

ALL ITEMS FOR CONSIDERATION BY THE CITY COUNCIL AND GOVERNING BODY OF THE SUCCESSOR AGENCY TO THE COMMERCE COMMUNITY DEVELOPMENT COMMISSION ARE AVAILABLE FOR PUBLIC VIEWING IN THE OFFICE OF THE CITY CLERK/SECRETARY AND THE CENTRAL LIBRARY

Agendas and other writings that will be distributed to the Councilmembers/ Board Members in connection with a matter subject to discussion or consideration at this meeting and that are not exempt from disclosure under the Public Records Act, Government Code Sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22, are available for inspection following the posting of this agenda in the City Clerk/Secretary's Office, at Commerce City Hall, 2535 Commerce Way, Commerce, California, and the Central Library, 5655 Jillson Street, Commerce, California, or at the time of the meeting at the location indicated below.

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

COUNCIL CHAMBERS  
5655 JILLSON STREET, COMMERCE, CALIFORNIA

TUESDAY, DECEMBER 3, 2013 – 6:30 P.M.

CALL TO ORDER

Mayor/Chairperson Aguilar

PLEDGE OF ALLEGIANCE

Beatriz Sarmiento,  
Director of Library Services

INVOCATION

Mayor Pro Tempore/Vice Chairperson Leon

ROLL CALL

Deputy City Clerk Alexander

APPEARANCES AND PRESENTATIONS

1. Presentation -- Finance Department Staff for Achieving the "Certificate of Achievement for Excellence in Financial Reporting" from Government Finance Officers Association (GFOA)

Due to the dedication, hard work, and professionalism of the Finance Department staff, the City of Commerce has earned this Award from the Government Finance Officers Association.

The **City Council** will present the "Certificate of Achievement for Excellence in Financial Reporting" to Finance Department staff for their excellence in preparation of the City's 2011-12 Comprehensive Annual Financial Report (CAFR).

PUBLIC COMMENT

Citizens wishing to address the City Council and Successor Agency on any item on the agenda or on any matter not on the agenda may do so at this time. However, State law (Government Code Section 54950 et seq.) prohibits the City Council/Successor Agency from acting upon any item not contained on the agenda posted 72 hours before a regular meeting and 24 hours before a special meeting. Upon request, the City Council/

Successor Agency may, in their discretion, allow citizen participation on a specific item on the agenda at the time the item is considered by the City Council/Successor Agency. Request to address City Council/Successor Agency cards are provided by the City Clerk/Secretary. If you wish to address the City Council/Successor Agency at this time, please complete a speaker's card and give it to the City Clerk/Secretary prior to commencement of the City Council/ Successor Agency meetings. Please use the microphone provided, clearly stating your name and address for the official record and courteously limiting your remarks to five (5) minutes so others may have the opportunity to speak as well.

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

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

## **CITY COUNCIL/SUCCESSOR AGENCY REPORTS**

### **CONSENT CALENDAR**

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

#### **2. Approval of Minutes**

The **City Council and Successor Agency** will consider for approval, respectively, the minutes of the Concurrent Adjourned Regular Meetings of Tuesday, October 15, 2013, held at 5:00 p.m.; Concurrent Adjourned Regular Meetings of Tuesday, November 19, 2013, held at 5:00 p.m.; Concurrent Regular Meetings of Tuesday, November 19, 2013, held at 6:30 p.m.

#### **3. Approval of Warrant Register Nos. 9A and 9B**

The **City Council and Successor Agency** will consider for approval, respectively, the bills and claims set forth in Warrant Registers No. 9A, dated December 3, 2013, and 9B for the period November 20, 2013 to November 26, 2013.

#### **4. Update on a Reimbursement Agreement ("Agreement") with Craig Realty Group Citadel, LLC ("CRG Citadel") for Pavement Repairs and Restriping of Camfield Avenue, Flotilla Street, Hoefner Avenue, Smithway Street, Tubeway Avenue and Telegraph Road**

The **City Council** will receive an update on a Reimbursement Agreement ("Agreement") with Craig Realty Group Citadel, LLC ("CRG Citadel") for Pavement Repairs and Restriping of Camfield Avenue, Flotilla Street, Hoefner Avenue, Smithway Street, Tubeway Avenue and Telegraph Road and provide the appropriate direction as deemed necessary.

5. A Resolution of the City Council of the City of Commerce, California, Approving a Full Release and Settlement Agreement Between the City of Commerce and the County of Los Angeles Regarding the Matter of **City of Alhambra v. County of Los Angeles**, Case No. BS116375

The **City Council** will consider for approval and adoption a proposed Resolution approving a Full Release and Settlement agreement between the City of Commerce and the County of Los Angeles regarding the matter of City of Alhambra v. County of Los Angeles, Case No. BS116375.

**PUBLIC HEARINGS** -- None

**SCHEDULED MATTERS**

6. Delegate Appointment

The **City Council** will make the appropriate appointment to the following board with the term to expire Monday, January 4, 2016: Greater Los Angeles County Vector Control District.

7. Camp Commerce Sessions for Civic Organizations

The **City Council** will receive a report on and thereafter consider and take the appropriate action as deemed necessary with respect to, the proposed Camp Commerce sessions for Civic organizations.

8. Special 2013-14 Christmas Eve Holiday Schedule for City Hall and other Facilities

At the request of Councilmember Altamirano, the **City Council** will consider and take the appropriate action as deemed necessary with respect to, closing City Hall and other City facilities for Christmas Eve.

9. Third Annual Day of Service

The **City Council** will receive a report on and take the appropriate action as deemed necessary with respect to, staff's efforts to organize the third annual Day of Service event.

10. Review of City Council Vehicle Use Policy

At the request of Councilmember Robles, the **City Council** will receive a report on, and thereafter consider and take the appropriate action as deemed necessary with respect to, the City Council Vehicle Use Policy.

11. Discussion of Newspaper of General Circulation in the City of Commerce

At the request of Councilmember Robles, the **City Council** will discuss the issue of a newspaper of general circulation in the City of Commerce and the City's posting of notices in the Commerce Comet.

**ORDINANCES AND RESOLUTIONS**

**CIP PROGRESS REPORT**

12. Update on Central Library Project and Temporary Facilities

The **City Council** will receive an update on, and take the appropriate action as deemed necessary with respect to, the progress of the Central Library Project including the status of the temporary facilities.

