305 | \$13,200 | 0.41% |
| TOTAL | | \$4,845,680 | \$85,227 | 1.76% |

*Note: There were no federal projects for the City from FFYs 2006/2007 to 2007/2008.

2. Evidence from Disparity Study:

The City of Commerce has not conducted any Disparity study in Transportation Industry.

3. Other Agencies DBE Goal in the Area:

The City of Commerce found their DBE Goal comparable with other Agencies in the area which ranges from 3-13%.

4. Resultant Goal Adjustment:

Based on the available information, no adjustment was utilized. The City of Commerce AADPL = 6.4%.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING THE ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM PARTICIPATION GOALS FOR FEDERAL FISCAL YEAR (FFY) 2009-2010 THROUGH 2011-2012, FOR SUBMISSION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA)

WHEREAS, local agencies applying for Federal funds shall comply with all the elements of Title 49, Part 26 of the Code of Federal Regulations (CFR) entitled Participation by Disadvantaged Enterprises in Department of Transportation Financial Assistance Programs;

WHEREAS, the State of California Department of Transportation (Caltrans) will monitor local agencies' procedures to assure compliance with the Title VI and Title VIII of the Civil Rights Act of 1964 and 1968, respectively;

WHEREAS, the City of Commerce receives Federal financial assistance from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA);

WHEREAS, the adoption and implementation of a Disadvantaged Business Enterprise (DBE) Program is required before submission of a Request of Authorization to proceed with a Federal-aid Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVED AND ORDER AS FOLLOWS:

Section I: The City of Commerce Disadvantaged Business Enterprise (DBE) Program Participation Goals for Federal Fiscal Year 2009-2010 through 2011-2012 is hereby adopted.

Section II: The Community Development Director shall administer the terms of the Program on behalf of the City.

This Resolution shall become effective immediately.

Section III: The City of Commerce's overall goal for the Federal Fiscal Year (FFY) 2009-2010 through 2011-2012 is the following: 6.4% of the Federal financial assistance in FHWA and FTA-assisted contracts.

PASSED AND ADOPTED this 1st day of August, 2011.

Joe Aguilar, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

DATE: August 1, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: I-710 CORRIDOR PROJECT – CITY COUNCIL RECOMMENDATION TO METROPOLITAN TRANSPORTATION AUTHORITY (METRO) ON ALTERNATIVE OPTION(S) TO BE STUDIED IN THE ENVIRONMENTAL DOCUMENTS (DEIR/DEIS) FOR NORTH END OF SEGMENT 7

RECOMMENDATION:

1. Receive and file a report from the project team including a review of the I-710 Local Advisory Committee (LAC) recommendation on the Alternative M to be studied for the project and;
2. City Council to make a recommendation to Metro on Alternative Option(s) to be studied in the DEIS/DEIR for the North End of Segment 7 to insure that issues and concerns of the Industrial/Business community and residents are addressed.

MOTION:

Approve the recommendation.

BACKGROUND:

The California Department of Transportation (Caltrans) along with other agencies including Metro, Southern California Association of Governments (SCAG), Gateway Cities Council of Governments (COG), the I-5 Consortium Cities Joint Powers Authority, as well as the Ports of Long Beach and Los Angeles and their technical advisory team (Project Team) are currently engaged in the preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed I-710 Corridor Project. Currently the various technical studies and reports necessary for the Draft EIR/EIS are being prepared and the project schedule indicates a delivery target of early 2012 for release of the Draft EIR/EIS for public review and comment. In order for this schedule to be met, it is critical that the City Council provide direction to the Project Team, including Metro, regarding the design (roadway alignment) options for study and analysis in the DEIR/DEIS.

City Council feedback and input is very timely given the level of community and stakeholder participation that has occurred. Throughout all of 2011, the LAC has been meeting on a regular basis both as a group and by participating in various other outreach meetings for the project as shown below:

- Members of the Project Team and City Staff met with the Commerce LAC over a course of six meetings to hear presentations and discuss the proposed geometric refinement options.
- At the LAC Meeting on April 7, 2011, the LAC recommended that Option M be presented to the City Council as their preferred option with several caveats, questions, and suggestions regarding this option.
- In addition to presenting this information through the formal LAC structure, the Project Team and City Staff coordinated several meetings with the broader business community to provide information on the geometric options and obtain comments and questions. These meetings included two broad community

meetings in April and May 2011 and one Focus Group Meeting. City Staff sent invitations to all affected business owners, property owners, and other stakeholders. Turnout at these meetings was consistent and included 20-30 attendees. The comments at these meetings included concerns regarding construction impacts, off-street parking considerations, and questions regarding relocation strategies.

- Throughout all of the outreach efforts, many in the business community have indicated a strong desire to pursue a project alternative that keeps the Washington Boulevard Ramps open and ultimately improves access and enhances mobility for the business community.

ANALYSIS:

The design variations for the north end segment that include the Washington Boulevard interchange were thoroughly reviewed, assessed, and summarized by the Project Team for the LAC and City Staff. These design variations have also been reviewed with Caltrans staff, who have expressed a preference for a design that operates best from a freeway operational perspective.

As indicated previously, the LAC at their meeting of April 7th, 2011, voted to recommend Option M to the City Council as their preferred option for Commerce. This recommendation came with several additional comments and suggestions regarding this alternative. Both the meeting minutes from the April 7th LAC meeting as well as a recommendation summary from that meeting are attached as Exhibit 1. The suggestions and comments provided in the attached documents will be addressed by the Project Team and reported back to City Staff, the LAC and City Council. The LAC recommendation (Option M) provides a basis to proceed with analyzing all the associated environmental impacts for the recommended plan to keep the Washington Boulevard interchange open at its current location. This option also provides the necessary framework to coordinate the design for the Washington Boulevard interchange with Caltrans and BNSF Railway. The recommended option now needs to be further analyzed to assess environmental impacts including noise, air quality and health risks, property impacts, traffic operations, and visual impacts.

While the Commerce LAC voted to recommend Option M to the City Council, the Industrial Council representative stressed that the City should keep its options open as more analysis is done and more information is provided about operational feasibility and impacts.

The Project Team will proceed with the recommendations for the Option design for the North end of Segment 7 from the City (Option M) and report back on the results of these various analyses. These analyses will be incorporated into the DEIR/DEIS planned to be circulated for official public review and comments in early 2012. Additionally, at that time, the City and others can provide comments for the record on the DEIR/DEIS. However, the City can request the Project Team to provide the preliminary findings prior to the circulation of the DEIR/DEIS. The Council can decide to hold public meetings in advance of the formal public meetings to be held for the DEIR/DEIS in early 2012.

Recommendation

Staff recommends proceeding with the LAC recommendation (Option M) as outlined above. This design option provides a basis for further study with the understanding that other options and variations can emerge through the analysis. We also request that the Project Team report back on the environmental impacts, including addressing additional issues, information and comments requested by the LAC as part of their recommendation.

Furthermore staff recommends that City Council (at their discretion) suggest to Metro additional options for study to insure that issues and concerns of the Industrial/Business community and residents are addressed.


FISCAL IMPACT:

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

RELATIONSHIP TO 2009 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council strategic goal to "Protect and Enhance Quality of Life in the City of Commerce". The recommendations contained in this report are intended to insure that Commerce residents are afforded the most efficient and effective opportunity to engage in meaningful public participation on matters concerning their quality of life.

Recommended by:


Bob Zarrilli
Director of Community Development

Respectfully submitted,


Jorge Rifa
City Administrator


Prepared by:


Alex Hamilton
Assistant Director of Community Development

Reviewed by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney



Local Advisory Committee

April 7, 2011 Meeting

GEOMETRIC OPTIONS RECOMMENDATION

The following is a summary of the recommendation made by the Commerce LAC at their meeting on April 7, 2011. In addition, their comments regarding the recommended option are also included.

The group would like to recommend Option M, with the following comments:

- ◆ The group prefers this option because it has fewer residential impacts
- ◆ This option should include a housing relocation strategy, with priority given to relocating residents within Commerce
- ◆ The visual impacts of this option were of concern to the group, the group would like the team to make every effort to minimize visual impacts (walls, grade)
- ◆ LAC Member Jesus Cervantes suggested that the Connor Avenue configuration of Option L, should be incorporated into Option M (if possible) to minimize impacts on businesses.
- ◆ The Group expressed their concern that the Project Team should do outreach to the business community to obtain their feedback
 - The group was concerned regarding the business relocation impacts
- ◆ The group would also like the Project Team to continue communicating with the Rail companies to discuss a possible bridge from Indiana to Bandini to alleviate truck traffic on Washington Blvd.
- ◆ The group had concerns regarding the 5 foot grade impact on Washington Blvd. and would like the Project Team to review options to limit those impacts.
- ◆ The group would also like to see updated traffic numbers when they are available to review demand at key interchanges in Commerce.

The group made the above recommendation and comments, but LAC Member Eddie Tafoya noted that the Business Community was just learning about the details of the options. Esmeralda Garcia of MIG and Jerry Wood of GCCOG suggested that the LAC make their recommendation with the caveat that the Project Team and City continue to seek feedback from the business community. Their input would be incorporated into the LAC recommendation. The group noted they would like to be kept in the loop on the comments/feedback provided from the business community, especially before anything is added to the LAC recommendation.



Local Advisory Committee

City of Commerce

April 7, 2011

6:30-8:30 p.m.

MEETING SUMMARY

SUMMARY

On April 7, 2011 a meeting of the I-710 Commerce Local Advisory Committee (LAC) was held. In attendance was City Manager Jorge Rifa, Assistant Director of Community Development Alex Hamilton and LAC members Joe Aguilar, Bob Eula, Ed Miles, Angelo Logan, Leonard Mendoza, Eddie Tafoya, Libby Stokes, Jonathan Garza, Jesus Cervantes and Mike Alvarado.

Members of the project team in attendance included: Ernesto Chaves (Metro), Danielle Valentino (Metro), Lucy Olmos (Metro), Shannon Willits (URS), Jerry Wood (GCCOG) Esmeralda Garcia (MIG), and Luz Reyes-Martin (MIG). The purpose of the meeting was to review the geometric options and provide feedback to the project team.

INTRODUCTIONS AND RECAP

LAC Chairperson Joe Aguilar called the meeting to order. There was no public comment. Mr. Aguilar requested a recap of the last meeting.

Alex Hamilton of the City of Commerce noted that at the last informal meeting of the LAC there was discussion of the geometric options. Esmeralda Garcia of MIG followed up by explaining that the purpose of this meeting of the LAC was to go over the options and obtain feedback from the group, which can then be transmitted to the City Council. Ms. Garcia recapped some of the issues that were raised during the last informal meeting of the group. These issues included:

- ◆ Benefits and impacts from the proposed Slauson Interchange
- ◆ Concerns about traffic near schools



Metro



- ◆ Enforcement of truck restrictions on certain streets
- ◆ Visual impacts from proposed grading of the proposed improvements
- ◆ Impacts to businesses, outreach to business community
- ◆ Timing and sharing of information regarding the project
- ◆ Impacts to residential areas and the concerns of homeowners and renters
- ◆ Access from the freight corridor to the rail yard

Ms. Garcia referred the group to the Draft Meeting Summary that highlighted some of the group discussion. Ms. Garcia noted that group discussion at the last meeting indicated that the LAC might need more time to develop a recommendation (on the geometrics options) to present to the Commerce City Council. The project team noted their willingness to schedule any additional meetings that might be needed for the group to continue their discussion prior to any Council recommendation. Ms. Garcia asked if the group had any questions on the Draft Meeting Summary or the recap from the previous meeting. Comments from the group included

- ◆ LAC Member Angelo Logan wanted to know if there had been discussion on the environmental document as it relates to geometric design in the Bristow neighborhood. He wanted to know if that was part of the discussion at the previous meeting, or for this meeting.
 - Ms. Garcia pointed out that the area he is referring to has already been evaluated and that the options the group is reviewing at this time are the specifics that are different from the base option. However, she noted that they are still welcome to make comments or express their concerns on those issues.
 - LAC Member Bob Eula added that even though those issues have already been evaluated, the group should still express any concerns they might have.
 - LAC Member Leonard Mendoza also noted that the residents on Sydney Drive are still very concerned about the project, especially the homeowners.
 - LAC Member Jesus Cervantes added that the homeowners on Sydney will be affected, but he thinks that is the best option for the project given the industrial uses there and the age of homes in that area. He also noted that many of these residents want to stay in Commerce and should be relocated in Commerce if possible.
- ◆ Mr. Eula wanted to remind the group that the possibility of a bridge from Indiana to Bandini can be essential in keeping trucks off of Washington Blvd.
 - Jerry Wood of GCCOG commented that this idea has been considered by the rail companies and the Project Team can continue to communicate with the Rail companies to find out what their plans entail.
- ◆ Mr. Mendoza asked if the traffic study that was conducted to assess the feasibility of a new connection from the I-710 North to I-5 North warrants this new connector. He asked what the traffic numbers showed.

- Mr. Wood responded that the traffic study done by Caltrans should be ready to share soon. He is pretty sure that there is traffic demand on that interchange to warrant the proposed work.
- ◆ LAC Member Ed Miles asked if there had been progress on drafting a letter to the railroad companies asking them to be involved in the process and to provide feedback.
 - Alex Hamilton of Commerce responded that the City was still working on the letter and that he wasn't sure if there had been any communication between the rail companies and the project team.
 - Ernesto Chaves of Metro added that the Project Team has met with the railroad companies and they have provided input on the proposed alternatives. However, when pressed about their future plans, they have expressed to the Project Team that they should assume no changes.
 - Mr. Wood added that it would be very important for the Project Team and City of Commerce to continue to press the railroad companies to provide more information on any future plans because they could have significant impacts on a chosen geometric option in the Commerce area.
 - LAC Member Angelo Logan asked if BNSF was part of the Industrial Council in Commerce?
 - LAC Member Eddie Tafoya responded that Trini Jimenez represents BNSF on the Industrial Council and that the rail companies also participate on the Board of Directors.
 - LAC Member Bob Eula commented that another option would be to obtain sponsorship for a bridge project, perhaps the City could enlist the support of Warren Buffett.
 - Jorge Rifa of Commerce commented to the group that all of their feedback was important to bring to the Council and that all ideas should be considered.

NORTH END GEOMETRICS DISCUSSION

Following the recap of the previous meeting discussion, Ms. Garcia focused the group on the geometric options and asked the group to provide any comments and feedback.

- ◆ LAC Member Angelo Logan commented that there appeared to be discussion around features and potential changes to geometrics Option M. These comments surrounded a possible bridge among other things. He asked what the process would be to have those changes reflected in the geometrics.
 - Ms. Garcia responded that that feedback could be presented to the Council, but that there are some limitations in redoing the geometrics.
- ◆ LAC Member Angelo Logan suggested that the team study a possible bridge, and moving it farther West, away from the residential area. This would also help move traffic away Washington Blvd.

Ms. Garcia reminded the group that previous letters from the LAC noted that residential impacts were a major concern to the group. She suggested that this be a starting point for discussion.