**I-710 LOCAL ADVISORY COMMITTEE UPDATE – None**

**RECESS TO CLOSED SESSION – No Items**

**ADJOURNMENT**

Adjourn to Tuesday, December 17, 2013, at 5:00 p.m. in the City Council Chambers.

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



# AGENDA REPORT

MEETING DATE: December 3, 2013

TO: HONORABLE CITY COUNCIL  
FROM: CITY ADMINISTRATOR  
SUBJECT: PRESENTATION TO FINANCE DEPARTMENT STAFF FOR ACHIEVING THE "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING" FROM GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA)

**RECOMMENDATION:**

Present the "Certificate of Achievement for Excellence in Financial Reporting" to Finance Department staff for their excellence in preparation of the City's 2011-12 Comprehensive Annual Financial Report (CAFR).

**ACTION:**

Move to approve the recommendation.

**BACKGROUND:**

Each year the City of Commerce Finance Department submits the City's Comprehensive Annual Financial Report (CAFR) to the Government Finance Officers Association (GFOA) for review for possible qualifications in obtaining a Certificate of Achievement for Excellence in Financial Reporting. This certificate is the highest form of recognition in government accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Each entity submitting a report to the Certificate of Achievement review process is evaluated by professionals in other municipalities to determine its compliance in the reporting process.

**ANALYSIS:**

Due to the dedication, hard work, and professionalism of Finance Department staff, the City of Commerce has earned the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 30, 2012.

**FISCAL IMPACT:**

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

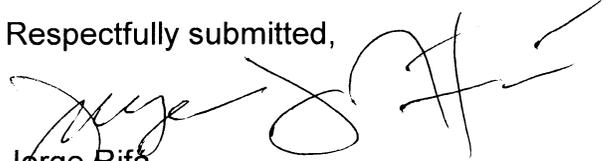
**RELATIONSHIP TO STRATEGIC GOALS:**

The certificate is associated with Council's goal of making financially and economically sound decisions consistent with economic conditions.

Recommended by:

  
Vilko Domic  
Director of Finance

Respectfully submitted,

  
Jorge Rifa  
City Administrator

Approved as to Form

  
Eduardo Olivo  
City Attorney

DS/staff reports, city council/Cert of Excellence/Cert of Excel from GFOA 12-03-13





# AGENDA REPORT

MEETING DATE: December 3, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: UPDATE ON A REIMBURSEMENT AGREEMENT ("AGREEMENT") WITH CRAIG REALTY GROUP CITADEL, LLC ("CRG CITADEL") FOR PAVEMENT REPAIRS AND RESTRIPING OF CAMFIELD AVENUE, FLOTILLA STREET, HOFNER AVENUE, SMITHWAY STREET, TUBEWAY AVENUE AND TELEGRAPH ROAD

## RECOMMENDATION:

Receive and file.

## MOTION:

Move to approve the recommendation.

## BACKGROUND/ANALYSIS:

On August 5, 2013, the City Council approved a partnership with Craig Realty for road repairs and restriping of Camfield Avenue, Flotilla Street, Hoefner Avenue, Smithway Street and Tubeway Avenue as part of a Clean-Up Day in Commerce, around The Citadel Outlets Center. The event also included volunteers performing various tasks such as litter/weed abatement, sweeping, painting, and curb washing; all intended to improve and maintain the area.

The cost of the project was **\$100,528.95**, with the final allocation as follows:

- |   |                           |
|---|---------------------------|
| • <b>Tubeway Repaving</b>   | <b><u>\$63,975.00</u></b> |
| ○ CRG Citadel   | \$21,325.00               |
| ○ The Commerce Casino   | \$21,325.00               |
| ○ City of Commerce  | \$21,325.00               |
| • <b>Smithway Seal Coating, Pothole Patching on Telegraph, "V" Gutter Replacement</b> | <b><u>\$36,553.95</u></b> |
| ○ CRG Citadel   | \$15,526.97               |
| ○ City of Commerce  | \$15,526.97               |
| ○ Danny Collins Productions   | \$ 5,000.00               |
| ○ Local Business  | \$ 500.00                 |

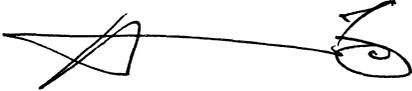
## FISCAL IMPACT

The work required under the Reimbursement Agreement totaled **\$100,528.95**. The City's share ended up being **\$36,851.97** (**\$3,749.78** less than the original estimate of **\$40,601.75**). The City fulfilled its commitment by issuing a check to Ben's Asphalt for \$58,176.97 (inclusive is the Casino's allocation – the Casino submitted a check directly to the City). On December 17, 2013, City staff will return with the Reimbursement Agreement for formal approval and to memorialize the aforementioned.

**RELATIONSHIP TO 2012 STRATEGIC GOALS:**

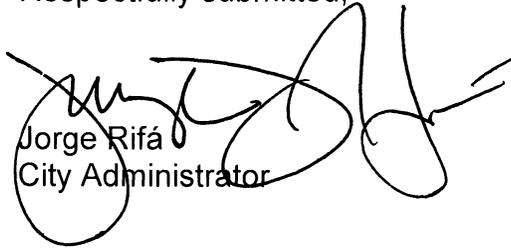
The agenda report is in furtherance of Council's strategic goal to *"Improve and maintain infrastructure and beautify our community."*

Recommended by:



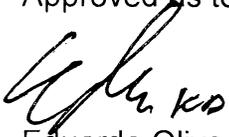
Vilko Domic  
Director of Finance

Respectfully submitted,



Jorge Rifá  
City Administrator

Approved as to Form



Eduardo Olivo  
City Attorney



# AGENDA REPORT

DATE: December 3, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING A FULL RELEASE AND SETTLEMENT AGREEMENT BETWEEN THE CITY OF COMMERCE AND THE COUNTY OF LOS ANGELES REGARDING THE MATTER OF CITY OF ALHAMBRA V. COUNTY OF LOS ANGELES, CASE NO. BS116375

## RECOMMENDATION:

Approve and adopt the Resolution approving a full release and settlement agreement between the City of Commerce and the County of Los Angeles regarding the matter of City of Alhambra v. County of Los Angeles, Case No. BS116375 and assign the number next in order.

## MOTION:

Move to approve the recommendation.