- ◆ LAC Member Bob Eula agreed that he did not want to see the community disappear. He added that residential impacts are very important.
- ◆ LAC Member Mike Alvarado agreed that the group should attempt to minimize residential impacts as a result of this project. However, he also noted that if the City chose an option that had significant residential impacts (Option J and K), it would have to have a housing program to go along with it that would relocate residents within Commerce.
 - Jorge Rifa of Commerce commented that the City would need to know exactly how many units would need to be found to relocate those residents. He noted that this was a very difficult proposition because the City is mostly industrial and remediation of industrial land for housing would be a lengthy and complicated process. In addition, the compatibility of uses would be difficult if the City had to add Housing to an existing Industrial area.
 - LAC Member Mike Alvarado commented that hearing those concerns from the City makes him feel that the group should not consider Option J and K.
- ◆ Ms. Garcia reminded the group that Option J and K had the most significant residential impacts, with 90+ affected units.
- ◆ LAC Member Jesus Cervantes commented that he agreed the impacts to existing residential communities would be too great, especially for residents that are on a fixed income or that depend on rental income in that area.
- ◆ LAC Member Mike Alvarado asked if a survey had been done of that neighborhood to find out what the residents think?
 - LAC Member Bob Eula responded that a few years ago there was a survey done. He noted in that survey, homeowners wanted to stay and renters were more willing to move.
 - Mr. Wood also noted that once an option is selected, there will be more detailed studies done as part of the relocation strategy conducted under the EIR/EIS.
- ◆ LAC Member Angelo Logan also added that the residents in the affected neighborhoods want to be relocated within Commerce if they need to move, but because of the uncertainty of that being a feasible option, they are less willing to agree to an option that would require relocation.
- ◆ LAC Member Leonard Mendoza agreed that without a Housing Program that would relocate affected residents within Commerce, it was difficult to obtain support for an option with significant residential area. He also added that if the group supported an option that minimized residential impacts, would the City be able to relocate 3 Acres of residents versus 8 Acres of residents?

- Alex Hamilton of Commerce responded that relocation was a Caltrans responsibility and not the responsibility of a local city. However, he did add that the City could provide information to Caltrans on areas that could potentially be used for housing within the City.
- LAC Member Leonard Mendoza noted that it would be easier to obtain community support if the residents are able to relocate within Commerce.
- ◆ Alex Hamilton of Commerce asked how far the relocation strategy goes in the EIR/EIS? Would the Caltrans relocation strategy include details on potential receiving sites for affected residents?
 - Mr. Wood responded that the study would probably need to drill down deeper for Commerce residents, but would not identify specific sites. The study would address how likely it is to relocate residents into comparable housing.
- ◆ LAC Member Angelo Logan asked the group if there were any options that have already emerged as preferred options, rather than going through each option individually? He noted that he preferred Option M.
 - LAC Member Jonathan Garza added that it was clear that the residential impacts in Option J and K were too great for the group to support, and he also supported Option M.
 - LAC Member Leonard Mendoza added that he also supported Option M.
 - LAC Member Mike Alvarado added that without a Housing Program that would relocate affected residents within Commerce, he also supported Option M.
- ◆ LAC Member Jonathan Garza asked the group if Option J or K would be more amenable to the group if there was a Housing Program associated with it.
 - LAC Member Angelo Logan responded that he thought that might garner more support from the Community for either of those options, but stressed the uncertainty of a commitment to a housing program. He noted that he thought it would also not be a realistic option, especially for residents who outright own their homes and depend on rental income.
- ◆ Mr. Wood noted that Caltrans had to place relocated residents in comparable housing and could not place them in a housing situation that they would not be able to afford.
 - LAC Member Mike Alvarado asked if the homes would be taken by eminent domain?
 - Mr. Wood responded that eminent domain would only be used as a last resort, Caltrans works to ensure that all residents are willing sellers.
- ◆ LAC Member Eddie Tafoya asked what the 5 foot grade comment on the wallgraphic was in reference to and if that affected business.
 - Ms. Garcia responded that the comment came up in reference to a possible impact to businesses.

- LAC Member Angelo Logan added that the group acknowledged that businesses were concerned with proposed changes on Washington Blvd. and that the addition of a 5 foot grade would further create impacts for businesses.

Ms. Garcia noted that most of the group seemed to favor Option M, but that the group would be willing to consider Option J and K if there was a guarantee regarding a potential housing program.

- ◆ LAC Member Ed Miles asked what the timeline would be in evaluating the changes at Washington Blvd. and construction impacts.
 - Shannon Willits of URS estimated that the construction period would be 5-6 years.
- ◆ LAC Member Ed Miles also expressed his concern regarding construction staging sites that would also impact the City.
 - Mr. Wood responded that there weren't a great deal of potential areas for staging, so that would be a consideration.
- ◆ LAC Member Jesus Cervantes asked if it would be possible to incorporate the configuration at Connor Avenue presented in Option L into Option M.
- ◆ LAC Member Leonard Mendoza expressed his concern about wall heights for any additional walls that would be constructed.
 - Mr. Wood noted that later the group could receive information on visual impacts and methods of softening any needed walls.
- ◆ LAC Member Angelo Logan expressed to the group that they should not be overly concerned with the cost associated with any of the options because the City is bearing the brunt of the impact. The bigger consideration would be protecting residents and businesses.
- ◆ LAC Member Ed Miles commented that outreach to the business community would be important in obtaining support and that the project team needed to work with the businesses to address some of their concerns, especially with possible relocation.

The group recommended Option M, with the following comments:

- ◆ The group prefers this option because it has fewer residential impacts
- ◆ This option should include a housing relocation strategy, with priority given to relocating residents within Commerce
- ◆ The visual impacts of this option were of concern to the group, the group would like the team to make every effort to minimize visual impacts (walls, wall heights, grade)
- ◆ LAC Member Jesus Cervantes suggested that the Connor Avenue configuration of Option L, be incorporated into Option M (if possible) to minimize impacts on businesses.
- ◆ The Group expressed their concern that the Project Team should do outreach to the business community to obtain their feedback.

- The group was concerned regarding the business relocation impacts.
- ◆ The group would also like the Project Team to continue communicating with the Rail companies to discuss a possible bridge from Indiana to Bandini to alleviate truck traffic on Washington Blvd.
- ◆ The group had concerns regarding the 5 foot grade impact on Washington Blvd. and would like the Project Team to review options to limit those impacts.
- ◆ The group would also like to see updated traffic numbers when they are available to review demand at key interchanges in Commerce.

The group made the above recommendation and comments, but LAC Member Eddie Tafoya noted that the Business Community was just learning about the details of the options. Esmeralda Garcia of MIG and Jerry Wood of GCCOG suggested that the LAC make their recommendation with the caveat that the Project Team and City continue to seek feedback from the business community. Their input would be incorporated into the LAC recommendation. The group noted they would like to be kept in the loop on the comments/feedback provided from the business community, especially before any other feedback is added to the LAC recommendation.

COMMITTEE APPOINTMENTS

The LAC made the following appointments to I-710 project committees:

- ◆ **CAC:** Bob Eula, Leonard Mendoza (Alternate)
- ◆ **TSWG:** Mike Alvarado, Jesus Cervantes (Alternate)
- ◆ **CSWG:** Leonard Mendoza, Jonathan Garza (Alternate)
- ◆ **ESWG:** Angelo Logan

NEXT STEPS

Ms. Garcia wrapped up the meeting and noted the following follow-up items:

- ◆ The City of Commerce will continue to work on a letter to the railroad companies and will send that out as soon as possible.
- ◆ The Project Team will look at the recommendations from tonight and come back to the group with some feedback on how these ideas could be integrated into the geometrics.
- ◆ LAC Member Angelo Logan mentioned that he has heard of a Green Construction Equipment Policy at Metro. He would like either a presentation or more information on this policy and how it might be implemented with this project.

Alex Hamilton of Commerce noted to the group that the City Council approved some changes to the LAC structure at their last meeting. These changes included:

- ◆ Added 2 new at-large positions, the requirements for an at-large position is that the person
 - Reside or work in Commerce

- ◆ Also, the Planning Commission and Traffic Commission can designate their own alternate to the LAC.

Mr. Hamilton noted that Xochitl was appointed as one of the at-large appointments and Norma Macias was also recommended as an at-large appointment.

The meeting was adjourned at 8:35 p.m.



AGENDA REPORT

MEETING DATE: August 1, 2011

TO: Honorable City Council
FROM: City Administrator
SUBJECT: Digital Electronic Sign Displays

RECOMMENDATION:

At the request of Councilmember Robles, the **City Council** will consider scheduling a workshop on digital electronic sign displays, and take appropriate action with respect to digital sign displays in the community.