## BACKGROUND:

The City of Commerce (the "City") joined the City of Alhambra and 26 other cities in the above-referenced litigation. The case involved an allegation by the plaintiff cities that the County of Los Angeles (the "County") had charged excess property tax administration fees ("PTAF") to the cities since fiscal year 2006-2007.

The parties entered into settlement discussions in an effort resolve their disputes. The County eventually offered to pay the cities its estimate of principal excess PTAF withheld since fiscal year 2007-2008. For the City of Commerce, this amount was Three Hundred Ninety Two Thousand Four Hundred Forty Four Dollars and Ninety cents (\$392,444.90). The County also offered to pay 7 percent annual simple interest to this amount. The County had taken the position that the applicable statute of limitations precluded the cities from recovering PTAF amounts for the Fiscal Year 2006-2007 and, therefore, excluded this amount from its offer.

The cities were given the option of accepting the County's offer or continuing to pursue the matter further. Although the cities had arguments to make in opposition to the County's statute of limitations argument, the chances of prevailing were not certain. After considering the additional amount at stake for the City and the additional costs that would be incurred in attempting to collect such amount, City staff recommended that the City Council accept the settlement offer and approve the Settlement and Release Agreement with the County. On November 19, 2013, the City Council considered this matter during closed session and approved the settlement of this matter. The proposed Release and Settlement Agreement properly documents the settlement of the case by the City and the County.

The City has already received payment of the \$392,444.90 principal amount. The City will receive an additional interest payment of \$11,845 after the Agreement is approved and executed.

Agenda Report -- A RESOLUTION APPROVING A FULL RELEASE AND SETTLEMENT AGREEMENT BETWEEN THE CITY OF COMMERCE AND THE COUNTY OF LOS ANGELES REGARDING THE MATTER OF CITY OF ALHAMBRA V. COUNTY OF LOS ANGELES, CASE NO. BS116375

December 3, 2013

Page 2

FISCAL IMPACT:

The City will receive \$392,444.90, plus 7% annual simple interest in the amount of \$11,845, for a total amount of \$404,289.90.

Reviewed by,



Vilko Domic  
Finance Director

Respectfully submitted,



Jorge Rifa  
City Administrator

Approved as to form,



Eduardo Olivo  
City Attorney

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING A FULL RELEASE AND SETTLEMENT AGREEMENT BETWEEN THE CITY OF COMMERCE AND THE COUNTY OF LOS ANGELES REGARDING THE MATTER OF CITY OF ALHAMBRA V. COUNTY OF LOS ANGELES, CASE NO. BS116375

WHEREAS, the City of Commerce (the "City") joined the City of Alhambra and 26 other cities in the above-referenced litigation. The case involved an allegation by the plaintiff cities that the County of Los Angeles (the "County") had charged excess property tax administration fees ("PTAF") to the cities since fiscal year 2006-2007; and

WHEREAS, the County offered to pay the cities its estimate of principal excess PTAF withheld since fiscal year 2007-2008. For the City, this amount was Three Hundred Ninety Two Thousand Four Hundred Forty Four Dollars and Ninety Cents (\$392,444.90). The County also offered to pay 7 percent annual simple interest on this amount; and

WHEREAS, the City of Commerce has determined that the settlement offer by the County is reasonable and that it should be accepted; and

WHEREAS, on November 19, 2013, the City Council considered this matter during closed session and approved the settlement of this matter. The Full Release and Settlement Agreement properly documents the terms and conditions of the settlement between the City of Commerce and the County of Los Angeles.

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

Section 1. The Full Release and Settlement of All Claims between the City of Commerce and the County of Los Angeles is hereby approved. The Mayor is hereby authorized to execute the Agreement for and on behalf of the City of Commerce.

PASSED, APPROVED and ADOPTED this 3<sup>rd</sup> day of December, 2013.

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

ATTEST:

\_\_\_\_\_  
Victoria M. Alexander  
Deputy City Clerk



1 MICHAEL G. COLANTUONO, State Bar No. 143551  
MColantuono@CLLAW.US

2 HOLLY O. WHATLEY, State Bar No. 160259  
HWhatley@CLLAW.US

3 JON R. DI CRISTINA, State Bar No. 282278  
JdiCristina@CLLAW.US

4 COLANTUONO & LEVIN, PC  
300 S. Grand Avenue, Suite 2700  
5 Los Angeles, California 90071-3137  
Telephone: (213) 542-5700  
6 Facsimile: (213) 542-5710

7 Attorneys for Releasor  
CITY OF COMMERCE

8

9

10

11 CITY OF COMMERCE

12 Claimant & Releasor,

13 v.

14 COUNTY OF LOS ANGELES, ET AL.,

15 Releasee.

**FULL RELEASE AND SETTLEMENT OF  
ALL CLAIMS**

16

17 In consideration of the sum of \$11,845—which includes excess withholdings of property  
18 tax administration fees from FY 2007–2008 through 2011–2012, plus 7% annual simple interest,  
19 less the amount paid toward this sum on March 28, 2013—Claimant and Releasor CITY OF  
20 COMMERCE (hereinafter, “Claimant”) hereby releases the COUNTY OF LOS ANGELES, its  
21 officers, agents and employees, (collectively and hereinafter, “Releasee”) both past and present,  
22 from any and all claims and liabilities whether known or unknown, based on the County of Los  
23 Angeles Auditor-Controller’s collection of Property Tax Administration Fees, which are set forth  
24 in the First Amended Petition for Writ of Mandate and Related Relief filed by Claimant on  
25 November 18, 2008 (the “Petition”), and are incorporated herein by reference. Claimant agrees  
26 that this settlement is for all injuries and damages, past, present and future whether known or  
27 unknown arising out of or in any way associated with the events described in the above claim.

28

1 Further, in consideration of the sum of Two Hundred Thirty Thousand Dollars (\$230,000)  
2 to be paid to the City of Cerritos for the benefit of all petitioners named in the Petition, both  
3 Claimant and, if applicable, Claimant's attorney agree that this settlement includes all costs and  
4 attorney fees recoverable under any statute, case law or theory whatsoever, and Claimant and  
5 Claimant's attorney waive any right to attempt to recover any additional sums for attorney fees  
6 and/or costs under any statute, case law or theory whatsoever from Releasee, any other party to the  
7 lawsuit initiated by the Petition or counsel for any such party. Releasee shall pay this \$230,000 to  
8 the City of Cerritos, with the understanding that Cerritos shall in turn remit a share of this amount  
9 to Claimant in proportion to Claimant's share of costs and attorney fees in the litigation of the  
10 Petition.