MOTION:

City Council discretion.

BACKGROUND:

The City Council has received a proposal from Clear Channel Outdoor. Councilmember Robles is requesting that Council convene a workshop on electronic displays and that staff coordinate and schedule a workshop for Council to discuss and give direction on electronic billboards.

FISCAL IMPACT:

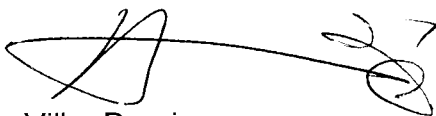
This activity can be carried out without additional impact on the current operating budget.

Respectfully submitted,



Jorge J. Rifa
City Administrator

Fiscal impact reviewed by:

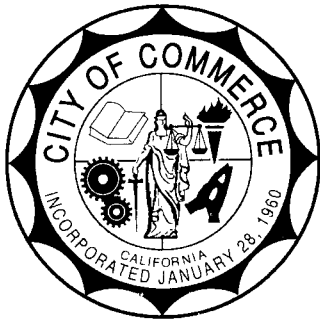


Vilko Domic
Director of Finance

Reviewed as to form:



Eduardo Olivo
City Attorney



AGENDA REPORT

DATE: August 1, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: UPCOMING CITY COUNCIL CODE ENFORCEMENT WORKSHOP

RECOMMENDATION:

Receive and file a report from staff regarding the upcoming Code Enforcement Workshop.

MOTION:

Approve the recommendation.

BACKGROUND/ANALYSIS:

At the City Council's request a workshop has been set up with Community Development Code Enforcement staff to review and discuss the Code Enforcement program on August 3, 2011 at 1:30 p.m. Mr. Ken Dapeer who serves as outside counsel to the City as the Prosecuting attorney will also be present to review the tools available to the City in carrying out the code enforcement duties and responsibilities.

Staff will be soliciting feedback and input from the Council as it relates to their values and priorities for the community of this important function.

FISCAL IMPACT:

There is no fiscal impact associated with this request for support. There are current budgeted staff resources to participate in the activities outlined above.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

The issue before the Council is applicable to the following Council strategic goal to "Protect and Enhance Quality of Life in the City of Commerce". The workshop will allow for the City Council to share with staff their values and priorities for the community as it relates to this function.

Recommended by:

Bob Zarrilli
Director of Community Development

Respectfully submitted,

Jorge Rifa
City Administrator

Prepared by:

Alex Hamilton
Assistant Director of Community Development

Reviewed by:

Vilko Domic
Director of Finance

Approved as to Form:

Eduardo Olivo
City Attorney



AGENDA REPORT

MEETING DATE: August 1, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AWARD OF CASH CONTRACT NO. 1102 – STREET SWEEPING SERVICES AND OTHER MATTERS RELATED THERETO

RECOMMENDATION:

City Council discretion.

MOTION:

Move to approve City Council decision.

BACKGROUND:

At its meeting of September 21, 2010, the City Council approved the Request for Proposal for Street Sweeping Services and authorized staff to advertise for proposals.

At its meeting of November 16, 2010, the City Council rejected all bids received and directed staff to provide additional information regarding street sweeping services in other communities, especially with regards to the following items:

1. Term (or length) of Contract
2. Pricing Strategy (automatic annual escalator or fixed pricing)
3. Approval authority (City Administrator or City Council)
4. Public Works Contract Clarification

At its meeting of February 15, 2011, the City Council received staff findings and recommendations with regards to the aforementioned items. The City Council then directed staff to revise the Street Sweeping Request for Proposal in the following manner:

1. Term of Contract – 3 year contract with a 2-year option
2. Pricing Strategy – Contractor will be allowed to request annual CPI adjustment
3. Authority – City Council to approve annual request for CPI adjustment
4. Public Works Contract Clarification – use LA County Public Works evaluation criteria as part of the RFP evaluation process.

The City Council also approved the following criteria for the evaluation of the proposals by a three member committee:

- Proposed Fee/Price..... 50 points
- References..... 15 points
- Experience..... 10 points
- Financial Resources..... 5 points
- Work Plan..... 10 points
- Equipment 5 points
- Record Keeping..... 5 points
- Total..... 100 points

The above scoring system is also used by L. A. County Public Works Department.

At its meeting of April 5, 2011, the City Council approved the Request for Proposals for Street Sweeping and authorized staff to advertise and issuance the Notice Inviting Bids/Proposals. The RFP was advertised appropriately and in accordance with existing regulations. The RFP included the evaluation criteria approved by the City Council, but advised that it was not exclusive and that the City reserved the right to apply additional evaluation criteria. A mandatory pre-bid meeting was held on Thursday May 5, 2011 in the City Hall North Conference Room at 10:00 a.m.

On June 2, 2011 at 10:00 a.m., the City Clerk received and opened all bids/proposals. The following six (6) proposals were received:

| | |
|---|--------------|
| 1. R.F. Dickson Co., Inc. of Downey | \$ 88,504.00 |
| 2. Webco Sweeping LB LLC of Long Beach | \$ 93,015.20 |
| 3. Nationwide Environmental Services of Norwalk | \$121,206.24 |
| 4. Athens Services of City of Industry | \$124,349.00 |
| 5. CleanStreet of Gardena | \$126,230.16 |
| 6. DeAngelo Brothers, Inc., of Ontario | \$359,580.00 |

ANALYSIS:

A. Bidder Evaluations and Scores

As approved in the RFP, staff assembled a three-member evaluation committee to evaluate all proposals. The following participants were part of the committee: 1) Robert Ashworth, Integrated Waste Supervisor for the City of Glendale (supervises the in-house street sweeping operation for Glendale), 2) Gina Nila, Environmental Services Manager for the City of Commerce and 3) Danilo Batson, Assistant Director of Public Services.

On July 7, 2011, the committee visited all 6 contractors' offices and met with a contractor representative to view first-hand their operation and capacity to successfully perform all work called for in the RFP. The committee ranked and rated each contractor's proposal as follows:

| | AVAILABLE POINTS | RF DICKSON | WEBCO | NATIONWIDE ENV. SERVS | ATHENS SERVICES | CLEAN STREET | DEANGELO BROTHERS |
|----------------------------|------------------|------------|-------|-----------------------|-----------------|--------------|-------------------|
| Proposed Price | 50* | 50 | 47 | 32 | 30 | 21 | 0 |
| References | 15 | 15 | 12 | 15 | 15 | 15 | 10 |
| Experience | 10 | 10 | 7 | 10 | 10 | 10 | 10 |
| Financial Resources | 5 | 5 | 3 | 4 | 3 | 5 | 5 |
| Work Plan | 10 | 8 | 4 | 10 | 10 | 10 | 3 |
| Equipment | 5 | 5 | 3 | 5 | 5 | 5 | 2 |
| Record Keeping | 5 | 5 | 3 | 4 | 5 | 5 | 3 |
| TOTAL SCORE | 50 | 98 | 79 | 80 | 78 | 71 | 33 |

* Score is based on proposed/bid price. $\$88,504/50 = \$1,770.08$ PER POINT

Based on the above scores, the proposals rank as follows:

| | |
|---|----|
| 1. R.F. Dickson Co., Inc. of Downey | 98 |
| 2. Nationwide Environmental Services of Norwalk | 80 |
| 3. Webco Sweeping LB LLC of Long Beach | 79 |
| 4. Athens Services of City of Industry | 77 |
| 5. CleanStreet of Gardena | 71 |
| 6. DeAngelo Brothers, Inc., of Ontario | 33 |

The biggest factor (or weight) is the “proposed price” with 50 out of 100 points (or 50%). RF Dickson submitted the lowest price; consequently, they received all 50 points. The “proposed price” points assigned to all other proposers is based on the lowest submitted price.

RF Dickson has been the City’s street sweeping provider for the majority of years since the City was incorporated. Nationwide Environmental Services provided street sweeping services in Commerce between the years of 2000 and 2005.