11 It is understood and agreed that this payment is being made by way of accord and  
12 satisfaction of a claim which is expressly disputed and is not an admission of any liability or  
13 responsibility by the Releasee from the occurrence described, and that said consideration is the  
14 sole and only consideration for this agreement and that no representations, promises or  
15 inducements have been made by said Releasee other than as appear in this instrument.

16 Claimant understands that section 1542 of the Civil Code of the State of California  
17 provides that a general release does not extend to claims which the creditors do not know or  
18 suspect to exist in their favor at the time of executing the release, which if known by them might  
19 have materially affected their settlement with the debtor, and being aware of said section waives  
20 the provisions thereof to the extent allowable by law.

21 This release is executed with the full understanding of the Claimant that the injuries and  
22 damages received by the said Claimant may result in further injuries, damages or effects which  
23 may not now appear, but which may appear at a later date and that the said occurrence may result  
24 in injuries or damages not now known or suspected by Claimant and which Claimant has not now  
25 any reason to know or suspect, and with the understanding that said injuries may result in further  
26 complications, it being the intent of this agreement to fully compromise any and all claims which  
27  
28

1 Claimant now has or may hereafter acquire in any manner by reason of or even remotely arising  
2 out of the occurrence which is more particularly set forth in the Petition.

3 In further consideration of said payment, Claimant represents and warrants that no portion  
4 of any claim, right, demand, action or cause of action that it has or might have arising out of said  
5 occurrence nor any portion of any recovery or settlement to which it might be entitled has been  
6 assigned or transferred by Claimant to any other person or corporation in any manner, including  
7 by way of subrogation or operation of law or otherwise. In the event that any claim, demand, or  
8 suit should be made or instituted against the above named Releasee for any reason whatsoever,  
9 arising out of this incident, Claimant agrees to indemnify and hold harmless the Releasee named  
10 above against any such claim, suit or demand, including necessary expenses of investigation,  
11 attorney's fees and costs.

12 Payment to Claimant will be made by wire in the manner Releasee distributes property tax  
13 proceeds to Claimant. I, \_\_\_\_\_, represent and warrant that I am a  
14 duly authorized agent of Claimant and that I have full authority to enter into and sign this Release  
15 and Settlement of All Claims on behalf of Claimant.

16  
17 Dated: \_\_\_\_\_  
18 Print Name: \_\_\_\_\_  
19 City of Commerce  
20 Claimant and Releasor  
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# AGENDA REPORT

Meeting Date: December 3, 2013

**TO:** Honorable City Council

**FROM:** City Administrator

**SUBJECT:** DELEGATE APPOINTMENT – GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT

**RECOMMENDATION:**

Make the appropriate appointment.

**MOTION:**

Council discretion.

**BACKGROUND:**

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

**ANALYSIS:**

GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT

On December 6, 2011, Councilmember Baca Del Rio was appointed to a two-year term as the City's member to the Board of Trustees for the Greater Los Angeles County Vector Control District.

Pursuant to Health & Safety Code §2024, terms are for either two or four years, commencing at noon on the first Monday in January. Traditionally, the City's appointment is for a two-year term.

Councilmember Baca Del Rio's term will expire at 11:59 a.m. on Monday, January 6, 2014.

It would be appropriate to either reappoint Trustee Baca Del Rio or appoint a new trustee member to the Board at this time, for a two-year term commencing at noon on Monday, January 6, 2014, and expiring at 11:59 a.m. on Monday, January 4, 2016. There is no alternate Trustee.

A city member on the board of Trustees of the District must be a registered voter of the city and a resident of that portion of the city which is in the District. Pursuant to California Health & Safety Code §2022(c), a city councilmember may serve as a member of the Board of Trustees as long as that individual meets all other applicable qualifications. Traditionally, the City of Commerce's member to the Board has been a Councilmember.

**FISCAL IMPACT:**

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

RELATIONSHIP TO 2009 STRATEGIC GOALS:

Not applicable.

Recommended by:

  
Victoria M. Alexander  
Deputy City Clerk

Respectfully submitted,

  
Jorge J. Rifá  
City Administrator

Fiscal Impact Reviewed By:

  
Vilko Domic  
Director of Finance

Attachments: 09/16/2013 Letter from GLACVCD, including copy  
of California Health & Safety Code §2022

# GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT

12545 Florence Avenue, Santa Fe Springs, CA 90670

Office (562) 944-9656 Fax (562) 944-7976

Email: [info@glacvcd.org](mailto:info@glacvcd.org) Website: [www.glacvcd.org](http://www.glacvcd.org)**PRESIDENT***Dr. Jeff D. Wassem, Burbank***VICE PRESIDENT***Pedro Aceituno, Bell Gardens***SECRETARY-TREASURER***Steve Tye, Diamond Bar***GENERAL MANAGER***Kenneth L. Bayless*

September 16, 2013

Mr. Jorge Rifa  
City Administrator  
2535 Commerce Way  
Commerce, CA 90040

Re: Appointment/ Re-appointment of representative to the Greater Los Angeles County  
Vector Control District Board of Trustees

Dear Mr. Rifa:

This correspondence is to inform you that the term of the office of Trustee Tina Baca Del Rio as a member of the Board of Trustees of the Greater Los Angeles County Vector Control District will expire on January 6, 2014. Pursuant to Section 2024 of the State Health and Safety Code (SHSC) governing the dates of term of office of members appointed to the Board of Trustees, the City Council may consider reappointing Trustee Tina Baca Del Rio or appointing a new trustee for a 2 or 4 year term of the office, commencing at noon on the first Monday of January (i.e. January 6, 2014). Please note, per the State Health and Safety Code that representatives must be appointed to serve a full 2 or 4 year term commencing on January 6, 2014 and should not be appointed on a yearly basis. Furthermore, the District does not accept or recognize the appointment of alternate representatives.

Please review all subsections of the SHSC 2022 (i.e. a-e). Subsections a and b require that each person appointed by a board of supervisors or by a city council shall be a voter and resident within the respective county or city of the appointing body. Section 2022 (c) incorporates language that clarifies the issue over the doctrine of Incompatibility of Office, exempting and enabling an appointee who holds elected offices to also simultaneously serve on the District's Board of Trustees. Trustees represent the mission and interests of the District at large rather than the individual interests of the appointing body. Once appointed, the representative cannot be removed at-will by the appointing city or county. The representative will serve until the expiration of his/her term unless he/she resigns, vacates the office due to absences, or is no longer a voter and resident within the respective county or city of the appointing body.