Webco Sweeping provides sweeping services to various transportation district facilities, Union Pacific Railroad yards, private shopping centers and business complexes, and since 2009 they have provided sweeping services to LA County in San Pedro.

R.F. Dickson, Nationwide Environmental Services, Athens Services and CleanStreet have years of street sweeping experience, use essentially the same type of street sweepers (Tymco 600) and have parts department at their facilities. They provide contractual street sweeping services to most municipalities that contract for these services in Los Angeles and Orange counties.

DeAngelo Brothers is new to street sweeping services in Southern California, although they provide these services in other states. Their proposal included leasing the street sweepers.

Based on the scoring criteria in the RFP, RF Dickson (98) received the highest possible number of points; followed by Nationwide Environmental Services (80), Webco Sweeping (79) and Athens Services (77).

B. City Council Options

Competitive bidding for public works contracts for “public projects” over \$5000 is required for general law cities. [Public Contracts Code § 20162] Public Contracts Code § 20160 (c) defines a “public project” as including “[s]treet or sewer work except maintenance or repair.” The sweeping of streets is part of the “maintenance” of the streets. The City Attorney has therefore advised that such services are not “public projects” as that term is defined in the Public Contracts Code. The City may nevertheless, as it has done in this case, choose to proceed with some type of request for proposal process.

The evaluation criteria were established by the City Council as part of the RFP. However, the RFP expressly advised that such criteria were not exclusive and that the City reserved the right to apply additional evaluation criteria. Although the City can consider other factors, it would, under normal circumstances, make its decision regarding the award of the contract primarily based on the RFP evaluation criteria. Nevertheless, there has been an unusual development in this case.

On July 19, 2011, the City Council received a public complaint about the sweeping services by the City’s current street sweeping contractor, RF Dickson, who also received the highest amount of points for its bid in response to the RFP. The complaint was made by a major developer and the owner of the Citadel Outlets in the City. The City Council was provided with photographs that appeared to show significant neglect of the street sweeping duties in the subject area on Telegraph Road. The City Council was rightfully disturbed and concerned about the situation. Since then RF Dickson has taken action to correct the problems on Telegraph Road.

Before the most recent complaints, the City has received on average 2 to 3 complaints annually regarding RF Dickson’s street sweeping performance. Although RF Dickson received the highest amount of points, the City Council may consider the most recent complaint as a significant part of its selection criteria. The City Council may decide that it no longer desires to maintain a contract for street sweeping services with a contractor that has failed to properly perform as demonstrated by the complaint. If the City Council chooses

such a path, it may: (1) select the next highest point getter; (2) direct City staff to negotiate an acceptable reduction in the price by the next highest point getter; or (3) proceed to reject all bids and award the contract to one of the other bidders based on additional price negotiations. Alternatively, if the City Council is satisfied that the omissions that were the subject of the complaint were unusual and isolated, the City may proceed to award the contract to RF Dickson or require them to perform under a contract that includes a probationary term (such as 12 months) and/or the right by the City to terminate the contract at will.

FISCAL IMPACT:

During the budget process, \$130,000 was appropriated for street sweeping services in the Community Development Department Maintenance and Operations Budget for Fiscal Year 2011/12. This activity can be carried out at this time without additional impact on the current operating budget, if the City was to select one of the top five (5) proposers:

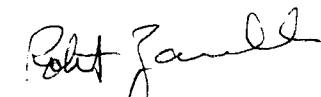
| <u>Proposers (bidders)</u> | <u>Proposed Price</u> | <u>Rating</u> |
|--|-----------------------|---------------|
| R.F. Dickson Co., Inc. of Downey | \$ 88,504.00 | 98 |
| Nationwide Environmental Services of Norwalk | \$121,206.24 | 80 |
| Webco Sweeping LB LLC of Long Beach | \$ 93,015.20 | 79 |
| Athens Services of City of Industry | \$124,349.00 | 77 |
| CleanStreet of Gardena | \$126,230.16 | 71 |

RELATIONSHIP TO 2009 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.”*

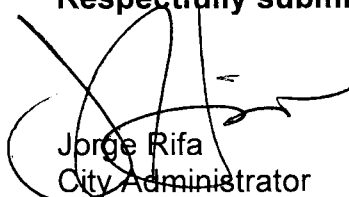
There are no specific objectives connected to this issue. The City's ability to deliver quality street sweeping services with alternative-fuel powered vehicles to the community within the context of the FY 2010/2011 approved budget and available resources is in keeping with the identified 2009 Strategic Goals.

Recommended by:




Robert Zarrilli
Director of Community Development

Respectfully submitted,



Jorge Rifa
City Administrator

Prepared by:



Danilo Batson
Assistant Director of Public Services

Reviewed by:

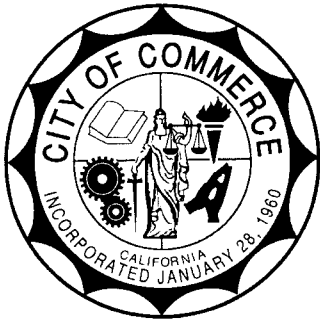


Vilko Domic
Director of Finance

Approved As To Form:



Eduardo Olivo
City Attorney



AGENDA REPORT

Meeting date: August 1, 2011

TO: Honorable City Council

FROM: CITY ADMINISTRATOR

SUBJECT: AMENDMENT TO THE CITY'S 3-TIER RESIDENT CARD PROGRAM AND AMENDMENT TO RESOLUTION 10-49 BY SEPARATING THE CAMP COMMERCE SENIOR CITIZENS WEEKEND SESSIONS FROM THE CAMP COMMERCE FAMILY WEEKEND SESSIONS FEE SCHEDULE AND CAPPING THE SENIOR CITIZENS WEEKEND SESSIONS FEE AT \$6.00, EFFECTIVE JULY 1, 2011

RECOMMENDATION:

Amend the approved 3-Tier Resident Card Program to allow for authorized individuals the option of purchasing a standard Resident Card and pay separately for programs and activities.

Amend Resolution 10-49 by separating the Camp Commerce Senior Citizens Weekend sessions from the Camp Commerce Family Weekend sessions fee schedule and capping the Senior Citizens Weekend sessions fee at \$6.00 effective July 1, 2011.

MOTION:

Move to approve the recommendation.

BACKGROUND:

On June 8, 2011, the City Council approved a 3-Tier Resident Card Program that provides unlimited access to activities and programs based on the level of resident card purchased. Upon further evaluation, City Council would like to consider providing an option to authorized individuals that wish to purchase the standard Resident Card the ability to pay for programs and activities separately.

On July 6, 2010, Council approved Resolution 10-49, which created fees for various Parks and Recreation programs and classes. Currently the Camp Commerce Senior Weekends are not considered a separate activity from the Camp Commerce Family Weekend Sessions and are being charged according to Resolution 10-49. Resolution 10-49 raised the fee from \$6.00 for the Family Weekend to \$10 and effective July 1, 2011 the fee was increased and capped at \$15. The City Council has requested to reconsider the charge being applied to Senior Citizens Weekends by separating the sessions from the Family Weekends and applying a reduced fee.

ANALYSIS:

The Department is in favor of allowing authorized individuals the option to purchase the Standard Resident Card and pay for programs on an individual basis. The option may be economically advantageous to those that may only register for one or two programs during the year and thus may increase participation. The Department will require the registration and payment for programs and activities under this "pay as you go" option to be done at the Parks & Recreation City Hall Office. One of the reasons the Department brought the 3-Tier Resident Card Program forward for consideration was due to the safety and logistic concern associated with revenue collection at the various facilities.

Revenue collection at the various facilities will be eliminated with the 3-Tier Resident Card Program.

Amending Resolution 10-49 and adding the 3-Tier Resident Card Program and reducing the fee for Senior Citizens weekend will have a positive impact on program participation for the Camp Program and is supported by the Department. The amended Resolution will be submitted at a later date.

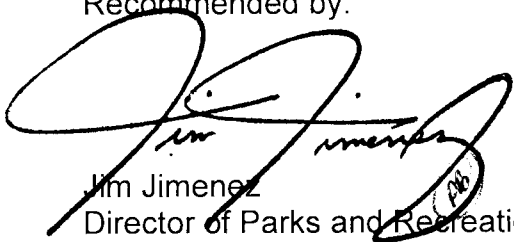
FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget but placing a \$6 fee on the Senior Citizens Weekends will lower revenue projections by approximately \$1,440.00.

RELATIONSHIP TO STRATEGIC GOALS:

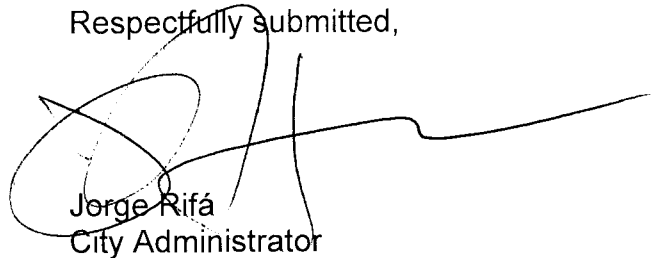
This agenda item relates to Strategic Goal #1: Develop Citywide Plan to enhance and maintain the City of Commerce environment and infrastructure to create livability and quality of life for those who life, work and play in the community.

Recommended by:



Jim Jimenez
Director of Parks and Recreation

Respectfully submitted,



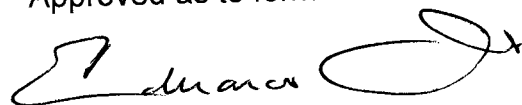
Jorge Rifá
City Administrator

Reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney



AGENDA REPORT

DATE: August 1, 2011

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

RECOMMENDATION:

Make the appropriate appointments.

MOTION:

Council discretion.

BACKGROUND:

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

ANALYSIS:

It is recommended that appointment be made to the following Commissions and Committees at this time, with all terms to expire March 19, 2013, unless otherwise indicated:

Beautification Committee

Mayor Aguilar

Housing Committee

Mayor Aguilar
Mayor Pro Tempore Baca Del Rio

FISCAL IMPACT:

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

Recommended by:

Respectfully submitted,

Linda Kay Olivieri
Linda Kay Olivieri
City Clerk

Jorge J. Riza
Jorge J. Riza
City Administrator



AGENDA REPORT

DATE: August 1, 2011

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, DETERMINING THAT IT WILL COMPLY WITH THE "VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM" PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION – FIRST READING

RECOMMENDATION:

Approve the Ordinance for first reading.

MOTION:

Move to approve the recommendation.

BACKGROUND:

On March 14, 1974, the City of Commerce (the "City") City Council adopted Ordinance No. 206, which established the Commerce Redevelopment Agency (the "Agency"). Thereafter, the City Council approved and adopted the Redevelopment Plans for Project Area No. 1, Project Area No. 2 (the Town Center Project), Project Area No. 3 (the Atlantic Washington Project) and Project Area No. 4 (collectively, the "Redevelopment Plans"), covering certain properties within the City (the "Project Areas").

On November 3, 1992, the City Council adopted Ordinance No. 467, which created the Commerce Community Development Commission (the "Commission"). The Commission is the successor-in-interest to the Agency and has, since its creation, been authorized to and has been implementing the Redevelopment Plans. The Commission is has been engaged in various activities necessary to execute and implement the Redevelopment Plans pursuant to the provisions of the California Community Redevelopment Law (*Health and Safety Code* § 33000, *et seq.*) ("CRL").

As part of the 2011-12 State budget bill, the California Legislature recently enacted and the Governor has signed companion bills, Assembly Bill X1 26 ("AB 26") and Assembly Bill X1 27 ("AB 27"), requiring that each redevelopment agency in the State be dissolved unless the community that created it enacts an ordinance committing it to making certain payments. AB 26 prohibits redevelopment agencies from taking numerous actions, effective immediately and retroactively, and provides that agencies are deemed to be dissolved as of October 1, 2011. AB 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the *Health and Safety Code*. The "Alternative Voluntary Redevelopment Program" requires that the community agree by ordinance to remit specified annual amounts to the Los Angeles County Auditor-Controller.

AB 26 and AB 27 will have severe economic impacts on the City and the Commission, as well as on all cities and redevelopment agencies throughout the State. City staff has analyzed the financial obligations that the City and the Commission will be required to incur in connection with the adoption of the ordinance required to participate in the Alternative Voluntary Redevelopment Program. The required Fiscal Year 2011-2012 community remittance is estimated to be Four Million Six Hundred Ninety Eight Thousand Nine Hundred Forty One Dollars (\$4,698,941). Subsequent annual community remittances, as

set forth in the CRL, will also be required. [See Fiscal Impact Section for additional financial impact analysis.]

In spite of the significant financial burdens imposed by AB 27, the alternative is much worse. If the City does not enact the ordinance and participate in the Alternative Voluntary Redevelopment Program established by AB 27, the City and the Commission will be subject to AB 26. The Commission will continue to be unable to engage in redevelopment operations, except for some very limited activities. Effective October 1, 2011, the Commission's redevelopment functions will be completely eliminated. A special agency will take over and dispose of all the Commission's assets and use the revenues generated to pay for various State programs. The Commission's property, including the properties that have been assembled for the Urban Entertainment Center Project, will be seized and sold off; the Commission will not be able to complete that project or any other projects. The over \$17 Million of loans that the City has made to the Commission over the course of the last 20 years in order to help fund redevelopment operations, including the purchase of land, would be taken by the State. In short, the impacts of AB 26 would be devastating to the City's community and is not a viable alternative. Thus, the payments required by AB 27 have been referred to throughout the State as a "ransom" – the City either pays it or the Commission is "put to death." In recognition of such grim realities, City staff must recommend the passage of the AB 27 ordinance so that the Commission may continue to exist, albeit in a substantially weakened state.

ANALYSIS:

In accordance with *Health and Safety Code* Section 34193, the Ordinance provides that the City shall comply with the provisions of Part 1.9 of Division 24 of the *Health and Safety Code*, as enacted by AB 27. The Ordinance determines that the City shall make the community remittances set forth in *Health and Safety Code* Section 34194 *et seq.* Thus, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be Four Million Six Hundred Ninety Eight Thousand Nine Hundred Forty One Dollars (\$4,698,941), as well as the subsequent annual community remittances as set forth in the CRL. The Ordinance reserves the City's right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in *Health and Safety Code* Section 34194.

Once the Commission is again authorized to enter into agreements under the CRL, as set forth in the Ordinance, the City will enter into an agreement with the Commission as authorized pursuant to CRL Section 34194.2, whereby the Commission will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The Ordinance expressly provides that the City is not pledging any of the City's general fund revenues or assets to make the remittance payments.

The Ordinance recognizes that the California Redevelopment Association (CRA) and the League of California Cities have filed litigation in the California Supreme Court on behalf of all cities and redevelopment agencies in the state, which challenges the constitutionality of AB 26 and AB 27. The Ordinance notes that the City has been forced, under the threat of elimination provided for by AB 26, to enact the Ordinance and provides that payments authorized by the Ordinance as required by AB 27, are made under protest. If the Supreme Court, or any other court, determines that AB 26 and AB 27 are unconstitutional or otherwise illegal, and/or if the implementation of AB 26 and AB 27 are stayed or enjoined, the City reserves the right to stop the payments and seek reimbursement, consistent with any such court order. The City also reserves the right, regardless of any community remittance made pursuant to the Ordinance, to challenge the legality of AB 26 and AB 27.

The lawsuit filed by the CRA and the League of California Cities requests that the Supreme Court issue a stay of the implementation of AB 26 and AB 27, pending disposition of the case. The lawsuit requests that the Court make a determination about the stay by August 15, 2011. On July 19, 2011, the City Council also authorized the City to join in a consortium of several other cities and proceed with a separate lawsuit that will review and address any

other legal issues and challenges regarding AB 26 and AB 27. City staff and the City Attorney will keep the City Council updated on the developments of the lawsuits and their impact on the Ordinance and their overall impact on the City and the Commission.