Representatives are expected to attend the District's general board meetings held monthly on the 2<sup>nd</sup> Thursday of the month. Pursuant to California Government Code Section 1770(g), the Trustee's seat will be considered abandoned if the person holding the office ceases to discharge the duties of that office for a period of three consecutive months, except when prevented by sickness or specified excuses.

Please make your appointment/reappointment prior to January 6, 2014 as stipulated in the SHSC.

A CALIFORNIA GOVERNMENTAL AGENCY

PROMOTING COMMUNITY HEALTH, COMFORT AND WELFARE THROUGH EFFECTIVE AND RESPONSIVE VECTOR CONTROL SINCE 1952

ARTESIA  
*Sally Flowers*  
BELL  
*Danny Harber*  
BELLFLOWER  
*Ray T. Smith*  
CARSON  
*Harold Williams*  
CERRITOS  
*Mark W. Bellman*  
COMMERCE  
*Tina Baca Del Rio*  
CUDAHY  
*Josue Barrios*  
DOWNEY  
*Roger C. Brassmire*  
GARDENA  
*Rachel C. Johnson*  
GLENDALE  
*Armine Perlman*  
HAWAIIAN GARDENS  
*Barry Bruce*  
HUNTINGTON PARK  
*Elba Guerrero*  
LAKEWOOD  
*Steve Craft*  
LA MIRADA  
*Pauline Deal*  
LA HABRA HIGHTS  
*Jim Remington*  
LONG BEACH  
*Rohari Campbell*  
LOS ANGELES CITY  
*Steven Appleton*  
LOS ANGELES COUNTY  
*Vacant*  
LYNWOOD  
*Jim Martin*  
MAYWOOD  
*Edward Varola*  
MONTEBELLO  
*Christina Cortez*  
NORWALK  
*Cheri Kelley*  
PARAMOUNT  
*Tom Hansen*  
PICO RIVERA  
*Gustavo V. Camacho*  
SAN FERNANDO  
*Nina Herrera*  
SAN MARINO  
*Vacant*  
SANTA CLARITA  
*Robert Newman*  
SANTA FE SPRINGS  
*Michael Madrigal*  
SIGNAL HILL  
*Dr. Hazal Wallace*  
SOUTH EL MONTE  
*Hector Delgado*  
SOUTH GATE  
*Maria Davila*  
WHITTIER  
*Owen Newcomer*

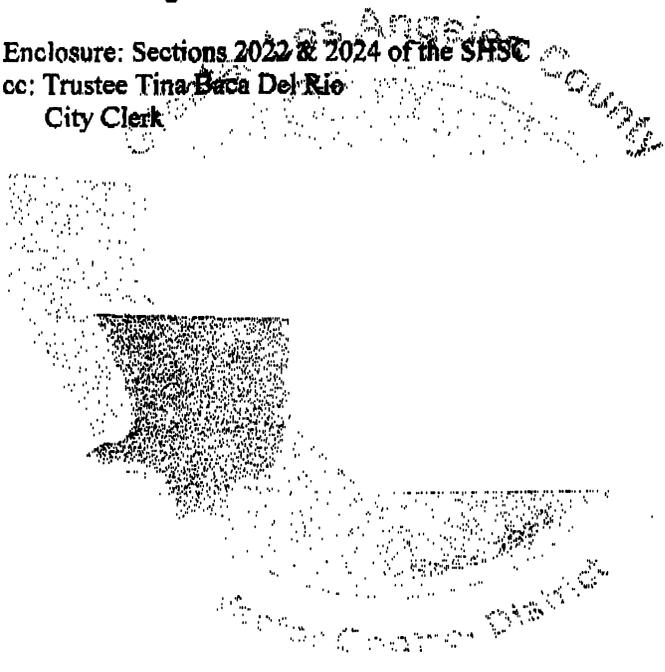
Should you have any questions regarding this appointment, please contact Truc Dever, Director of Community Affairs at 562-944-9656 ext. 510.

Sincerely,



**Kenneth L. Bayless**  
General Manager

Enclosure: Sections 2022 & 2024 of the SFSC  
cc: Trustee Tina Baca Del Rio  
City Clerk



**California Health and Safety Code****2022.**

(a) Each person appointed by a board of supervisors to be a member of a board of trustees shall be a voter in that county and a resident of that portion of the county that is within the district.

(b) Each person appointed by a city council to be a member of a board of trustees shall be a voter in that city and a resident of that portion of the city that is within the district.

(c) Notwithstanding any other provision of law including the common law doctrine that precludes the simultaneous holding of incompatible offices, a member of a city council may be appointed and may serve as a member of a board of trustees if that person also meets the other applicable qualifications of this chapter.

(d) It is the intent of the Legislature that persons appointed to boards of trustees have experience, training, and education in fields that will assist in the governance of the districts.

(e) All trustees shall exercise their independent judgment on behalf of the interests of the residents, property owners, and the public as a whole in furthering the purposes and intent of this chapter. The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them.

**2024.**

(a) Except as provided in Section 2023, the term of office for a member of the board of trustees shall be for a term of two or four years, at the discretion of the appointing authority. Terms of office commence at noon on the first Monday in January.

(b) Any vacancy in the office of a member appointed to a board of trustees shall be filled pursuant to Section 1779 of the Government Code. Any person appointed to fill a vacant office shall fill the balance of the unexpired term.





# AGENDA REPORT

Meeting date: December 3, 2013

**TO:** Honorable City Council

**FROM:** City Administrator

**SUBJECT:** CAMP COMMERCE SESSIONS FOR CIVIC ORGANIZATIONS

**RECOMMENDATION:**

Receive a report on and thereafter consider and take appropriate action as deemed necessary with respect to the proposed Camp Commerce sessions for civic organizations.

**MOTION:**

Council discretion.

**BACKGROUND:**

This item was originally agendized at the request of Councilmembers Altamirano and Baca Del Rio.