FISCAL IMPACT:

How Do We Address the Initial Obligation for FY 2011-12?

| | |
|----------------------------|--------------|
| Current Cash Available | \$25,562,199 |
| Non-Housing Reserve | \$ 4,518,000 |
| Housing Allocation Reserve | \$21,044,199 |

Recommendation:

| | |
|--|---------------------|
| Use Housing Reserves to Pay Our Obligation | <u>\$ 4,698,941</u> |
| Housing Reserves Available | \$16,345,258 |

How Do We Address Our Obligation for FY 2012-13 & On-Going?

| | |
|------------------------------------|---------------------|
| Projected Year-End Revenues | \$24,645,556 |
| Projected Year-End Expenditures | |
| Personnel Costs | \$ 2,210,588 |
| Operation & Maintenance | \$ 3,031,228 |
| Debt Service | <u>\$19,214,398</u> |
| Projected Year-End Surplus/Deficit | \$ 189,342 |

Recommendation:

| | |
|---|---------------------|
| Re-Allocation of Personnel Costs to Low-Mod Housing | \$ 520,632 |
| Reductions in Operations | <u>\$ 742,378</u> |
| Amount Available to Service Obligation | \$ 1,452,352 |
| Annual Obligation | <u>\$ 1,127,746</u> |
| Amount Remaining | \$ 324,606 |

The analysis aforementioned addresses whether or not the Commission is equipped monetarily to continue its operations and function if the continuation Ordinance is enacted by November 1, 2011. The proposed Ordinance calls for the City to make a commitment to making annual payments into an ERAF established for each county. The analysis focuses on the City's initial obligation for FY 2011-12 and the obligation going forward on an annual basis. The analysis shows that the Commission can absorb both the initial payment of approximately **\$4.7 Million** and ongoing payment of approximately **\$1.13 Million**, respectively.

FY 2011-12 Obligation

Staff is recommending that the initial payment be addressed by drawing from the Commission's Housing Reserve funds, which is allowed for this fiscal year by AB 27. The drawdown from the Housing Reserve would leave approximately **\$16.34 million** remaining, whereas, a drawdown from the Non-Housing Reserve would zero it out, leaving no monies for non-housing related capital needs.

FY 2012-13 Obligation

Staff is recommending the following actions be taken in order to comply with AB 27 and making the annual payment of approximately **\$1.13 million**:

- ✓ Re-allocate a portion (**\$520,632**) of the existing salary & benefit and indirect cost component expensed in General Administration to the Low/Mod Housing cost center
- ✓ Reduce operational costs by approximately **\$785,351**. These reductions relate primarily to the following in the four project area cost centers only:
 - Project Consultant costs
 - Environmental and Appraisal Service costs
 - Site Clearance costs
 - Other Legal Service costs
- ✓ Staff is projecting a minimal surplus of **\$189,342** for fiscal year-ending 2010-11. Keeping everything constant for FY 2011-12, staff believes that the same savings could be realized on an annual basis

Staff believes that the plan mentioned above allows for the continuance of the Commission and its operations, albeit, in a significantly diminished capacity.

Although staff is hopeful of a State Supreme Court decision overturning ABX1-26 and ABX1-27, the existing operating reality is ABX1-27. This means that our redevelopment budget has been significantly reduced and the Council's ability to reinvest in the community's infrastructure and other redevelopment priorities are limited. Should the State not meet its revenue projections, it is likely that the State will increase its ransom demands beyond \$1.156 million. If that is the case, consideration will have to be given to a restructuring of agency operations.

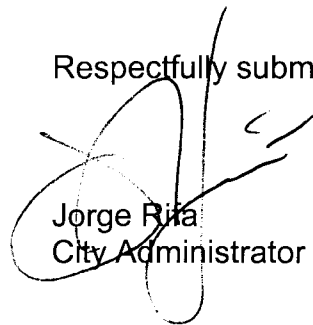
With that said, and regardless of the outcome of the current lawsuit, staff will continue to evaluate the Commission budget and return before this legislative body with additional recommendations, if necessary.

Reviewed by:



Bob Zarrilli
Community Development Director

Respectfully submitted,



Jorge Rifa
City Administrator

Fiscal Impact Reviewed by,



Vilko Domic
Finance Director

Approved as to form:



Eduardo Olivo
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, DETERMINING THAT IT WILL COMPLY WITH THE "VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM" PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION

WHEREAS, on March 14, 1974, the City of Commerce (the "City") City Council adopted Ordinance No. 206, which established the Commerce Redevelopment Agency (the "Agency"); and

WHEREAS, the City Council approved and adopted the Redevelopment Plans for Project Area No. 1, Project Area No. 2 (the Town Center Project), Project Area No. 3 (the Atlantic Washington Project) and Project Area No. 4 (collectively referred to herein as the "Redevelopment Plans"), covering certain properties within the City (the "Project Areas"); and

WHEREAS, on November 3, 1992, the City Council adopted Ordinance No. 467, which created the Commerce Community Development Commission (the "Commission"); and

WHEREAS, pursuant to the California Health & Safety Code, the Commission is the succ

implement the Redevelopment Plans pursuant to the provisions of the California Community Redevelopment Law (*Health and Safety Code* § 33000, *et seq.*) ("CRL"); and

WHEREAS, since the adoption of the Redevelopment Plans, the Commission has undertaken redevelopment projects in the Project Areas to eliminate blight, improve public facilities and infrastructure, renovate and construct affordable housing, and to enter into partnerships with private industries in order to create jobs and expand the local economy; and

WHEREAS, over the next few years, the Commission hopes to implement a variety of redevelopment projects and programs that will, among other things, continue to eliminate and prevent blight, stimulate and expand economic growth in the Project Areas, create and develop local job opportunities and alleviate deficiencies in public infrastructure; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed companion bills, Assembly Bill X1 26

WHEREAS, under the threat of dissolution pursuant to AB 26, and subject to the contingencies and reservations set forth herein, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be Four Million Six Hundred Ninety Eight Thousand Nine Hundred Forty One Dollars (\$4,698,941), as well as the subsequent annual community remittances as set forth in the CRL; and

WHEREAS, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in *Health and Safety Code Section 34194*; and

WHEREAS, an action challenging the constitutionality of AB 26 and AB 27 has been filed in the California Supreme Court on behalf of cities, counties and redevelopment agencies throughout the State; and

WHEREAS, while the City intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final court determination that AB 26 and AB 27 are unconstitutional; and

WHEREAS, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 26 and AB 27; and

WHEREAS, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 26 and AB 27, consistent with such court order, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred; and

WHEREAS, subject to the reservations and contingencies set forth above, the City desires to adopt this Ordinance so that the Commission may continue with its redevelopment activities pursuant to the terms and conditions of AB 27.

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

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Participation in the Alternative Voluntary Redevelopment Program. In accordance with *Health and Safety Code Section 34193*, and based on the Recitals set forth above, the City Council hereby determines that the City shall comply with the provisions of Part 1.9 of Division 24 of the *Health and Safety Code*, as enacted by AB 27.

Section 3. Payment Under Protest. Except as set forth in Section 4 below, the City Council hereby determines that the City shall make the community remittances set forth in *Health and Safety Code Section 34194 et seq.*

Section 4. Effect of Stay or Determination of Invalidity. The City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of AB 26 and AB 27 or determines that AB 26 and AB 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 26 and AB 27 are unconstitutional. If there is a final determination that AB 26 and AB 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

Section 5. Implementation. The City Council hereby authorizes and directs the City Administrator to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the Los Angeles County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the City's agreement to comply with the provisions of Part 1.9 of Division 24 of the *Health and Safety Code*, as set forth in AB 27.

Section 6. Additional Understandings and Intent. It is the understanding and intent of the City Council that, once the Commission is again authorized to enter into agreements under the CRL, the City will enter into an agreement with the Commission as authorized pursuant to CRL Section 34194.2, whereby the Commission will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or assets to make the remittance payments.

Section 7. CEQA. The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Los Angeles in accordance with CEQA Guidelines.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 9. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with *Government Code* § 36933.

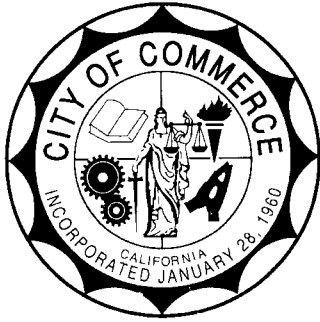
Section 10. Effective Date. This Ordinance shall become effective thirty (30) days from the date of its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2011.

Joe Aguilar
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



AGENDA REPORT

DATE: August 1, 2011

TO: HONORABLE CITY COUNCIL

FROM: DIRECTOR OF COMMUNITY DEVELOPMENT

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AUTHORIZING THE APPROVAL OF THE PURCHASE AND SALE AGREEMENT FOR THE PORTION OF BOXFORD AVENUE (TO BE VACATED) NORTH OF SLAUSON AVENUE AND JOINT ESCROW INSTRUCTIONS WITH THE VONS COMPANIES, INC. (SAFeway/VONS)

RECOMMENDATION:

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

MOTION:

Approve the recommendation.

BACKGROUND/ANALYSIS:

This item was continued from the City Council meeting of July 5, 2011 to allow staff time to coordinate the preparation of the Purchase and Sale Agreement (including the terms and conditions of escrow) with the Safeway/Vons team.

Safeway/Vons has a food manufacturing and processing plant in the City located at 3415 Boxford with frontage along Slauson Avenue. The Safeway/Vons site is approximately 19 acres and is bisected by Boxford Avenue (Safeway/Vons owns all the land on both sides of the street and their facility resides on both sides of Boxford). Safeway has prepared a master plan for their facility identifying various improvements to the property i.e. parking and circulation and on site storage which will improve the overall operation and functionality of their use. In addition, Safeway/Vons is contemplating a possible future expansion of production lines.

Safeway/Vons has requested from the City a complete vacation and relinquishment of Boxford Avenue (all of which lies within their site) which in turn will add land area to their site and accommodate their master plan improvements. They have also requested to purchase from the City fee title interest to the underlying property. The subject property is that portion of Boxford Avenue north of Slauson Avenue consisting of approximately 71,718 square feet of land (1.6 acres) paved and improved as a street (see attached map). All public utilities located in the area proposed for the vacation and purchase and sale will remain in place including any and all easements reserving said rights for the utilities.

Given their interest to purchase the real property after Boxford is vacated, a Purchase and Sale Agreement has been drafted to memorialize the terms and conditions of the sale and transfer of the real property. The purchase price offered by Safeway/Vons for the land is \$1.7 million. This works out to a land price of \$23.70 per square foot. Staff has reviewed this price with Tierra West Advisors, and consistent with other recent transactions in the City, staff believes it represents a fair value for the land. A summary of the key terms is shown below:

- Purchase Price: \$1.7 million all cash at close of escrow.
- Property Description: Approximately 71,718 of land area (Boxford Avenue to be vacated north of Slauson Avenue.

- Deposit: None required as full purchase price has been deposited into escrow.
- Contingency period: Thirty (30) days.
- Closing costs: Seller shall pay 50% of costs.
- Brokers Fees: None.

Planning Commission Finding:

Pursuant to Government Code Sections 37350 and 37351, the City may dispose of property if the disposition is for the common benefit of the city's citizens. Pursuant to Government Code Section 65402, the Planning Commission must prepare a report that indicates the disposition of real property and/or the vacation of any street conforms to the General Plan.

On May 25, 2011, the Planning Commission adopted a Resolution making a determination that the vacation of a portion of Boxford Avenue conforms to the City of Commerce General Plan as required by State Government Code Section 65402. In this case, the findings made for the vacation are also applicable to the property disposition and therefore no additional findings need be made.

California Environmental Quality Act (CEQA) Review

The Purchase and Sale Agreement including all related terms and conditions contained therein will not have a significant impact on the environment because the project is located in an area where there are adequate public services and facilities. Furthermore the Purchase and Sale Agreement is categorically exempt pursuant to CEQA Guidelines Section 15301, Class 1 Minor Alterations of Existing Facilities. Should the vacation (after a duly noticed public hearing in accordance with all applicable state and local laws) be approved by the City Council, a Notice of Exemption will be filed with the Office of the County Recorder pursuant to the provisions of CEQA.

RELATIONSHIP TO 2009 STRATEGIC GOALS

This agenda item report is in furtherance of Goal #1- *Maintain and Diversify Local Economy*. The proposed Purchase and Sale Agreement will help to retain an existing long-established Commerce business as it will add land area to their site and allow them to improve overall site layout and function thereby improving their operational efficiencies.

FISCAL IMPACT:


The Purchase and Sale Agreement and related terms and conditions will be the instrument to allow Safeway/Vons to purchase the underlying fee of the vacated street from the City. Safeway/Vons is paying fair market value (\$1.7 million) for the underlying fee.

Recommended by:



Bob Zarrilli
Director of Community Development

Prepared by:



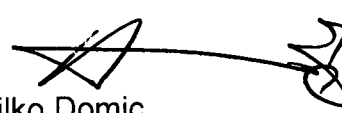
Alex Hamilton
Assistant Director of Community Development

Respectfully submitted,



Jorge Rifa
City Administrator

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,
AUTHORIZING THE APPROVAL OF THE PURCHASE AND SALE AGREEMENT FOR THE
PORTION OF BOXFORD AVENUE (TO BE VACATED) NORTH OF SLAUSON AVENUE AND
JOINT ESCROW INSTRUCTIONS WITH THE VONS COMPANIES, INC. (SAFEWAY/VONS)**

WHEREAS, the City has received a request from Safeway/Vons for the vacation of a portion of Boxford Avenue north of Slauson Avenue; and

WHEREAS, said vacation is being processed in accordance with the Streets and Highways Code Section 8300 et. seq. as well as applicable sections of Government Code Section 64000 et. seq.

WHEREAS, said vacation and relinquishment of Boxford Avenue north of Slauson Avenue lies completely within Safeway/Vons site and the vacation will add land area to their site thereby facilitating their master plan improvements; and

WHEREAS, Safeway/Vons has requested to purchase from the City fee title interest of the portion of Boxford Avenue to be vacated (subject property); and

WHEREAS, the subject property consists of approximately 71,718 square feet of land (1.6 acres) currently paved and improved as a street; and

WHEREAS, all public utilities located within the area of the subject property will remain in place including any and all easements reserving said rights for the utilities; and

WHEREAS, given their interest in purchasing the subject property after Boxford is vacated, a Purchase and Sale Agreement has been prepared to memorialize the terms and conditions of the sale and transfer of real property; and

WHEREAS, staff has reviewed the terms and conditions of the Purchase and Sale Agreement (including the proposed purchase price of \$1.7 million) and believes that is accurately and equitably represents the City's best interest.

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY RESOLVE AND DETERMINES AS FOLLOWS:

SECTION 1. The Council hereby finds and determines that the sale and disposition of Boxford Avenue (upon its vacation) will help to retain and existing long-established Commerce business as it will add land area to their site and allow them to improve their overall site layout and function thereby improving operational efficiencies.

SECTION 2. The Purchase and Sale Agreement with Escrow Instructions, between the City of Commerce and Vons Companies Inc., is hereby approved with the understanding that the City Attorney and Vons Companies Inc., will be preparing and refining the Agreement including Escrow Instructions as well as Exhibits to the Agreement.

SECTION 3. The Mayor is hereby authorized and directed to execute the Purchase and Sale Agreement and all documents necessary to implement the terms of the Purchase and Sale Agreement for an on behalf of the City of Commerce.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2011.

ATTEST:

Joe Aguilar
Mayor

Linda Kay Olivieri, MMC
City Clerk