At its meeting of October 15, 2013, Council considered whether or not to create 4 Camp Commerce sessions per year for civic organizations. At this meeting, Council directed staff to contact the civic organizations to ask them if they would be interested in the sessions, with the following stipulations:

- 1) One Camp Commerce session per club;
- 2) Only club/organization members whose names appear on the official roster submitted to the Parks and Recreation Department and are residents of Commerce will be permitted to attend the camp session (no non-residents);
- 3) Family members who are not members of the club or organization will not be permitted to attend the camp session;
- 4) Organizations with fewer than 20 members may be asked to share a camp session with another organization; and,
- 5) All participants will be required to pay the standard \$15 fee to participate in the camp session.

**ANALYSIS:**

Staff contacted the President of each civic organization (or other Board members, if the President was unavailable) to gauge interest. Staff also sent the attached letter to the Presidents of each organization, requesting their feedback. Of the seventeen organizations contacted, fifteen indicated that they would be interested in attending the Camp Commerce sessions. Staff was not successful in contacting two organizations.

If Council wishes to offer organizations the opportunity for exclusive group sessions at Camp Commerce, the Department recommends converting 4 existing family weekend sessions per year into group sessions for civic organizations, only. As previously discussed, service organizations will not be eligible. The department currently offers a total of 40 camp sessions per year and offering 4 to civic organizations would leave 36 sessions remaining, for residents.

The Department has identified 2 camp sessions in April and 2 in September that can be converted into group sessions, for civic organizations. The Department would conduct a drawing each November, to randomly select 4 civic organizations per year to receive an exclusive group session, at Camp Commerce. The 4 organizations could choose available dates based on the order in which they are selected. Once an organization has been selected for a group session at Camp Commerce, the organization will not be eligible for future drawings until all civic organizations have been selected and had an opportunity to enjoy a group session, at Camp Commerce. If there are 17 civic organizations and 4 are selected each year, it will take a maximum of 5 years for all to have the opportunity to enjoy a group session at Camp Commerce.

Members in each civic organization would be eligible to attend the camp sessions, provided that their name appears on the membership rosters provided by each civic organization. Civic organizations will not be permitted to submit new rosters immediately after being selected for a Camp Commerce session. All participants will be required to pay the \$15 Camp Commerce fee.

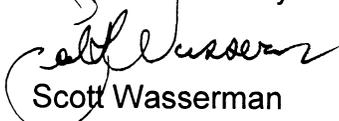
**FISCAL IMPACT:**

This activity can be carried out without any fiscal impact to the Department of Parks and Recreation. Because the Department recommends converting existing camp sessions into group sessions, there is no cost to add new sessions. The Department would expect revenue generated through the payment of camp fees (\$15) to be equal to the revenue that is currently generated for the four sessions that will be converted into exclusive camp sessions for civic organizations.

**RELATIONSHIP TO STRATEGIC GOALS:**

This agenda item relates to Council's historic goal of supporting civic organizations that serve Commerce residents. There are currently 17 civic organizations that will qualify for exclusive Camp Commerce sessions, on a rotating basis.

Recommended by:



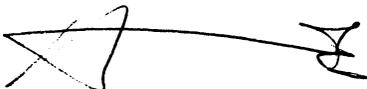
Scott Wasserman  
Director of Parks and Recreation

Respectfully submitted,



Jorge Rifa  
City Administrator

Fiscal Impact reviewed by:



Vilko Domic  
Director of Finance

Approved as to Form:



Eduardo Olivo  
City Attorney



# City of Commerce

## Department of Parks and Recreation

Scott Wasserman  
Director

Dear Civic Organization:

The City Council is considering a proposal to offer recognized civic organizations weekend sessions at Camp Commerce, beginning in 2014. Before this proposal is considered, the City Council has asked the Parks and Recreation Department to survey all civic organizations, to determine if your club or organization would be interested in attending the sessions.

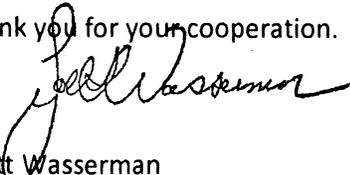
There are currently 17 civic organizations and the Parks and Recreation Department would set aside 4 sessions per year, for civic organizations: two sessions in April and two, in September. The Parks and Recreation Department would randomly select 4 organizations per year to receive a weekend session at Camp Commerce and this selection process will be conducted annually, until all organizations have had the opportunity to enjoy a camp session. As only four organizations will be selected per year, it may be several years until your organization is selected.

The following stipulations would apply:

- 1) One Camp Commerce session per club;
- 2) Only club/organization members whose names appear on the official roster submitted to the Parks and Recreation Department and are residents of Commerce will be permitted to attend the camp session (no non-residents);
- 3) Family members who are not members of the club or organization will not be permitted to attend the camp session;
- 4) Organizations with fewer than 20 members may be asked to share a camp session with another organization; and,
- 5) All participants will be required to pay the standard \$15 fee to participate in the camp session.

Please contact Senior Office Assistant, Marie Rodriguez, at the Parks and Recreation Department to advise if your organization would be interested in the Camp Commerce Sessions (323) 887-4433. Please provide a response by Tuesday, November 5, 2013.

Thank you for your cooperation.

  
Scott Wasserman

Director of Parks and Recreation

2535 Commerce Way  
Commerce, CA 90040  
Phone: 323•722•4805  
Fax: 323•838•4255  
scottw@ci.commerce.ca.us  
www.ci.commerce.ca.us

*“Where Quality Service Is Our Tradition”*





# AGENDA REPORT

MEETING DATE: December 3, 2013

**TO:** HONORABLE CITY COUNCIL

**FROM:** CITY ADMINISTRATOR

**SUBJECT:** SPECIAL 2013-14 CHRISTMAS EVE HOLIDAY SCHEDULE FOR CITY HALL AND OTHER FACILITIES

**RECOMMENDATION:**

City Council discretion.

**MOTION:**

City Council discretion.

**BACKGROUND:**

Historically, Christmas Eve is a very slow day in terms of residents and members of the business community coming to City Hall and other City facilities. This year, Christmas Eve falls on a Tuesday, which staff anticipates will again lend itself to very limited public contact at City facilities.

The City facilities that generally close on Christmas Day include: City Hall, Central and Branch Libraries, Warehouse, Transportation Services office, Senior Center, Teen Center and the Brenda Villa Aquatic Center. The parks remain open on a normal holiday schedule as do transportation services.

**ANALYSIS:**

A request was made by Councilmember Altamirano that an item be placed on the City Council agenda to consider a holiday closure on Christmas Eve for the 2013-14 holiday season. A similar request was approved by the City Council last year.

As in the past, if the City Council decides to close City Hall and other City facilities on Christmas Eve, full-time employees would be afforded the day off with full pay. Part-time employees would be offered the ability within a two week time period to make up any lost hours from closing on Christmas Eve.

Some alternatives to closing the entire day on Christmas Eve would be to close half day or not to close at all. Should the City Council authorize a half day (close at 1:00 pm), full-time employees would be afforded half a day off with pay and part time employees would be permitted to make up any lost hours within a two week time period.

Additionally, the City Council inquired if the parks were open on Christmas Day. The actual buildings are closed, with only the restrooms opened. One or two staff members are assigned to work each park and receive double time from 10:00 am to 5:00 pm (this also applies to Thanksgiving Day, New Year's Day and Easter).

If the City Council approves any additional holiday time off, staff will prepare a Letter of Agreement with the CCEA for the City Administrator's signature.

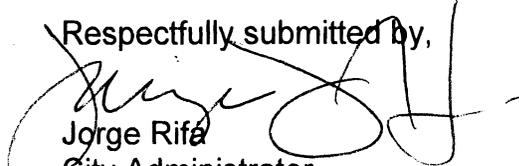
**FISCAL IMPACT/ALTERNATIVES:**

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

Prepared by:

  
Michael A Casalou  
Director of Human Resources

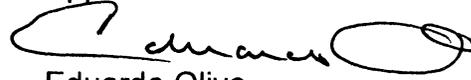
Respectfully submitted by,

  
Jorge Rifa  
City Administrator

Budget Impact Reviewed by:

  
Vilko Domic  
Director of Finance

Approved as to Form:

  
Eduardo Olivo  
City Attorney



# AGENDA REPORT

Meeting date: December 3, 2013

**TO:** Honorable City Council  
**FROM:** City Administrator  
**SUBJECT:** Third Annual Day of Service

**RECOMMENDATION:**

Receive a report on staff's efforts to organize the Third Annual Day of Service event and provide policy direction, as appropriate.

**MOTION:**

Move to approve the recommendation.

**BACKGROUND AND ANALYSIS:**

At its meeting of October 15, 2013, Council received a report from staff regarding efforts to organize the Third annual Day of Service, to coincide with a national Martin Luther King Jr. Day of Service event, in January, 2014. At this meeting, Mayor Pro Tem Leon and Councilmember Baca Del Rio agreed to join the Parks and Recreation Director to identify possible project sites for the event.

After touring the City and considering several project sites, the Councilmembers concluded that public areas that are maintained by City staff are well maintained and do not afford meaningful cleanup work for Day of Service volunteers. The Councilmember's subsequently decided to consult with the Montebello Unified School District to explore the feasibility of collaborating on a project or multiple projects at Bandini Elementary School.

Parks and Recreation staff met with the Principal of Bandini Elementary School on Monday, November 18, to identify possible projects. Unfortunately, staff has determined that the school does not offer projects that are suitable for completion by volunteers. Although there are some planters where plant material can be added, the Montebello Unified School District would need to add irrigation to the planters to ensure that new plants would survive. Similarly, staff identified two painting projects that would require a significant amount of preparation work prior to the Day of Service. The Principal of Bandini Elementary School has advised that the District does not have the resources to complete the required preparation work, as required to complete the projects.

At this time, staff recommends that Council consider the following service project for the Day of Service

Provide a Cleanup Day similar to last year's Day of Service that was conducted in the Bristow area for one of the following areas:

- 1) Bandini
- 2) Veterans
- 3) Rosini
- 4) Rosewood
- 5) Ferguson area

Volunteer crews can work on cleaning curbs, sidewalks, alleys, and public right-aways. Depending on the area, they can also clean in and around the local parks and libraries in conjunction with planting new flowers and plants. City crews would come in that day and re-paint red curbs and provide a pick up location for bulky items for the residents. E-waste would collect electronic waste and Safeshred would provide free document shredding for the residents on that day. The city with help from the City Council would seek a sponsor to help provide refreshments for the volunteers that work on that day.

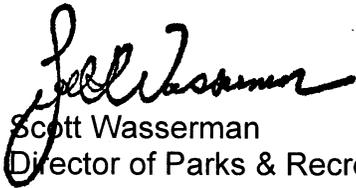
**FISCAL IMPACT:**

The fiscal impact is unknown at this time. Council has not allocated funding for the Annual Day of Service. The fiscal impact will depend on the scope of the service project that Council selects.

**RELATIONSHIP TO STRATEGIC GOALS:**

This item relates to Council's strategic goal of improving and maintaining infrastructure and beautifying the community.

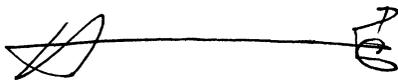
Recommended by:

  
Scott Wasserman  
Director of Parks & Recreation

Respectfully submitted,

  
Jorge Rifá  
City Administrator

Fiscal Impact reviewed by:

  
Vilko Domic  
Director of Finance

Approved as to Form:

  
Eduardo Olivo  
City Attorney



# AGENDA REPORT

MEETING DATE: 12/03/2013

**TO:** HONORABLE CITY COUNCIL  
**FROM:** CITY ADMINISTRATOR  
**SUBJECT:** REVIEW OF CITY COUNCIL CITY VEHICLE USE POLICY

**RECOMMENDATION:**

At the request of Councilmember Robles, the City Council will review and consider providing direction as deemed appropriate with respect to the City Council Vehicle Use Policy.

**MOTION:**

Council discretion.

**BACKGROUND:**

At its meeting of Tuesday, November 19, 2013, Councilmember Robles requested the City Council Vehicle Use Policy be placed on the Council's December 3, 2013, meeting agenda for discussion and review of the vehicle use procedure.

**ANALYSIS:**

The last amendments to the City Council Vehicle Use Policy took effect on May 16, 2012, and January 1, 2009. (See attached.)

**FISCAL IMPACT:**

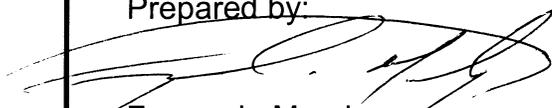
There is no fiscal impact associated with this agenda item report.

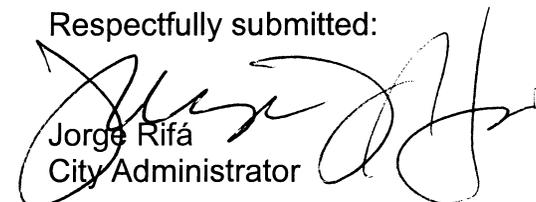
**RELATIONSHIP TO 2012 STRATEGIC GOALS:**

The report before Council is not applicable to any specific strategic goal.

Prepared by:

Respectfully submitted:

  
Fernando Mendoza  
Deputy City Administrator

  
Jorge Rifá  
City Administrator

Fiscal impact reviewed by:

  
Vilko Domic  
Finance Director

Reviewed by:

  
Claude McFerguson  
Transportation Director

Approved as to form:

  
Eduardo Olivo  
City Attorney



## EXHIBIT "A"

### CITY COUNCIL AMENDED VEHICLE USE POLICY

Up to four passenger vehicles will be placed in a pool for the City Council for City business use only.

"City business" shall include attendance at local and regional meetings, appointments or events involving business affecting, or of interest to, the City; meetings, appointments or events of various boards and/or agencies of which the City is a member; City community events and meetings, appointments or events to which members of the City Council have been invited to participate in or attend in their official capacity as Councilmembers.

A sign-in and out log, along with the keys for the pool vehicles, will be maintained by Administration Department staff. Councilmembers will provide the date, time and purpose for the use of a City vehicle when it is signed out and the date and time the keys are returned at the end of the trip. At the end of each trip, vehicles are to be returned to the assigned parking area at City Hall for night parking.

The City Council has had to address unprecedented budget deficit and employee negotiation issues over the last few years and is now addressing complicated issues related to the termination of redevelopment throughout the State by the passage of AB 1X 26. Such issues have required the Council to schedule and participate in unusually long regular City Council meetings, a great number of special City Council meetings, additional meetings with legislators, and meetings with stakeholders throughout the City. The City Council has had to attend City Council meetings that do not end until very late at night, sometimes past midnight, and early morning meetings that are scheduled for the very next day. Such a schedule has made it extremely difficult or impossible for the City Council to check City vehicles back into the City or to make proper arrangements to assure that they can be in attendance at such early morning meetings. Thus, although the City Council members will make every effort to comply with the return policy as stated above, they may also keep vehicles at home if attending an evening, early morning or weekend meeting, appointment or event. The vehicle must be checked in immediately following the meeting, appointment or event, but no later than the morning of the next business day, during normal business hours.

The vehicles are not to be used for personal business.

This policy shall take effect May 16, 2012

## CITY COUNCIL/COMMISSION VEHICLE USE POLICY

Up to four passenger vehicles will be placed in a pool for the City Council/ Commission for City/Commission business use only.

“City/Commission business” shall include attendance at local and regional meetings, appointments or events involving business affecting, or of interest to, the City or Commission; meetings, appointments or events of various boards and/or agencies of which the City of Commission is a member; City or Commission community events and meetings, appointments or events to which members of the City Council or Commission have been invited to participate in or attend in their official capacity as Councilmembers or Commissioners.

A sign-in and out log, along with the keys for the pool vehicles, will be maintained by Administration Department staff. Councilmembers/ Commissioners will provide the date, time and purpose for the use of a City vehicle when it is signed out and the date and time the keys are returned at the end of the trip. At the end of each trip, vehicles are to be returned to the assigned parking area at City Hall for night parking.

Vehicles may be kept at home only if attending an evening, early morning or weekend meeting, appointment or event and must be checked in immediately following the meeting, appointment or event, but no later than the morning of the next business day, during normal business hours.

The vehicles are not to be used for personal business.

This policy shall take effect January 1, 2009.



# AGENDA REPORT

DATE: December 3, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: DISCUSSION OF NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF COMMERCE

RECOMMENDATION:

None.

MOTION:

Council discretion.

BACKGROUND/ANALYSIS:

At the November 19, 2013 City Council meeting, Councilmember Denise Robles requested that an item be put on the December 3, 2013, City Council agenda so that the City Council could discuss why the City publishes various legal notices in the Commerce Comet if that newspaper is not a newspaper of general circulation for the City of Commerce. This issue arose after the City Attorney determined, in connection with the processing of several recall petitions, that the recall proponents had failed to comply with the requirements imposed by *Elections Code* § 11022 that a Notice of Intent to Circulate the Recall Petition be published in a newspaper of general circulation "in the jurisdiction of the officer sought to be recalled" or, if such a newspaper of general circulation was not available for such publication, that the Notice of Intent be posted in at least three public places in the City. The City Attorney determined that the recall proponents had failed to comply with this requirement because they published the Notices of Intent in the Commerce Comet, which is not, as a matter of law, considered to be a newspaper of general circulation in the City.

Councilmember Robles has questioned why the City also publishes various other notices in the Commerce Comet. Such notices are published pursuant to various other statutes, which provide for different posting alternatives than that allowed by *Elections Code* § 11022. Unlike *Elections Code* § 11022, such other statutes do not limit the City to publication in a newspaper of general circulation in the City; they also allow publication in a newspaper of general circulation for the County of Los Angeles. The Commerce Comet has represented that it is a properly adjudicated newspaper for the County of Los Angeles. City staff have therefore continued to publish such other notices in that newspaper.

The issue raised by Councilmember Robles requires the City Attorney's Office to attempt to determine with certainty whether the Commerce Comet is properly adjudicated as a newspaper of general circulation in the County of Los Angeles. Pursuant to *Government Code* § 6027, "[o]n and after July 1, 1952, a newspaper shall not be in fact or in law a newspaper of general circulation unless it obtains or has theretofore obtained a judicial decree establishing it as having such status pursuant to the provisions of this article." Eastern Group Publications, Inc. (EGP) indicates that the Commerce Comet, which is part of EGP, has received the benefit of the adjudication of another EGP newspaper, the Eastside Sun. The City Attorney's Office has reviewed a copy of the 1966 Eastern Sun court adjudication [Judgment, Case No. 884861], but has not been able to determine how the Commerce Comet is included in that adjudication. The City Attorney has asked EGP for whatever information it has on this issue. Because of the Thanksgiving Holiday, this determination could not be made with certainty before the posting of the agenda for the December 3, 2013, City Council meeting.

FISCAL IMPACT:

None.

Approved as to form,

Eduardo Olivo  
City Attorney

Respectfully submitted,

Jorge Rifa  
City Administrator

AGENDA ITEM No. 11